



**MINUTES
CITY COUNCIL MEETING
March 15, 2016**

CALL TO ORDER

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

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

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

Absent: None

PLEDGE OF ALLEGIANCE

LONG LAKE NEWS UPDATE AND EDA MEETING REVIEW

Mayor Chillstrom offered the following updates:

- The ice is officially out on Long Lake, and fishermen are already inquiring when the public docks will be installed for the season.
- In an EDA meeting prior to the regular meeting, the EDA continued their discussions of the Virginia Avenue property and reviewed a template of an RFP issued by a City for a redevelopment site.

Lastly, Mayor Chillstrom encouraged shopping local as often as possible.

APPROVE AGENDA

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

CONSENT AGENDA

The Consent Agenda consisted of:

- A. Approve Minutes of March 2, 2016 City Council Work Session
- B. Approve Minutes of March 2, 2016 City Council Meeting
- C. Receive Minutes of February 16, 2016 EDA Meeting
- D. Receive Unofficial Draft Minutes of March 8, 2016 Planning Commission Meeting
- E. Approve Vendor Claims and Payroll
- F. Award 2016 Lawn Service Contract to Carefree Services, Inc. of Maple Plain, MN
- G. Authorize Hennepin County Sheriff's Office Water Patrol to Issue Seasonal Use Permit to Long Lake Rowing Crew Rowing Club for Use of Long Lake in 2016

Council discussed Consent Agenda Item 5G, questioning the permit process, hours of operation, and number of motorized coaching boats to be used.

City Clerk Moeller clarified that the Hennepin County Sheriff's Water Patrol seasonal use permit process requires that an applicant obtain authorization for their proposed lake usage from the cities

that border the lake. Both the City of Long Lake and City of Orono will need to take action authorizing Water Patrol to issue a seasonal use permit to the Long Lake Rowing Crew for their use of Long Lake in 2016.

Amy Johnson, on behalf of the Long Lake Rowing Crew (LLRC), added that with the exception of adding two Community Education rowing camps, their practice hours would be the same as last year. Their practices and coaching typically occur during less busy hours at Birch's on the Lake. The LLRC encourages their participants to carpool to the site, and many youth participants are dropped off. They intend to continue being conscientious of their parking use at the Birch's site, but will meet with the restaurant's owners should any changes be needed. Same as last year, the LLRC would only be operating two motorized coaching boats.

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

OPEN CORRESPONDENCE

Dan MacDonald, 335 Russell Lane – Mr. MacDonald questioned whether the Council would be allowing public comment regarding the Birch's parking variance request item on the meeting agenda. Mayor Chillstrom stated that while the matter is not a public hearing, the Council would be open to taking comments from those in attendance for that agenda item.

BUSINESS ITEMS

Hennepin County Grant Update – Council Member Schneider

Council member Schneider announced he'd received word that Hennepin County had approved a grant award of \$25,000 to help fund the replacement of playground equipment at Nelson Lakeside Park. Additional information will be forthcoming once the grant contract has been issued. Also, on March 8, Hennepin County also approved a \$46,000 grant of funds intended to help the city facilitate mitigation of CR 112 reconstruction project impacts upon downtown area business. This grant is separate from the Open to Business initiative already active. Council member Schneider expressed appreciation to the County for their support and assistance. He also thanked Administrator Weske for alerting him to the business support grant opportunity. Once more details of the business support grant are known, he suggested the Council or EDA interact with business owners and the Chamber of Commerce to discuss how best to apply the funding.

Mayor Chillstrom noted that at their last meeting, the Park Board did form a recommendation on the purchase of playground equipment for Nelson Lakeside Park.

Planning Case #2016-02 / Request for a Zoning Code Amendment to Allow Commercial Kennel Facilities in the I-2 Zoning District (2250 Daniels Street)

Planning Consultant Lewis indicated staff was contacted by the applicant regarding the possibility of opening a dog boarding, grooming, and training business at 2250 Daniels Street, located in the I-2 Industrial zoning district. Upon review of the I-2 district standards, it was determined that this type of business would not be considered a permitted or conditional use under the current ordinance standards.

The applicant states that her proposed business would include dog daycare, grooming, obedience training, overnight care for dogs, and retail. The facility would accommodate up to 50-60 dogs at a time if operating at full capacity and could board 15-20 dogs overnight. The applicant wishes to have an outdoor exercise and play area located on the north side of the building. The applicant states that dogs at her facility would be let outside no earlier than 7 a.m. and no later than 8 p.m.

