



**MINUTES
CITY COUNCIL MEETING
December 15, 2015**

CALL TO ORDER

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

Present: Mayor: Donny Chillstrom; Council: Jahn Dyvik (arrived late to the meeting with prior notice), Marty Schneider, and Liz Olson

Staff Present: City Administrator: Scott Weske; Planning Consultant: Addison Lewis; City Engineer: Chris LaBounty; Public Works Director: Marv Wurzer; 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 an EDA meeting prior to the regular City Council meeting, the EDA reviewed a concept application for development of the vacant Virginia Avenue parcel. Also, Bob Erickson appeared to inform the EDA that he and the Long Lake Area Chamber of Commerce have been successful in obtaining business district signage to be installed in various locations. EDA members agreed that the Board could reimburse Mr. Erickson and the Chamber of Commerce for installation expenses incurred.
- Mayor Chillstrom reported that the new Lotus Garden Chinese restaurant is open for business and the food is very good.

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 December 1, 2015 City Council Work Session
- B. Approve Minutes of December 1, 2015 City Council Meeting
- C. Approve Vendor Claims and Payroll
- D. Adopt Resolution No. 2015-53 Appointing Planning Commission and Park Board Members
- E. Approve Addendum to Recording Secretary Service Agreement for 2016 Recording Secretary Services with TimeSaver Off Site Secretarial, Inc.
- F. Authorize City Administrator to Hire Seasonal Employees to Staff the Holbrook Park Rink/Warming House for the 2015-2016 Winter Skating Season
- G. Adopt Resolution No. 2015-55 Appointing Alicia Larson to the Position of Paid On-Call Photojournalist for the Long Lake Fire Department
- H. Adopt Resolution No. 2015-60 Approving Issuance of 2016 Tobacco Licenses

- I. Adopt Resolution No. 2014-62 Approving Issuance of 2015 Liquor Licenses
- J. Adopt Resolution No. 2015-61 Approving Issuance of 2016 Refuse Hauler Licenses

*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

Planning Case #2015-09 / Conditional Use Permit to Allow for Intensive Vegetation Clearing in a Shoreland Area for Construction of a Single Family Home, 280 Heather Lane

Planning Consultant Lewis reported that staff is recommending the City Council adopt Resolution No. 2015-54 approving a conditional use permit to allow for intensive vegetation clearing in a shoreland area for the property located at 280 Heather Lane with the findings of fact noted in the staff report, and expressed at the December 8, 2015 Planning Commission meeting and December 15, 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.
8. The proper paper work is filed with Hennepin County to obtain a separate parcel identification number (PID) from the lot at 292 Heather Lane and documentation is submitted to the City prior to building permit issuance.
9. A 5 foot drainage and utility easement is recorded along the north side property line adjacent to 292 Heather Lane.
10. All hookup fees for sewer and water and the Metro SAC charge are paid at the time of building permit.

The property owner wishes to remove 20 trees and other natural vegetation on the property located at 280 Heather Lane for the purpose of constructing a new single family home on the lot. A minor subdivision was approved by the City Council in October 2015 which split the subject property from the lot to the north at 292 Heather Lane. The subject property is located in the R-1 Single Family Residential District and in the Shoreland Overlay District, as it is within 1,000 feet of the Ordinary High Water Level of Long Lake. Intensive vegetation clearing in a shoreland area is regulated by Section 17A of the Long Lake Zoning Ordinance which states that intensive vegetation clearing may be allowable as a conditional use if an erosion control and sedimentation plan is developed and approved by the City Engineer and Hennepin County Soil and Water Conservation District.

A survey has been submitted with the application that shows the proposed trees to be removed, grading, erosion and sediment control plan, and the footprint of the home. The proposed home

complies with all required setbacks and performance standards of the R-1 and Shoreland District. The City Engineer has reviewed the proposed grading and erosion and sediment control plan and it appears that the majority of the drainage is being directed towards Heather Lane and complies with all ordinance standards. Final grades would be reviewed by the City Engineer at the time of the building permit. The Public Works Director has stated that soils in the area are primarily a dense yellow clay/sand mixture which should significantly slow subsurface water movement to the neighbors to the south.

