



**MINUTES
CITY COUNCIL MEETING
April 7, 2015**

CALL TO ORDER

The meeting was called to order at 6:42 pm.

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

Staff Present: City Administrator: Scott Weske; Public Works Director: Marv Wurzer; City Attorney: Jeff Carson; City Engineer: Chris LaBounty; and City Clerk: Jeanette Moeller

Absent: Council: Kurt Kaminski (with prior notice)

PLEDGE OF ALLEGIANCE

LONG LAKE NEWS UPDATE AND WORK SESSION REVIEW

Mayor Chillstrom offered the following updates:

- In the work session prior to the regular meeting, the Council discussed information regarding a possible upgrade to radio read water meters, LMCC operations and appointment of a Council member representatives to the LMCC, and Metropolitan Council's SAC unit determination for the Birch's on the Lake project along with other items pending resolution prior to building permit issuance.
- Work continues at the Birch's on the Lake site, renovations are moving forward at the Thai Pho Bistro restaurant in the Liquor Barn building, and contractors have begun evaluating the former Burger King site in preparation for Quick Burger moving in.

Lastly, Mayor Chillstrom encouraged everyone to continue to shop local as often as possible.

APPROVE AGENDA

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

CONSENT AGENDA

The Consent Agenda consisted of:

- A. Approve Minutes of March 17, 2015 City Council Work Session
- B. Approve Minutes of March 17, 2015 City Council Meeting
- C. Approve Minutes of March 26, 2015 City Council Special Meeting
- D. Receive Unofficial Draft Minutes of March 31, 2015 Park Board Meeting
- E. Approve Vendor Claims and Payroll
- F. Appoint Park Board Chair and Secretary Positions for the Year 2015

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

OPEN CORRESPONDENCE

John Winston, Long Lake Rowing Crew – Mr. Johnston appeared to state that the LLRC will be appearing before the Planning Commission and City Council later in the month to apply for an amended Interim Use Permit that reflects new boat storage arrangements at the Birch's on the Lake site. In the meantime, with the ice out, the LLRC will begin moving boats to the site to prepare for their season.

BUSINESS ITEMS

Consider Appointment of Council Member Representative to Lake Minnetonka Communications Commission

Mayor Chillstrom noted that the Council had discussed appointing a Council member representative to the LMCC in a work session prior to the meeting, and it was the consensus of Council members present that resident Paul Mahoney is currently representing Long Lake at LMCC meetings, and the Council would rather not appoint a Council member representative at this time. The Council will review the LMCC Council member position as part of its annual appointments discussion for the coming year.

Discussion Item: Metropolitan Council SAC Determination for Birch's on the Lake

Administrator Weske reported that the City had received the SAC determination letter from Metropolitan Council for the Birch's on the Lake project, which assessed the project 42 units. The property was in existence and use as a restaurant prior to the SAC unit program's implementation, and the SAC determination received did not reflect grandparent credits as would be expected. Staff is seeking direction from the Council to work with the applicant and assist them in efforts to reduce the SAC unit determination, and is asking the Council to consider the idea of entering into an escrow agreement with the applicants to cover Metropolitan Council SAC units, city SAC and WAC units, and other pending obligations to the city in order to allow a building permit application to move forward.

Attorney Carson stated that based on what he and Weske have gleaned thus far from Metropolitan Council, a request can be made to Metropolitan Council for a grandfathering provision for the number of SAC units assessed to the project and reducing the number of units significantly. In order to achieve SAC credits, it must be proven to them that the building was used as a restaurant before 1973. Though anecdotally everyone in the area knows this was truth, proof must be obtained and staff is working to find all available documentation. The idea of an escrow agreement is to escrow in an amount to cover all SAC, city SAC and WAC, and other outstanding items so that the building permit application is not held up while waiting for resolution of all items.

Engineer LaBounty noted that he could work with the applicant to help determine whether the SAC units assessed accurately reflect the seating and brewing operations proposed, and could draft a letter to Metropolitan Council on behalf of the applicant and the city.

Brennan Greene, Birch's on the Lake, stated that it is absolutely critical to their project that an escrow agreement be available allowing their construction to move forward as soon as possible. He noted that their occupancy permit could be withheld to assure compliance with permit conditions. He indicated that Metropolitan Council's SAC determination had come as quite a shock to all involved, and represents at a minimum \$104,000 they weren't planning to spend.

Council members were in agreement that an escrow account would be a favorable arrangement under the circumstances.

A motion was made by Schneider, seconded by Dyvik, to direct staff, the City Attorney, and consultants to work with Birch's representatives to legally create an escrow agreement for various outstanding items, with the understanding that the City will provide any data and support that can be logistically offered to assist in making the case for a reduction of SAC units assessed to the project by the Metropolitan Council; and assuring that the escrow agreement fully covers the amount of all pending SAC charges and any other obligations to the city. Ayes: all.

Staff and the applicant agreed to meet the following day to begin agreement discussions.

OTHER BUSINESS

EDA Vacancies – Council member Dyvik noted that he had read the Council minutes of the recent special meeting at which amended EDA bylaws were adopted, and asked when applications would be solicited for the vacant at large positions. Moeller responded that the vacancies will be advertised the following week.

Ice Divers on Long Lake – Council member Schneider indicated that about two weeks ago, a group of ice divers were diving in Long Lake. He had visited with the divers and learned they were members of a Twin Cities area dive club. They went to many different areas in the lake and found a number of items and trash below the surface. They indicated they would be willing to come out in June and conduct a trash dive, perhaps with the assistance of boat owners on the lake as well as the Fire Department. They've held similar events biannually in Prior Lake, so a template from those events would be available for Long Lake to follow.

Virginia Avenue and MnDOT Properties – Council member Schneider noted that he and Weske have had some communications with MnDOT and it seems likely that we are close to obtaining a deed for the Virginia Avenue property. The city may have to pay a small amount in back taxes to the tune of a couple hundred dollars in order to do so. Also, MnDOT has extended their offer on the strip of land behind the Public Works building, and has expressed a willingness to begin looking at other MnDOT owned parcels in the city.

CSAH 112 Turnback Project Open House – Council member Olson questioned the status of the County's open house regarding the CSAH 112 turnback project. Council member Chillstrom noted arrangements have been made for an open house to take place from 4:30 pm to 6:30 pm at Lake Community Bank, scheduled for April 22.

Spring Cleanup Information – City Clerk Moeller indicated that spring curbside leaf pickup will take place on April 21 and April 28. Also, the annual Spring Cleanup Day event for collection of e-waste, furniture items and construction debris will take place on Saturday, April 25 at the Orono Public Works facility. For those looking to dispose of leaves immediately or with tree waste and brush to dispose of, the Plymouth Yard Waste site is open for the season. Spring cleanup information is posted on the city website, and was emailed out via the Listserv to subscribers.

ADJOURN

A motion was made by Olson, seconded by Dyvik, to adjourn the meeting. Ayes: all. The meeting was adjourned at 7:13 pm.

Respectfully submitted,

Jeanette Moeller
City Clerk