



**MINUTES
CITY COUNCIL MEETING
May 20, 2014**

CALL TO ORDER

The meeting was called to order at 6:36 pm.

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

Staff Present: City Administrator: Scott Weske; Planning Consultant: Addison Lewis; Public Works Director: Marv Wurzer; and City Clerk: Jeanette Moeller

Absent: None

PLEDGE OF ALLEGIANCE

LONG LAKE NEWS UPDATE

Mayor Hultmann offered the following updates:

- Monday, May 26 is Memorial Day. Ceremonies will be held at 9:30 am at Union Cemetery, 10:15 am at St. George's Church Cemetery, and a program will take place at the Long Lake Veterans Memorial in Nelson Lakeside Park beginning at 11:00 am. Refreshments will be served following the program at the Long Lake Veterans Memorial, courtesy of the Slow Burn Brigade.
- SummerFest, sponsored by the Long Lake Area Chamber of Commerce, will be held June 12 through June 14. The event includes a dinner, toy drive and waterski show on Thursday; a Twilight 5K and Kids Adventure run, along with an All Orono Graduates Reunion on Friday; and activities and live entertainment all day long in Nelson Lakeside Park on Big Bang Saturday.

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

APPROVE AGENDA

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

CONSENT AGENDA

The Consent Agenda consisted of:

- A. Approve Minutes of May 6, 2014 City Council Work Session
- B. Approve Minutes of May 6, 2014 City Council Meeting
- C. Receive Unofficial Draft Minutes of May 13, 2014 Planning Commission Meeting
- D. Approve Vendor Claims and Payroll
- E. Accept the Resignation of Firefighter Dustin Nelson from the Long Lake Fire Department
- F. Adopt Resolution No. 2014-11 Approving Issuance of Special Event Permit #S2014-02 for the All Orono Graduates Reunion; Approve Noise Variance Permit for Use of Sound Amplification Equipment

- G. Adopt Resolution No. 2014-12 Approving Issuance of Special Event Permit #S2014-03 for SummerFest 2014; Approve Issuance of 1 to 4 Day Temporary On Sale Liquor License; Approve Noise Variance Permit for Use of Sound Amplification Equipment

Regarding Consent Agenda Item D, Administrator Weske pointed out a correction made to a particular check issued.

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

OPEN CORRESPONDENCE

Charlie Hirt, 342 Wolf Pointe Trail – Mr. Hirt was appreciative of the Council's intent to make revisions to the high water level established in the slow-no wake ordinance, and of the clear signage installed in the park. As the Council revises the high water level, he also asked that the Council consider removing the three-day consecutive no wake waiting period following return to acceptable water levels.

BUSINESS ITEMS

Public Hearing: Request to Vacate a Portion of the Drainage and Utility Easement Based on a Modified Wetland Delineation at 306 Wolf Pointe Trail

Planning Consultant Lewis indicated that applicant Becky Brandt, 306 Wolf Pointe Trail, is requesting that a city drainage and utility easement be vacated. City Code requires a 25 foot buffer zone around wetlands, and the city drainage and utility easement was in place to protect a wetland located in the rear of the subject property. The applicant hired a consultant who surveyed the wetland resulting in a new wetland delineation boundary. The Minnehaha Creek Watershed District has reviewed and approved the new wetland delineation, and the applicant is now requesting the city vacate a portion of the easement. Staff has reviewed the request and found that there would be no detriment if the proposed portion of the easement were vacated, and no existing utilities lie within the easement. The easement's purpose is to protect the wetland, therefore, staff finds it reasonable that a change to the buffer zone take place following the wetland's boundary change. Lewis clarified that methodology in delineating wetlands and wetland boundaries has changed. Additionally, the drainage pattern and shape of the wetland has changed, which may possibly be a result of the Highway 12 Bypass.

Council members discussed how vacation of the proposed portion of the easement would impact the home owner's ability to utilize more of the space in their backyard.

Mayor Hultmann opened the public hearing at 6:45 pm.

Charlie Hirt, 342 Wolf Pointe Trail, stated that the Wolf Pointe Woods association has no objection to the applicant's proposal.

Mayor Hultmann closed the public hearing at 6:46 pm.

A motion was made by Skjaret, seconded by Kaminski, to adopt Resolution No. 2014-10 approving the vacation of a portion of the drainage and utility easement on the property located at 306 Wolf Pointe Trail with the findings of fact noted in the staff report. Ayes: all.

Sign Variance Application Fee Waiver Request From Tonka Auto and Marine

Weske reported that Tonka Auto and Marine intends to reapply for a sign variance to be considered at the June Planning Commission meeting. Tonka Auto and Marine had previously applied for the requested sign variance, and the application was denied last summer. They are requesting the Council waive the land use application fees for their second application, as the applicant felt their application was not presented accurately and that communication issues with staff may have negatively impacted her variance request.

Kelli Gillespie, owner of Tonka Auto and Marine, stated that regardless of the outcome of her application, she felt the former City Administrator and Planning Consultant handled her application poorly. She referenced a letter she had submitted with her fee waiver request and noted that she believes it documented some pretty strong points as to difficulties she experienced. She indicated that in her opinion, the difficulties she encountered in working with staff, and incorrect information presented by city staff during the review process posed a hindrance to her application. She added that the Planning Commission had previously recommended the Council approve a waiver of fees for her upcoming sign variance request.