Lewis reviewed criteria for the granting of a conditional use permit and affirmed that staff believes the application meets the established evaluation criteria. As required by City Code, notice of the public hearing was sent to the MN Department of Natural Resources Division of Waters Regional Hydrologist. No comments have been received from the DNR regarding the application.

The Planning Commission reviewed the request and held a public hearing at their regular meeting on December 8, 2015. Two neighboring property owners were in attendance and asked questions regarding how removal of the trees would impact drainage to adjacent property. The City Engineer explained that the grading plan shows that the proposed grades direct the majority of drainage towards Heather Lane. Existing grades cause surface water to runoff to the properties to the south. The proposed grades should actually decrease the amount of surface water running to adjacent properties.

After reviewing and discussing the request, the Planning Commission voted 5-0 in favor of recommending approval of the requested conditional use permit.

Council and staff discussed potential drainage impacts, and debated at what point the applicant should be directed to apply for their permit for work from the Minnehaha Creek Watershed District (MCWD) in relationship to the proposed tree removal work as well as a Building Permit application. Council and staff discussed permit procedures with the applicant, Eric Kuch, and discussed whether requiring the MCWD permit to be submitted prior to tree removal would unduly negatively impact the applicant's project timeline. Staff recommended the applicant apply for and receive the MCWD prior to tree clearing work beginning.

Mr. Kuch indicated that it may be weeks before they were ready to begin any tree clearing work and at this time it is a priority for them to retain a contractor to determine what and where water and sewer infrastructure are available on the site. Additionally, he clarified that initial tree removal would not include disturbing soil by removing stumps or roots. Stumps would not be removed until after a Building Permit were approved for the construction.

Council member Dyvik encouraged Mr. Kuch to submit their MCWD permit application as soon as possible, and noted that the MCWD has proven to be very cooperative in working with applicants.

A motion was made by Olson, seconded by Dyvik, to adopt Resolution No. 2015-54 approving a conditional use permit to allow for intensive vegetation clearing in a shoreland area for the property located at 280 Heather Lane with the findings of fact noted in the staff report, and expressed at the December 8, 2015 Planning Commission meeting and December 15, 2015 City Council meeting, subject to conditions contained in the Resolution. Ayes: all.

Mayor Chillstrom welcomed Mr. Kuch and his wife to Long Lake. Mr. Kuch thanked the Council for their consideration, and responded that he and his wife are excited to become a part of the community and want to be great neighbors.

Watertown Road Improvement Project Design Considerations Review

City Engineer LaBounty stated that the purpose of this agenda item is to review roadway and watermain design alternatives for the Watertown Road Improvement Project. At their November 2, 2015 regular meeting, the City Council approved a resolution ordering the Watertown Road Improvement Project and directed staff to complete additional preliminary designs to present to the neighborhood and Council for review. A project Open House was held on December 7, 2015 at City Hall. Two Long Lake property owners and one Orono property owner attended, with two Long Lake property owners having provided comments as well via email.

At the Open House referenced earlier, LaBounty reviewed three alternative watermain configurations to affected property owners and obtained their feedback. LaBounty indicated that the preferred alternative would be to take the existing 6-inch diameter watermain between Watertown Road and Glendale Drive out of service, extending the existing watermain west with a relocated fire hydrant, and installing five new private services on individual property owners' properties. He presented a schematic for the Council to review and indicated that the preferred alternative minimizes construction cost and appears to best take property owner concerns and preferences into consideration. In response to previous concerns aired regarding potential water quality issues for those properties located at the end of the watermain proposed, based on analysis of flow testing, fire flow volume would remain or increase, and daily normal water usage should result in enough circulation to prevent water quality concerns. If water quality issues were to arise, they could be addressed by conducting hydrant flushing in the area on an enhanced rotation.

A motion was made by Schneider, seconded by Kaminski, to direct staff and WSB to move forward with the preferred watermain configuration for inclusion in Watertown Road Improvement Project design. Ayes: all.

