



**MINUTES
CITY COUNCIL MEETING
June 18, 2013**

CALL TO ORDER

The meeting was called to order at 6:37 pm.

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

Staff Present: City Administrator: Terrance Post; Fire Chief: James Van Eyll; and City Clerk: Jeanette Moeller

Absent: None

PLEDGE OF ALLEGIANCE

LONG LAKE NEWS UPDATE

Mayor Hultmann thanked the Long Lake Area Chamber of Commerce for sponsoring the SummerFest community festival, and recognized the efforts of organizers Steve Albers, Kris Rudd, and Kelly Parrot. He also expressed his appreciation to the many organization and business sponsors who helped make SummerFest possible. He commented on highlights of the festival weekend and indicated that overall it had been a great event.

Mayor Hultmann also shared the following updates:

- The Minneapolis Sprints Rowing Regatta will be held on Long Lake the weekend of June 21 and June 22.
- Individuals interested in purchasing the old black and white street signs can contact the City Clerk to buy signs on a first come, first served basis at a cost of \$5.00 per sign.

Lastly, the Mayor reminded everyone of the importance of shopping locally as often as possible.

APPROVE AGENDA

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

CONSENT AGENDA

The Consent Agenda consisted of:

- A. Approve Minutes of June 4, 2013 City Council Work Session
- B. Approve Minutes of June 4, 2013 City Council Meeting
- C. Receive Unofficial Draft Minutes of June 11, 2013 Planning Commission Meeting
- D. Approve Vendor Claims and Payroll
- E. Receive Annual Review of Granted Conditional Use Permits
- F. Adopt Resolution No. 2013-27 Approving Issuance of Special Event Permit #S2013-06 for Corn Days 2013; Approve Issuance of Noise Variance Permit; Approve Issuance of Temporary Liquor License; Approve Application for Exempt Permit for Gambling Activities

- G. Promote Probationary Firefighters to the Position of Non-Probationary Firefighter
- H. Promote Fire Department Station Captains DJ Goman, Brandon Stovern and Training Assistant Cody Farley to New Officer Positions

Prior to approval of the Consent Agenda, Post referenced Consent Agenda Item E and advised that El Parian Mexican Restaurant has been contacted regarding the need to apply for a Conditional Use Permit to allow outdoor seating, and they will be submitting the appropriate application.

A motion was made by Olson, 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

Ratification of Long Lake Fire Relief Association Fire Pension Benefit Level Change

Post advised that this item is similar to action taken by the City Council last year ratifying a 1.0% fire pension benefit level increase. Prior to 2012, for the years 2009 through 2011 the fire pension benefit level had been unchanged due to major losses in the pension investment portfolio experienced in 2008. The pension investment portfolio has largely recovered from the 2008 major losses and is now in a position of having pension assets exceed pension liability. The Fire Relief Association Board of Trustees has again engaged their external auditors to prepare a pro forma as of December 31, 2013 to identify funding levels of net assets relative to plan liabilities for both standard assumptions used by the State in their funding guideline as well as more conservative assumptions. The pro forma indicates that the organization's assets can sustain a 1.0% fire pension benefit level increase. Staff support for this 1.0% pension benefit level increase is conditioned on Council's comfort level for the asset to liability funding level being between the 105% and 108% level.

Council and staff discussed funding sources for the fire pension benefit, the City's obligation to contribute to funding the pension in the event it is no longer self-funding, and whether future fire service contract renegotiations may provide an opportunity to discuss contract cities sharing in the obligation to fund the fire pension benefit.

A motion was made by Chillstrom, seconded by Skjaret, to adopt Resolution No. 2013-22 establishing municipal ratification of a pension benefit level change for the Long Lake Fire Relief Association from \$2,918 to \$2,947 per year of service. Ayes: all.

Planning Case No. 2013-01: Fence Variance Request for 114 Lakeview Avenue (Mike Straka)

Post indicated that the Planning Commission reviewed the land use application for a fence variance at 114 Lakeview Avenue at their meeting on June 11, 2013. After discussing the request, the Planning Commission felt that a variance was justified because of the shape and size of the lot, the orientation of the home, the lack of back yard area and safety concerns at the intersection. The Commission voted unanimously to recommend that the City Council approve the request for the variance.

The applicant is requesting a variance to place a fence greater than 30" in height within the 30' sight triangle of the intersection of Lakeview Avenue and Watertown Road. The purpose of the sight triangle regulation is to provide adequate and safe visibility around corners for drivers approaching intersections. The fence would be 42" high and extend to the property line at the street intersection.

Staff reviewed the conditions at 114 Lakeview Avenue and believes that the variance to allow a 42" high fence along the property line within 30' sight triangle will not affect traffic visibility at the intersection, limit the boulevard area for snow storage or alter the essential character of the neighborhood.

A motion was made by Skjaret, seconded by Kaminski, to adopt Resolution No. 2013-23 approving a variance for a fence of 42" in height to be located within the 30' sight triangle of a corner lot for property located at 114 Lakeview Avenue with the findings of fact noted in the attached resolution with the following conditions:

- a. The fence be setback no closer than 1' from the property line.*
- b. The fence within the sight triangle shall not exceed 42" in height.*
- c. The applicant submit a permit application and receive a permit from the City for the fence.*

Ayes: all.

Planning Case No. 2013-02: Master PUD Amendment, Street Setback Variance, Site and Building Plan Review Requests for 1810 W Wayzata Boulevard (Gear West)

Post reported that the applicant is proposing to construct the second building on a separate lot to the west of the existing Gear West main building. The property currently contains an older retail building formerly a Citgo convenience store, and an old drive-through car wash currently used for storage purposes. The area of the planned two story second building is 6,000 square feet and will contain retail and service uses on the first level, and storage on the second level. Additional parking spaces will be added to meet parking requirements.