An employee would remain at the facility 24 hours a day. The applicant's business could potentially employ up to 20 individuals if operating at full capacity; however no more than 6 or 7 staff would generally be at the facility at a given time.

The applicant has other locations in Edina, Burnsville and Minnetonka. She is seeking to open a fourth location in the Lake Minnetonka area as the Minnetonka facility is currently at capacity. Of the applicant's other locations, Edina and Burnsville are located in industrially zoned districts while the Minnetonka location is located in a highway commercial district adjacent to I-394.

Staff is proposing the following definition for Commercial Kennel Facilities be added to Section 2: Definitions of the Long Lake Zoning Ordinance and that the existing definition for Dog Kennel be deleted.

Definition to be added:

Commercial Kennel Facilities. Any place where three (3) or more dogs or cats over three (3) months of age are kept for boarding, grooming, or training but not including a veterinary clinic.

Definition to be deleted:

~~Dog Kennel. Any place where three (3) dogs or more over three (3) months of age are boarded, bred and/or offered for sale, except a veterinary clinic.~~

The proposed definition change would allow cats within a commercial kennel facility and eliminate breeding and sale of animals as part of the definition.

Staff is proposing that Commercial Kennel Facilities be added as a permitted use under Section 16A: Regulations for the "I-2" Industrial District as follows:

Commercial Kennel Facilities. Commercial kennel facilities shall require the issuance of a Kennel Permit as stated in Section 6-151 of the Long Lake City Code. Commercial kennel facilities shall be subject to the following additional standards listed below. A kennel permit may be revoked by the council by reason of the violation of any health or nuisance order, laws or regulations, or any of the standards listed below:

1. Kennels shall be kept in a clean and healthful condition at all times and shall be open for inspection by the city authorities at any time.
2. Any outdoor exercise/play area must be located in a rear or interior side yard and must be located a minimum of three feet (3') from any property line. Outdoor exercise/play areas may not be located in a front or corner side yard. The outdoor exercise/play area must be fenced to a minimum height of six feet (6') and must be cleaned daily.
3. Animals shall be reasonably restrained from annoying the neighborhood or the general public.
4. Animal wastes shall be immediately cleaned up with solid wastes being enclosed in a container of sufficient construction to eliminate odors and organisms.
5. Retail associated with a commercial kennel facility is permitted provided that the retail sales area does not occupy more than 10% of the total area of the facility.

Further review of the zoning ordinance finds that the type of use proposed by the applicant is not specifically listed as a permitted or conditional use in any of the zoning districts within the city. Section 6-151 of the Long Lake City Code requires a permit be issued by the City Council for such a facility. In order to operate a commercial kennel, the applicant would need to apply before the

Council for a Commercial Kennel Permit on an annual basis, allowing the Council an opportunity to review the permit and assure the business is in compliance with ordinance provisions.

Section 29 of the Long Lake Zoning Ordinance outlines the procedure for amendments to the zoning ordinance and zoning map. Section 29, Subd. 5 states that *"In reviewing a proposed amendment, consideration shall be given to existing conditions within the area directly and indirectly affected by the proposal, the conservation of property values, the use to which the property affected is being devoted at the time, and relevant provisions, if any, in the land use plan"*.

A relatively small number of I-2 zoned properties exist within the city's industrial park. All I-2 zoned property is either adjacent to other property zoned I-2, property zoned I-1 Industrial, or B-2A Service Business District. All I-2 district property appears to be located a substantial distance from any residential property. Looking at the conditions of all I-2 zoned property and surrounding property, it appears that the I-2 district would be well suited to accommodate commercial kennel facilities.

Lewis noted that the applicant wishes to provide retail as an accessory use to the facility. In the I-2 district, retail sales is currently listed as a conditional use provided no more than 10% of the gross floor area of the building is used for such purposes. Staff is proposing to allow retail associated with a commercial kennel facility as a permitted use, subject to the same 10% floor area restriction.