LaBounty continued on to present three roadway design options for the Council's consideration. The five property owners currently located in the more rural section of roadway were invited to a 30-minute meeting prior to the Open House, and designs were presented at both meetings. The alternative roadway designs were also reviewed with the City's Public Works Director, Fire Chief, Wayzata Police Chief, and City of Orono Public Works. Options presented to the neighborhood were as follows:

- Option 1: City of Long Lake Typical Residential Roadway Section
 - Long Lake section for entire project length
 - 25' of pavement
 - Concrete curb & gutter
 - Total width of 28' (face of curb to face of curb)
 - Parking on north & south side of roadway

- Option 2: Hybrid of City of Orono and City of Long Lake
 - Long Lake section from Brown-Inglewood & Orono section from Inglewood to west
 - 24' of pavement
 - 1' aggregate shoulders & stormwater ditch
 - Total width of 26' (edge of aggregate to edge of aggregate)
 - Parking on north & south Side of Roadway
 - Potential relocation of stop controlled intersection

- Option 3: Narrow Roadway Section
 - Roadway section similar to Far Hill Road in Wayzata
 - 21' of pavement
 - Concrete curb & gutter

- Total width of 24' (face of curb to face of curb)
- No parking on south side of roadway

LaBounty presented the three options to the Council, along with depictions of how the roadway sections would appear, and offered his comments on the positives and negatives of each design alternative. Some of the property owners continue to strongly prefer Option 2 which would allow a rural section type design in their area of the roadway west of Inglewood Street. From a Public Works standpoint, Option 2 would require more maintenance on an ongoing basis. Option 3 narrows a major through route and may require extra vigilance on the part of emergency and snowplowing vehicles when encountering other traffic.

Council member Schneider stated he too would prefer the Option 2 hybrid design which he believes shows a sensitivity to the property owners who've participated in the process, and allows for interested property owners at the west end to independently pursue their interest in rain garden projects. He thanked LaBounty and WSB for being interactive with residents through the process thus far.

Mayor Chillstrom reflected that the roadway belongs to all the residents, not just those who reside along it. He stated that curb and gutter installation is the best option for stormwater mitigation and for designing a roadway that will need to last 30 to 50 years. He indicated that Option 1 would be the most responsible alternative overall, although he expressed a strong interest in Option 3 as well as a viable design.

Council member Olson emphasized that if property owners pursue rain gardens, she would not be in favor of the City carrying any responsibility for their independent projects. She noted she felt more inclined towards the Option 3 design, as the narrower road depicted might encourage slower driving.

A motion was made by Schneider, seconded by Kaminski, to direct staff and WSB to move forward with the Option 2 "Hybrid of City of Orono and City of Long Lake" roadway configuration for inclusion in Watertown Road Improvement Project design. Ayes: Kaminski, Dyvik, Schneider. Nays: Chillstrom, Olson. Motion carried.

Mayor Chillstrom expressed concern that as the city street standard is being set aside by the option voted upon, there may have been an example set for future road projects when objections to curb and gutter installation are voiced during the process.

Council member Olson seconded Mayor Chillstrom's concerns, and added that the Council should be documenting why the City street standard has been set aside for this particular roadway.

Council member Schneider respectfully disagreed and saw his position as evaluating the merits of both sides and trying to be sensitive to the issues.

LaBounty reviewed the history of the City street standards adopted, and discussed the project schedule moving forward.

Long Lake Subwatershed Partnership

La Bounty reported that the Minnesota Pollution Control Agency (MPCA) recently established a Total Maximum Daily Load (TMDL) for Long Lake and Tanager Lake that will take effect in 2018. The MPCA has set a load reduction goal for the City of Long Lake of 172 lbs/year; the City of Medina, City of Orono, Hennepin County, and MnDOT also have load reduction goals that need to be met.

The new requirement and focus on Long Lake/Tanager Lake may provide an opportunity to partner with Orono, Medina, and the Minnehaha Creek Watershed District as a coalition to apply for grants and complete larger regional projects to meet these goals. Examples of projects could include regional infiltration, wetland reconstruction, carp management, etc. There are large grants to accomplish these requirements and proactive partnership would likely better position the City to receive these grants.

Council members discussed the many projects the City of Long Lake has undertaken thus far to improve water quality, including installation of numerous filtration ponds and periodic carp harvesting. It was noted that golf courses and horse farms in neighbor cities are likely high contributors to the phosphorous load.