Council member Olson noted that land use application fees are in place to cover the expense put forth by the city for an application, regardless of approval or denial. She did not see any reason to refund or waive fees.

Mayor and Council members agreed with Council member Olson's statement, and it was the consensus of the Council that no refund or waiver of fees would be granted.

Seasonal Use Permit Application by Minneapolis Sprints Rowing LLC / Long Lake High Performance Rowing (Todd Wilson)

Weske stated that the Council previously authorized the Hennepin County Sheriff's Water Patrol to issue a Seasonal Use Permit to the recently re-formed rowing organization, the Long Lake Rowing Crew. Todd Wilson, a founder of the former Long Lake Rowing Club (now the Long Lake Rowing Crew), has also submitted an application for a Seasonal Use Permit under the name Minneapolis Sprints Rowing to allow him to conduct rowing coaching and practices on Long Lake. Mr. Wilson has presented copies of his application to both the cities of Long Lake and Orono and is seeking the cities' permission for the Water Patrol unit to issue his requested permit.

Council member Chillstrom noted he has concerns about the application, as the City has had previous dealings with Mr. Wilson and issues with his conduct when operating under the former Long Lake Rowing Club.

Council members noted there were inconsistencies between Mr. Wilson's introductory letter of request and his application in regards to his intended operating schedule.

City Clerk Moeller added that the applicant was aware he needed to submit both a letter and his application, and that both documents should be complete.

A motion was made by Chillstrom, seconded by Skjaret, to grant authorization to Hennepin County Sheriff's Water Patrol for issuance of a Seasonal Use Permit by Minneapolis Sprints Rowing LLC or Todd Wilson. Nay: Kaminski, Skjaret, Chillstrom, Hultmann. Abstaining: Olson. Motion denied.

Council member Olson noted she abstained from the vote because she doesn't see an issue with granting a permit to another organization if it will not conflict with the other existing permit.

Adoption of Ordinance Amending Slow-No Wake Restriction High Water Level

Weske stated that the City Council adopted an ordinance last month adding a new section to City Code regulating 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. Following adoption of the ordinance, it became evident that the high water level of 944.15 feet was overly conservative and would essentially result in Long Lake becoming a no wake lake. As ceasing wake activity for the majority of open water season was not the intent behind the ordinance's adoption, both staff and Council member Olson consulted with Jack Gleason, MnDNR Public Waters Program Hydrologist, to request input on a more appropriate high water level for the slow-no wake restriction.

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. Based on water level readings from 2013, Mr. Gleason suggested that 945.0 or 945.5 feet might be more reasonable high water levels to utilize. At 945.0 feet, in 2013 that elevation was exceeded on May 13 and then bounced above and below that elevation until the week of July 17, then fell below that level for the rest of the summer. In 2013 the lake only exceeded 945.5 feet for one week – the week of June 28.

With this information, staff is recommending adoption of an attached ordinance which would revise the high water level for the slow-no wake restriction from 944.15 feet to 945.0 feet. City Attorney Jeff Carson was consulted during preparation of the draft ordinance, and he confirmed a public hearing is not required for this minor language change. Orono staff were also notified of the proposed change.

Council member Olson questioned how the three-day consecutive waiting period before allowing wake activity had been added to the ordinance.

Moeller clarified that the provision was in the Medicine Lake ordinance previously reviewed by both the Long Lake and Orono City Councils, and that as staff had been given direction to prepare a "Long Lake version" of the same ordinance, the provision had been included.

Council members were in favor of removing the three-day waiting period restricting return to wake activity once lake levels are below the threshold.

Wurzer commented on the current level of the lake and when it may return to acceptable levels; and discussed the location and placement of signage, and the process for keeping vigilance on whether a slow-no wake restriction should be in effect.

A motion was made by Chillstrom, seconded by Kaminski, to adopt Ordinance No. 2014-03 amending Chapter 40, Waterways, Article I. In General, Sec. 40-2 titled Long Lake; special provisions, subdivision (c) of the City Code of Ordinances revising the high water level from 944.15 feet to 945.0 feet, and removing the language "for at least three consecutive days" from the last sentence of the subdivision. Ayes: all.

OTHER BUSINESS

SummerFest 2014 – Council member Kaminski expressed his appreciation to the individuals responsible for the planning and organization behind SummerFest, especially to Kris Rudd. Thanks also must be given to the Orono Lions Club and many local business sponsors for their participation. Council member Chillstrom added that SummerFest is still seeking additional event sponsors for anyone interested.

Managers Conference Event – Weske thanked the Council for allowing him the opportunity to attend the recent MCMA conference and noted he had enjoyed the learning and networking that took place at the event.

ADJOURN

A motion was made by Kaminski, seconded by Skjaret, to adjourn the meeting. Ayes: all. The meeting was adjourned at 7:12 pm.

Respectfully submitted,

Jeanette Moeller
City Clerk