



**MINUTES
CITY COUNCIL MEETING
April 15, 2014**

CALL TO ORDER

The meeting was called to order at 6:32 pm.

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

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

Absent: Council: Kurt Kaminski (with prior notice)

PLEDGE OF ALLEGIANCE

LONG LAKE NEWS UPDATE

Mayor Hultmann noted as follows:

- The Long Lake Fire Relief Association annual pancake breakfast on April 13 appeared to have a great turnout.
- Congratulations to the Pioneer Museum, which recently learned that the dugout canoe in their exhibit is 1,000 years old, making the oldest dugout canoe discovered in Minnesota. The Pioneer Museum is open on Saturdays from 10:00 am to 2:00 pm.
- Thank you to the Long Lake Rowing Crew for completing cleanup work at the former Billy's Lighthouse site, and for their diligence in obtaining permits in advance of their operations at the site.
- The Plymouth Yard Waste site is opening for the season on Wednesday, April 16. Also, spring curbside leaf pickup for Long Lake residents will take place on Tuesday, April 29 and Tuesday, May 6.

Lastly, Mayor Hultmann encouraged everyone to please shop local and support local businesses as often as possible.

APPROVE AGENDA

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

CONSENT AGENDA

The Consent Agenda consisted of:

- A. Approve Minutes of April 1, 2014 City Council Work Session
- B. Approve Minutes of April 1, 2014 Board of Review (City Council) Meeting
- C. Approve Minutes of April 1, 2014 City Council Meeting
- D. Approve Vendor Claims and Payroll
- E. Approve Ehlers Investment Partners as the City's Investment Advisor

A motion was made by Olson, seconded by Chillstrom, 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 #2014-02 / Long Lake True Value Hardware – Variance to Allow for an Accessory Structure in the Front Yard and Conditional Use Permit to Allow a Seasonal, Outdoor Display Area

Planning Consultant Lewis reported that the applicant is requesting a conditional use permit and a variance to allow for the construction of a hoop house for the seasonal display and sale of plants and other associated gardening essentials in the parking lot of the Long Lake Town Center multi-tenant building located at 1875 West Wayzata Boulevard. City Code allows outside display and sales of seasonal retail merchandise as a permitted use, if certain performance standards are met. When all the listed performance standards cannot be met, the code allows for the issuance of a conditional use permit. The request meets all the performance standards listed in the B-2 Business District, except the following requirements:

- 1) The maximum height of the outdoor display and sales area shall not exceed six feet;
- 2) The outdoor display and sales area shall not be located in any required parking area.

Also, City Code requires all accessory structures to be located in side or rear yards in all zoning districts. Given the lack of a side or rear yard on this corner lot property, a variance is needed to construct any accessory structure, temporary or permanent.

As indicated on the submitted site plan, the applicant is requesting the construction of a temporary/seasonal hoop house and associated outside display and sales area for the display and sales of outdoor plants, soil, potted plants, and other associated garden uses. The site plan indicates the installation of a split rail fence along the perimeter of the hoop house to demarcate the sales and display area. The hoop house is proposed to be 17 feet by 30 feet in dimension, and 10 feet high. The applicant proposes to install the hoop house and outdoor display area on the southwestern corner of the lot. The proposed building will be erected on 5 of the existing 8 parking spaces on the property, but not located in any of the marked fire lanes on the site. It is located approximately 25 feet from the existing True Value Hardware store, located in a multi-tenant building known as Long Lake Town Center.

Lewis reviewed how the application met criteria for issuance of both a conditional use permit and a variance; and stated that at their April 8, 2014 meeting, the Planning Commission reviewed the request, held a public hearing, and unanimously recommended the City Council adopt a resolution to approve the requested conditional use permit and variance requests subject to conditions. The Planning Commission did recommend a slight change in the wording of the variance resolution under provision 3 of the last "whereas" to state that the use of a temporary hoop house and outdoor sales is consistent with the existing hardware store use, and fits with a retail business use. The previous wording stated "...and fits in a business district". The change is intended to distinguish this use from other non-retail business uses.

Lewis also clarified that although the variance would continue with the property should tenancy of the site change hands, the variance resolution was very descriptive in establishing that the variance is for a hoop house structure in a specific location and for a certain period of months.

Council member Chillstrom noted for transparency purposes that although he is a part time employee of True Value, he has no financial interest in the store or the application being considered.

A motion was made by Olson, seconded by Skjaret, to adopt Resolution No. 2014-07 approving a conditional use permit to allow for a seasonal, outdoor display area on the property located at 1875 West Wayzata Boulevard with the findings of fact noted in this memo, and expressed at the April 8, 2014 Planning Commission meeting subject to conditions contained in the resolution. Ayes: all.

A motion was made by Skjaret, seconded by Olson, to adopt Resolution No. 2014-08 approving a variance to allow for an accessory structure in the front yard of the property located at 1875 West Wayzata Boulevard with the findings of fact noted in this memo and expressed at the April 8, 2014 Planning Commission meeting subject to conditions contained in the resolution. Ayes: all.