At the March 8, 2016 Planning Commission meeting, the Planning Commission held the public hearing and considered the requested ordinance amendment. The applicant was present to speak regarding the request and to answer questions about her proposed business. No other members of the public made any comments. The Planning Commission voted 4-0 to recommend the City Council adopt Ordinance No. 2016-03 establishing a definition for commercial kennel facilities and allowing commercial kennel facilities as a permitted use in the I-2 district.

Applicant Kathryn Newman Bornhofen, Augusta Dog Training, spoke to their need for a fourth commercial kennel operation; described her background working with dogs for 20 years; and stated that the scope of her proposed kennel would include offering doggie daycare, grooming, training programs, and overnight boarding in both luxury and playroom environments with an overnight caretaker overseeing night operations. She responded to Council member questions regarding the location and setup for outdoor play areas.

Council member Schneider expressed concern over the possible use of the facility to house animals for animal control/shelter purposes, as is the case at the applicant's Burnsville kennel.

Bornhofen clarified that Burnsville had identified a need for a contract with a facility to house animal control dogs, and her kennel in Burnsville accepts them at the request of the City of Burnsville with a contract to do so. Specific facilities are in place at that kennel to address the unknown vaccination status of shelter dogs. The only way her proposed kennel would be accepting stray or rescue animal control/shelter dogs is if the City of Long Lake requested she consider doing so. She also noted that the Burnsville kennel does not conduct any animal euthanasia; however, they work directly with a neighboring veterinarian who provides the service.

Lewis stated that language addressing health standards and noise levels already exists in places in City Code. The ordinance and commercial kennel facility language as drafted could be amended to include other items should the Council desire to do so.

Council member Schneider indicated he would like to see "cannot be used as an animal control facility" added to the scope of commercial kennel permit operations. Council members voiced no

objection to his request. It was further noted that animal control matters for Long Lake are handled by the Wayzata Police.

Council member Olson stated she would be abstaining from voting on the application, as her employer owns the building the applicant proposes to rent.

A motion was made by Schneider, seconded by Dyvik, to adopt ordinance No. 2016-03 establishing a definition for commercial kennel facilities and allowing commercial kennel facilities as a permitted use in the I-2 district, adding the stipulation that no animal control or shelter use would be permitted. Ayes: Kaminski, Dyvik, Schneider, and Chillstrom. Abstaining: Olson. Motion carried.

Planning Case #2016-01 / Request for a Variance to Allow for Less than the Minimum Number of Parking Spaces Required at Birch's on the Lake Supperclub and Brewhouse, 1310 W Wayzata Boulevard

Lewis reported that Birch's on the Lake Supperclub and Brewhouse, located at 1310 W. Wayzata Boulevard, is requesting a variance from Section 21, Subd. 7, Z. which establishes the minimum number of parking spaces required for restaurants. The ordinance requires at least one parking space for every two seats in the restaurant or one space for each forty (40) square feet of gross floor area of dining and bar area and one space for each eighty (80) square feet of kitchen area.

Assuming one space per 2,000 square feet of brewery floor area and one space for each 250 square feet of office floor area, it is estimated that using the square footage of the building would require approximately 202 spaces. Utilizing the ratio of at least one space for every two seats in the restaurant for 350 seats requires 175 parking spaces, which is less than the square footage ratio. A property owner may fulfill the parking requirement by meeting either the square footage ratio or seats ratio but is not required to meet both.

Birch's currently has 125 parking stalls and 250 seats in the restaurant, consistent with the one space per two seats ratio. Birch's will be applying the second wear course to the parking lot this spring and will restripe the lot according to the parking layout included in the Council's meeting information packets. The new striping configuration will provide 134 stalls, 21 of which are to be compact stalls. The parking ordinance allows for up to 33% of the stalls to be compact. Utilizing the 2:1 seats per stall ratio, 268 seats would be permitted in the restaurant.

Birch's is requesting a variance to allow for 350 seats in the restaurant, which would require 175 parking stalls, 41 more stalls than what is being proposed. The applicant suggests that the additional parking demand can be accommodated by a valet service, which Birch's is currently using. The parking plan submitted by the applicant shows a designated valet area that is striped for 35 parking stalls, which the applicant has suggested can accommodate 80 vehicles; however, no additional details have been provided that assures 80 vehicles can be parked in this area. The applicant suggests that with the 80 vehicles that can be parked in the valet area in addition to the remaining 99 striped stalls, the property can accommodate parking for 179 vehicles, which is more than the 175 stalls required for 350 seats.