LaBounty noted the importance of making improvements in the right order – with the participation of other cities, there is an opportunity for projects to be undertaken in an order to truly improve overall water quality.

Council members were supportive of working together with the cities of Orono and Medina towards a more cohesive approach to improving Long Lake water quality. LaBounty indicated that with the Council's approval, he would begin speaking with the other entities that could be involved to explore partnership opportunities.

*A motion was made by Schneider, seconded by Dyvik, to direct staff and WSB to move forward with exploring establishing a Long Lake Subwatershed District in response to the established TMDL.
Ayes: all.*

Adoption of Final Payable 2016 Levy, City Budget, Capital Improvement Program, and Pay Plan Resolutions

Administrator Weske stated that the proposed 2016 operating levy coupled with a required 2016 debt service levy produces a total 2016 levy of \$1,065,643 or a \$1,064 or .001% increase compared to the adopted total 2015 payable levy.

Several factors influenced the determination of the proposed 2016 operating, or General Fund, levy in terms of changes from the adopted 2015 General Fund budget. Those factors include an estimated 7% increase in employee health insurance premiums; an assumption that \$4,905 of Local Government Aid (LGA) will be received in 2016; 2015 contract police protection services from the City of Wayzata decreasing from the 2015 level by \$32,473; and 2016 estimated insurance rate increases by line of coverage to include liability property, and workers' compensation at an average increase of 5%. Staff is recommending no modifications be made to the previously adopted preliminary levy.

Council member Schneider questioned how the .001% increase amounting to \$1,064 was calculated, and whether the increase was necessary.

Weske clarified that the increase was a result of market value increases rather than an increased tax rate.

Council member Schneider generously offered to either personally pay for or donate his Council wages to make up the \$1,064 difference and allow for a 0% levy increase in 2016. Weske indicated that the resolution could be amended to reflect a 0% increase.

A motion was made by Schneider, seconded by Dyvik, to adopt Resolution No. 2015-56 establishing the final 2015 tax levy collectible in 2016, amending the resolution to reflect that he

will be making a donation of \$1,064 in order for the 2016 General Fund budget to be supported by a 0% operating levy. Ayes: all.

A motion was made by Olson, seconded by Schneider, to adopt Resolution No. 2015-57 establishing the final 2016 total City budget. Ayes: all.

A motion was made by Dyvik, seconded by Kaminski, to adopt Resolution No. 2015-58 establishing the 2016 Capital Improvement Plan (CIP). Ayes: all.

A motion was made by Kaminski, seconded by Schneider, to adopt Resolution No. 2015-59 establishing the 2016 Pay Plan. Ayes: all.

OTHER BUSINESS

Snowball Open Update – Council member Kaminski and Mayor Chillstrom reported that the Orono Lions Club is planning to host their annual Snowball Open on January 30, 2016 based at Birch's on the Lake; however, in anticipation of potentially thin ice conditions for the event, they will be applying for a Special Event Permit to host the Snowball Open in Nelson Lakeside Park should an on-land site be needed.

Martha Lane Building Permit – On behalf of his new neighbor, Council member Dyvik questioned why the building permit review process had taken longer than anticipated. Moeller noted that once she had received planning and engineering approval, she had forwarded the permit to the Building Official for review and received it back within only a week's time. Lewis stated that he had received the application just prior to the Thanksgiving holiday and in the holiday rush the planning and engineering review did not take place as quickly as it usually would have.

Happy Holidays - Council member Schneider wished everyone a happy holiday seasons and reflected that it has been an exciting year in Long Lake. Mayor Chillstrom also wished everyone a merry Christmas holiday, and encouraged shopping local this holiday season. City Engineer LaBounty thanked the Mayor and Council for another good year and wished them, and their families, a happy holiday season.

Interest in BP Station Site – Lewis indicated that a recent drop in price for the former BP station site may result in more attention and interest for the property. He had been contacted by a real estate agent regarding site opportunities earlier that day.

ADJOURN

Hearing no objection, Mayor Chillstrom adjourned the meeting by general consent at 8:10 pm.

Respectfully submitted,

Jeanette Moeller
City Clerk