Public Hearing: Consider Adoption of Ordinance No. 2014-02 Amending Chapter 40, Waterways, of the City Code of Ordinances to Implement a Slow-No Wake Restriction During High Water Levels on Long Lake

Mayor Hultmann stated that in 2013, excessive rainfall amounts resulted in abnormally high lake water levels and a number of residents came forward expressing concern about shoreline erosion. In the process of learning more about what measures were available to the city to protect shoreline property, staff and Council learned there wasn't much that could be done to prevent damage caused by wave action without a slow-no wake restriction in place. The Long Lake Council is hoping that taking the lead on adoption of a slow-no wake ordinance will encourage the City of Orono to follow suit. Following discussion of the draft ordinance, a representative from the Minnehaha Creek Watershed District will present information regarding shoreline restoration opportunities.

Mayor Hultmann opened the public hearing at 6:47 pm.

Mayor Hultmann indicated that the proposed ordinance under consideration would allow law enforcement to regulate the speed of watercraft on Long Lake, imposing a "slow-no wake" restriction during periods when the water level is in excess of 944.15 feet - the ordinary high water level per the Minnesota Department of Natural Resources (MnDNR). Regulation of watercraft speeds when the lake level is high to reduce the impact of watercraft wakes would protect public and private shoreline from erosion.

The summer of 2013 proved to be an extremely rainy season and Long Lake experienced high water levels which hadn't been seen in many years. Though Council and staff had discussed adoption of a "slow-no wake" ordinance in years past, it became a priority to address the issue following the experiences of shoreline property owners during that summer.

The draft ordinance models that which was adopted by Medicine Lake in March 2001. Council reviewed the Medicine Lake ordinance previously in work session meetings as an example, and had expressed interest in adopting a similar ordinance. City Attorney Jeff Carson has reviewed draft Ordinance No. 2014-02 and indicated the language is acceptable.

Roger Adams, 1130 Underhill Circle, sought clarification as to the high water level of 944.15 feet, and stated he is generally in favor of having an ordinance regulating the speed of traffic on the lake when water levels are high. He commented that watercraft wake and waves have indeed caused erosion on his property.

Janet Schaefer, 1176 Wayzata Boulevard W, thanked the Council for following through on their intent to protect shoreline, and in particular appreciated assistance given to her by Council member Olson. She expressed her support for the ordinance, and questioned how it would impact special events such as the 10,000 Lakes Wakesurf tournament.

City Clerk Moeller clarified that a condition of special event permit approval for any events using the lake would be that events adhere to the slow-no wake ordinance if a slow-no wake restriction is in effect. She added that the organization sponsoring the wakesurfing tournament annually has been made aware on multiple occasions of the likelihood that Long Lake may adopt a slow-no wake ordinance.

Marty Schneider, 1176 Wayzata Boulevard W, reflected that the wakesurfing tournament should be held strictly to permit conditions, and questioned whether that type of event benefits Long Lake. He stated his belief that the city should try hard to minimize negative impacts on the lake whenever possible.

Council members discussed concerns regarding whether the 944.15 foot high water mark maintained by the MnDNR is appropriate to the lake or artificially high; commented on the lake's poor water quality and action taken by the city to improve runoff quality; and discussed signage and markers to be used during high water times should the slow-no wake restriction be imposed.

Mayor Hultmann welcomed Mayor Lili McMillan representing Orono to share any comments. Mayor McMillan was in attendance to witness the discussion in preparation for Orono considering similar action in the future.

Mayor Hultmann closed the public hearing at 7:07 pm.

*A motion was made by Skjaret, seconded by Chillstrom, to adopt Ordinance No. 2014-02 amending Chapter 40, Waterways, Article I. In General, adding Sec. 40-2 titled Long Lake; special provisions, to the City Code of Ordinances regulating the operation and speed of watercraft on Long Lake.
Ayes: all.*

MCWD Presentation Regarding Shoreline Benefits and Shoreline Restoration Program Assistance

Mayor Hultmann introduced Brett Eidem of the Minnehaha Creek Watershed District.

Eidem provided a presentation outlining cost share grants available for shoreline stabilization and discussed who and what projects are eligible for grant programs; what types of expenses are eligible to be covered by grant dollars; funding limits for residential versus non-residential projects; application materials and permits required for projects; and reviewed the criteria considered when reviewing grant proposals.

Council member Olson expressed an interest in talking with Mr. Eidem following the meeting about a possible shoreline stabilization project at Union Cemetery, and noted a project in that area could serve to promote an MCWD grant eligible project.

Eidem provided copies of flyers advertising the MCWD's interest in cost sharing for shoreline stabilization projects, and noted that the MCWD and Barr Engineering will be sponsoring workshops locally titled "Linking Land Use to Clean Water".

He also responded to questions regarding varieties of native plantings that can be used in shoreline stabilization projects.

OTHER BUSINESS

Street Sweeping Dates – Council member Skjaret questioned when spring street sweeping will be taking place. Moeller responded that weather permitting, hydrant flushing has been scheduled for the week of April 28, with street sweeping to occur the following week.

Town Center Clock – Council member Skjaret noted that the Long Lake Town Center clock on the front of the building is no longer keeping time again. Council member Chillstrom stated that the property owner is aware of the clock's malfunction.

ADJOURN

A motion was made by Chillstrom, seconded by Skjaret, to adjourn the meeting. Ayes: all. The meeting was adjourned at 7:27 pm.

Respectfully submitted,

Jeanette Moeller
City Clerk