The applicant currently employs the valet service on Fridays and Saturdays from 4:00 pm to 10:00 pm. If the City is to approve the variance, a recommended condition of approval is that the property owner be required to continue the valet service and that the city reserves the right to require additional days and hours that the valet be employed upon a finding of a parking shortage during those times. If it is found the valet is not being employed during the required days and hours by the City, the City may revoke the variance and the property owner will be required to reduce the number of seats in the restaurant to be compliant with City Code.

Several complaints have been received regarding Birch's customers parking on the street of County Road 112 and in the Union Cemetery parking lot and cemetery road. A resolution was passed by the City Council on March 2, 2016 that will no longer allow parking along the north side of a portion of County Road 112 that includes in front of Birch's. No parking signs will be installed in this area. Birch's has stated that the Cemetery Board previously allowed their employees to park in the cemetery lot but has since requested that they no longer park there and Birch's has asked their employees to no longer park in the cemetery lot.

A variance may be granted by the City Council on a 4/5 vote of the entire council when the applicant for the variance establishes that there are practical difficulties in complying with the provisions of Section 27 (Variances) of the zoning ordinance. Economic considerations alone do not constitute practical difficulties. Lewis reviewed the ordinance requirements for a finding for "practical difficulties" and added his comments regarding the compliance of this application to meet these requirements.

1. *The property owner proposes to use the property in a reasonable manner not permitted by this Ordinance;*

The property owner wishes to increase the number of seats in the restaurant without providing the corresponding number of required parking stalls. The request seeks to maximize the use of an existing building, which the property owner finds can accommodate additional seating beyond what the City's parking ordinance will allow. The property owner believes that the additional parking can be accommodated through the valet service. Staff finds the request to be reasonable. **Criteria met.**

2. *The plight of the landowner is due to circumstances unique to the property not created by the landowner;*

As stated above, the property owner is seeking to maximize the use of an existing building which the current property owner did not build. The property owner finds that the building can accommodate additional seating inside the restaurant beyond what the city's parking ordinance will allow. The property owner has limited ability to provide any additional parking onsite in any way which would not require a variance. Parking areas are already built to the permitted setbacks along both side property lines and adjacent to the County Road 112 right-of-way. The existing building and bluff impact zone limit the ability to add parking to the north. A variance has already been granted for the parking lot to encroach the bluff impact zone and to allow for 49% hardcover where 30% is permitted. The current property owner reduced the amount of hardcover from what existed previously. Staff finds that the plight of the landowner is due to circumstances unique to the property not created by the landowner. **Criteria met.**

3. *The variance, if granted, will not alter the essential character of the neighborhood.*

The applicant believes that the demand for additional parking can be accommodated through the valet service. The applicant has stated that the valet service can accommodate 80 vehicles in an area that is striped for 35 spaces. Taking into account the other 99 striped parking spaces on the lot with the 80 vehicles that can be parked by the valet, the applicant states that 179 vehicles can be accommodated on the lot, which is more than the number of spaces required for 350 seats. The applicant has not provided any details that would support that the valet area can accommodate 80 vehicles. If the applicant can present additional details and provide a reasonable level of assurance to the City that the valet area can

accommodate 80 vehicles, then it would appear that Birch's can provide parking for the amount of vehicles that the ordinance would require. However, with complaints of vehicles parking along County Road 112 and in the cemetery parking lot, it would appear that Birch's does not have enough parking on-site to meet the demand. With the addition of 100 seats, 70 of which are to be on the deck, it is assumed that the demand for parking will increase when there is already believed to be a parking shortage. If customers are not able to find parking in the lot, it is possible that they park on other portions of County Road 112 not marked as no parking, neighboring streets, such as Glenmoor Ln on the other side of County Road 112, in the Tealwood development located to the east, or on the cemetery road. Staff believes that the overflow of parking would alter the essential character of the neighborhood. **Criteria not met.**

4. *Granting of the variance is in harmony with the general purpose and intent of the ordinance;*

The purpose and intent of requiring a minimum number of parking stalls is to ensure that uses can provide enough off-street parking on their property to accommodate the parking demanded by that use. The applicant has stated that with the valet service, they can provide parking for 179 vehicles which is more than the 175 required for 350 seats. The applicant has not provided details that prove 80 vehicles can be parked in the valet area. If the applicant can present additional details and provide a reasonable level of assurance to the City that the valet area can accommodate 80 vehicles, it would appear that the request is consistent with the general purpose and intent of the ordinance. **Criteria met.**

However, the City Council may find that the ratio of 1 stall per 2 seats in the restaurant does not accurately reflect the amount of parking demanded for this use, given that the applicant is already employing the valet service and there is an existing perceived parking shortage. If the City Council finds that the amount of off-street parking demanded by the use cannot be accommodated on the site with the granting of the variance, then the request would not appear to be consistent with the general purpose and intent of the ordinance.