The Planning Commission reviewed the land use application for the amendment to the Master Development Plan, Final Site and Building Plan review and variance for the Gear West Phase II building at their meeting on June 11, 2013 and the applicant was present at the meeting. The Commission opened the public hearing and the applicant stated concern about the staff recommended condition to increase the amount of window area on the building because it would decrease the available retail display area within the store. After discussing the request, the Planning Commission felt that the amount of window area shown on the elevations was appropriate and recommended that the building elevations as submitted should not be modified. Further, the Commission recommended that the right of way setback variance for the building was justified because of the potential safety concerns at the W Wayzata Boulevard/Mill Street intersection if the building was moved to meet setback requirements.

The Commission voted unanimously to recommend that the City Council approve the requests for the amendment to the Master Development Plan, and Final Site and Building Plan review subject to the following conditions:

- a. The amount of window area shown on the elevations for the east, west and south sides of the building must be the same or more as shown on the plans dated May 29, 2013 as submitted with the Land Use Application.
- b. A final landscape plan (including additional planting and irrigation details) must be submitted to the City demonstrating compliance with the PUD landscaping requirements for review and approval by staff prior to building permit issuance.
- c. Review and approval of the final drainage plan must be obtained from the City's consulting engineer and the Minnehaha Creek Watershed District prior to issuance of a building permit.
- d. A revised parking plan be submitted demonstrating compliance with the parking requirements of the ordinance.

- e. Compact car signage be installed in the compact car parking area prior to issuance of a final certificate of occupancy for the building.
- f. Any future monument/freestanding sign on Mill Street must be placed in a location that allows safe sight distance at the intersection of Mill Street and W. Wayzata Boulevard.
- g. All proposed signage comply with the City sign regulations and no sign may be installed unless a sign permit has been issued by the City.
- h. The applicant must confirm plans for garbage/recycling disposal and the location any exterior utility equipment with staff prior to building permit issuance. If any exterior equipment is necessary, it must be sited and screened in accordance with ordinance requirements, with final approval by staff prior to building permit issuance.

The Commission also unanimously recommended the City Council approve the right of way setback variance for the Gear West Phase II building.

Applicant Brian Knutson of Gear West, and the applicant's architect Bruce Cornwall of LHB Architects, responded to Council member questions regarding the footprint of the proposed Phase II building in comparison to existing structures on the site; the location and configuration of additional parking spaces; the location of the main access for the proposed building; impact to plantings currently on site; and screening for garbage disposal dumpsters.

A motion was made by Kamsinki, seconded by Chillstrom, to adopt Resolution No. 2013-24 amending the Planned Unit Development (PUD) Master Plan for Gear West and approve the Final Site and Building Plan Review for the Phase II building with the following conditions as listed in the resolution:

- a. The amount of window area shown on the elevations for the east, west and south sides of the building must be the same or more as shown on the plans dated May 29, 2013 as submitted with the Land Use Application.*
- b. A final landscape plan (including additional planting and irrigation details) must be submitted to the City demonstrating compliance with the PUD landscaping requirements for review and approval by staff prior to building permit issuance.*
- c. Review and approval of the final drainage plan must be obtained from the City's consulting engineer and the Minnehaha Creek Watershed District prior to issuance of a building permit.*
- d. A revised parking plan be submitted demonstrating compliance with the parking requirements of the ordinance.*
- e. Compact car signage be installed in the compact car parking area prior to issuance of a final certificate of occupancy for the building.*
- f. Any future monument/freestanding sign on Mill Street must be placed in a location that allows safe sight distance at the intersection of Mill Street and W. Wayzata Boulevard.*
- g. All proposed signage comply with the City sign regulations and no sign may be installed unless a sign permit has been issued by the City.*
- h. The applicant must confirm plans for garbage/recycling disposal and the location any exterior utility equipment with staff prior to building permit issuance. If any exterior equipment is necessary, it must be sited and screened in accordance with ordinance requirements, with final approval by staff prior to building permit issuance.*

Ayes: all.

A motion was made by Chillstrom, seconded by Skjaret, to adopt Resolution No. 2013-25 approving a street setback variance from W. Wayzata Boulevard for the south building setback for the Phase II building from 8' to 20' with the findings of fact noted in the resolution. Ayes: all.

Planning Case No. 2013-03: Sign Variance Request for 2305 Daniels Street (Tonka Auto & Marine)

Post indicated staff would recommend that action on Planning Case No. 2013-03 be tabled, and further, that the Planning Case be remanded back to the Planning Commission for review at their July meeting. In reading through the draft minutes of the June 11 Planning Commission meeting, the Planning Commission failed to state the findings of fact that their recommendation for approval was based upon.

A motion was made by Chillstrom, seconded by Kaminski, to table discussion of Resolution No. 2013-26, and to send Planning Case No. 2013-03 back to the Planning Commission due to a lack of substantial information on which to base a decision regarding the sign variance request. Ayes: all.

OTHER BUSINESS

SummerFest – Council members commented on the highlights of this year's SummerFest event and expressed their appreciation of event sponsors and organizers for all their work before, during and after the festival.

Annual LMC Conference – Post noted that he and Mayor Hultmann will be attending the upcoming annual League of Minnesota Cities conference.

Hiring Seasonal Public Works Employee – Post reported that the City is now accepting applications for a full time seasonal Public Works employee, in the hopes of having someone on board to assist Public Works beginning in July.

ADJOURN

A motion was made by Chillstrom, seconded by Kaminski, to adjourn the meeting. Ayes: all. The meeting was adjourned at 7:25 pm.

Respectfully submitted,

Jeanette Moeller
City Clerk