5. *The variance is consistent with the Comprehensive Plan;*

The commercial use of the property is consistent with the Comprehensive Plan. The use of the property will not change as a result of the requested variance. **Criteria met.**

The applicant finds that the existing building can accommodate additional seating beyond what the parking ordinance will allow. It does not appear that additional parking can be added on site in any way which would not require a variance. The parking lot is already built up to the setbacks on the south, east and west sides of the property. The ability to expand parking to the north is limited by the bluff impact zone and existing building. A variance to encroach the bluff impact zone and to hardcover have already been granted. Therefore, it appears the applicant is limited in their ability to add the necessary parking to comply with the ordinance. The applicant proposes to accommodate the number of vehicles required by the ordinance by employing a valet service. With the valet service, the applicant states that 179 vehicles can be accommodated on site, which is more than the 175 stalls required. The applicant should provide additional details that assure 80 vehicles can be parked in the valet area if the City Council is to agree with the finding that 179 vehicles can be accommodated on the property.

The city has received complaints regarding customers parking on County Road 112 and in the Union Cemetery parking lot, which would indicate an existing shortage of off-street parking. With the addition of 100 seats, 70 of which are to be on the deck, it is believed that the demand for parking will increase beyond what exists today. With the north side of County Road 112 being signed for no

parking, overflow parking may move to other portions of County Road 112, neighboring streets, such as Glenmoor Lane on the other side of County Road 112, in the Tealwood development located to the east, or on the cemetery road. Staff finds the variance criteria to be met with the exception of item 3 and potentially item 4. Whether or not this criteria is met is dependent upon whether the City believes the amount of parking demanded can be accommodated on site with the valet service.

The City may make the finding that the existing parking shortage is due to the recent opening of the restaurant and that the parking shortage may be temporary.

At the March 8, 2016 Planning Commission meeting, the Planning Commission held the public hearing and considered the requested variance. Several members of the public spoke regarding the requested variance. The Planning Commission voted 4-0 to recommend the City Council approve a variance to allow for up to 300 seats, 50 less than proposed by the applicant, in the restaurant with 134 parking stalls subject to the following conditions:

1. The valet service must be employed every Friday and Saturday from 4p.m. to 10p.m. The City reserves the right to increase the hours and days that the valet service must be employed upon a finding of a parking shortage during those times. If it is found the valet is not being employed during the required days and hours by the City, the City may revoke the variance and the property owner will be required to reduce the number of seats in the restaurant to be compliant with City Code.
2. The applicant must provide evidence to the City Council that reasonably assures the designated valet area shown on the site plan dated February 10, 2016 marked for 35 stalls can accommodate at least 52 vehicles.

With 52 vehicles in the valet area along with the remaining 99 stalls, the applicant would be able to accommodate more than 150 vehicles, which is what would be required for 300 seats.

Staff is recommending denial of the requested variance to allow for 350 seats with 134 parking stalls however several options are available to the City Council:

1. Make a motion to adopt Resolution No. 2016-08 (Draft A) **denying** the requested variance to the minimum number of parking stalls to allow for up to 350 seats in the restaurant with 134 stalls.

Staff recommends this option if the City Council does not believe the amount of parking demanded by the use can be accommodated on site and the variance criteria is not met. The City Council may choose to encourage the applicant to re-apply for the variance in six months if it is believed the existing parking shortage is primarily due to the recent opening of the restaurant.

2. Make a motion to adopt Resolution No. 2016-08 (Draft B) **approving** the requested variance to the minimum number of parking stalls to allow for up to 350 seats in the restaurant with 134 stalls, subject to the following condition:
 - a. The valet service must be employed every Friday and Saturday from 4p.m. to 10p.m. The City reserves the right to increase the hours and days that the valet service must be employed upon a finding of a parking shortage during those times. If it is found the valet is not being employed during the required days and hours by the City, the City may revoke the variance and the property owner will be required to reduce the number of seats in the restaurant to be compliant with City Code.

Staff recommends this option if the City Council believes the amount of parking demanded by the use can be accommodated on site and finds the variance criteria is met.

3. Make a motion to adopt Resolution No. 2016-08 (Draft C) **approving** a variance to the minimum number of parking stalls for a lesser number of seats, subject to the following condition:
 - a. The valet service must be employed every Friday and Saturday from 4p.m. to 10p.m. The City reserves the right to increase the hours and days that the valet service must be employed upon a finding of a parking shortage during those times. If it is found the valet is not being employed during the required days and hours by the City, the City may revoke the variance and the property owner will be required to reduce the number of seats in the restaurant to be compliant with City Code.

Staff recommends this option if the City Council believes parking could be accommodated for a lesser number of seats than requested and finds the variance criteria to be met. Draft Resolution C is consistent with the Planning Commission recommendation to allow for 300 seats with 134 stalls; however the City Council may amend this to a different number.

Lewis also noted that in speaking with the Building Official, staff recently learned that the occupancy load of the deck at Birch's on the Lake is limited to 28 seats based on the area of the deck and limited egress. The occupancy load of the deck may be increased to somewhere around 50 seats if Birch's adds a second egress to the deck. Deck improvements would require a building permit, and increasing occupancy load could potentially trigger other things including SAC charges. Building code requirements are restricting the number of seats Birch's can offer on the deck – no action by the Council would exempt Birch's from meeting building code requirements. If the Council approves a variance allowing more seating, this in no way would be an exemption from the maximum of 28 seats allowed on the deck as it currently stands per building code.

Birch's owner Brennan Greene and partner Burt Joseph spoke to their desired seating and parking plan, indicating if working with the Planning Commission's recommendation, they would hope to have 70 seats out on the deck and 225 seats inside. Having only learned about the 28 seat maximum yesterday, they have not had the opportunity to determine their course of action to address deck occupancy. They confirmed they will work with the Building Official to assure the deck is up to code. Joseph voiced his objection to cutting off deck occupancy at 28 seats, stating the deck is vital to the restaurant's success; however affirmed they will work with Metro West and the City towards achieving a second egress for increased seating capacity.

Joseph further spoke to parking trends at Birch's and how the parking situation has improved as the restaurant continues. The complementary valet service has allowed for vehicles to be parked closer together and better managed in the valet parking area. Birch's staff are now parking only on the south side of cemetery road. He indicated he applauded the Council on their recent adoption of the resolution prohibiting parking between their access points, as they were aware of the blind spot and traffic safety concerns there. He asked that in considering their variance application, the Council give thought to the traffic Birch's brings to Long Lake; and stated that they are looking for ways to succeed and continue on.

In response to Council member questioning, Greene affirmed that they could make the Planning Commission's compromise recommendation of 300 seats work for their business.

Mayor Chillstrom apologized for being unable to attend the Planning Commission meeting, however added that he has been in contact with Planning Commission members regarding their recommended variance compromise.

Council member Schneider emphasized that while the variance request is for parking, the parking is requested to allow more outdoor seating, so the issue of occupancy load of the deck has to be acknowledged and that hurdle must be overcome. At the Planning Commission meeting, Greene had discussed shuttling people back and forth via pontoon boat from Nelson Lakeside Park. He stated that presents a problem, because the park is intended for public use, not for commercial use.

Council member Kaminski also objected to Birch's use of the park for a shuttling service.

Council member Olson offered clarification regarding parking at Union Cemetery. When the cemetery board previously authorized use of their facilities for parking, they did not expect to find the cemetery road, lot and cemetery full of vehicles. She noted cemetery road is a private road on private property and should be respected as such. She also expressed concern that cemetery road is not a safe place for night time parking by employees who have to walk to their vehicles at night in the dark, and added that businesses should be responsible to provide parking onsite for their employees.

Joseph and Greene alternately responded to Council member Olson's concerns, indicating that their valet service escorts or delivers employees to their vehicles if parked on cemetery road at night. They stated that if they didn't have their employees park there, those spots would be accessible by the public over which they have less control. Ownership of cemetery road was also discussed.

Dan MacMillan, 335 Russell Lane, stated that he doesn't think the cemetery road parking issue was the City of Long Lake's business, as the road is actually in Orono. He was glad to see parking on CR 112 will no longer be allowed, and if vehicles park in the Tealwood neighborhood, Tealwood residents can call the Police to have them removed. He believes Birch's will discourage inappropriate parking as it is not in their best interest for patrons to have their vehicles towed. He felt the Council should not interfere with private business and should approve a variance, recognizing that the variance could be pulled if the parking arrangement does not work. The applicants convinced him at the Planning Commission meeting that they are doing their best to be accommodating while trying to do business.

Tammis McMillan, 1274 Tealwood Place, stated that the Tealwood homeowners association did send a letter to the City Council expressing concerns about Birch's, however a lot of the letter's content was beyond the specific variance request. The letter included the association's request for variance denial, though McMillan noted the letter was not unanimously approved by all homeowners.

Lewis and City Attorney Thames advised that the variance request is solely for parking, and a condition cannot be added that the variance be reviewed in six months. If the Council desires to move forward with a variance in any version, the Council can add conditions that are related to the parking issue, and the variance can be revoked if conditions are not met. The deck occupancy and building code limits remain a separate issue outside the Council's authority.

Council, staff and applicants continued discussion of Birch's use of cemetery road, and how future CR 112 reconstruction may offer an opportunity to redo parking and gain more spots on site.

Council member Dyvik stated that the 300 seat compromise recommended by the Planning Commission seemed fair in his opinion. Mayor Chillstrom agreed their proposed solution represents a decent compromise.

A motion was made by Kaminski, seconded by Dyvik, to adopt Resolution No. 2016-08 (Draft C) approving a variance to the minimum number of parking stalls for a lesser number of seats, subject to the following condition:

- a. The valet service must be employed every Friday and Saturday from 4p.m. to 10p.m. The City reserves the right to increase the hours and days that the valet service must be employed upon a finding of a parking shortage during those times. If it is found the valet is not being employed during the required days and hours by the City, the City may revoke the variance and the property owner will be required to reduce the number of seats in the restaurant to be compliant with City Code.*

Ayes: all.

OTHER BUSINESS

Playground Equipment Proposal – Council member Dyvik complimented the Park Board for their work on the Nelson Lakeside Park playground equipment replacement proposal, which will come before the Council soon. He was pleased with the equipment selection made and had shared equipment renderings at home with his children, who were excited to see the plan. Council member Schneider noted that the County grant award of \$25,000 for playground equipment should not limit the style and design of equipment.

Public Works Director Hiring – Administrator Weske reported that staff had met to collectively review applications received for the Public Works Director position and a first round of candidate interviews will be scheduled for March 29. A second interview will be conducted following with the full Council.

Sign Ordinance – Lewis indicated that sign ordinance revisions are moving forward and he expects the Planning Commission will be reviewing a first draft soon. City Attorney Thames stated he is continuing to work with Lewis on the sign ordinance changes as well.

Wakesurfing Event – Moeller noted that the MN Spring Ride organization is looking to sponsor a wakesurfing event out of Birch's on the Lake using Long Lake, and a request to authorize their application to HCSO Water Patrol would be coming before the Council at their next meeting.

HomeServe Scam – Moeller advised that residents have contacted City Hall about mailings they have received from a company called HomeServe, attempting to sell insurance on private water services between homes and the curb stop. In discussing with Public Works Director Wurzer, failures seldom occur between the curb stop and the home. The majority of leaks occur between the curb stop and the watermain, which is the city's responsibility. If concerned about insurance, staff recommends contacting homeowners insurance providers to learn whether damages in this area would be covered, and does not endorse the HomeServe mailings currently being sent at large.

Fire Department Events – Mayor Chillstrom stated that the Long Lake Fire Relief Association would be hosting their annual all you can eat Pancake Breakfast at Fire Station 1 on Sunday, April 10 from 8:00 am to 1:00 pm. Also, on Monday, April 11, the Orono Lions and Long Lake Fire Department will partner to host an American Red Cross blood drive from 1:00 pm to 7:00 pm.

ADJOURN

Hearing no objection, Mayor Chillstrom adjourned the meeting by general consent at 8:21 pm.

Respectfully submitted,

Jeanette Moeller
City Clerk