



**MINUTES  
CITY COUNCIL MEETING  
January 17, 2017**

**CALL TO ORDER**

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

**Present:** Mayor: Marty Schneider; Council: Tom Skjaret, Jahn Dyvik, and Michelle Jerde

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

**Absent:** None

**PLEDGE OF ALLEGIANCE**

**MAYOR'S COMMENTS - LONG LAKE NEWS, MEETING REVIEW AND UPDATES**

Mayor Schneider offered the following comments and updates:

Mayor Schneider welcomed Senator David Osmek to the meeting.

In an EDA meeting prior to the regular Council meeting, the EDA held discussion towards defining their organizational goals going into 2017 and beyond.

The CSAH 112 project will begin construction in April or May this spring. On January 5, the Mayor attended a meeting with Hennepin County Communications Director Collin Cox and learned more about what communication resources will be available to the community and the business district through construction. There will be a designated representative who will be available and on site 7 days a week during the construction period. Hennepin County will be presenting a detailed public information plan articulating all of the different communication resources that will be available to residents and businesses once it is released, likely in March. For background, the state passed legislation in 2009 recognizing that when major roadway construction came into areas, measures for communication and mitigation were minimal. As a result of that legislation, with these types of projects, a more enhanced focus on communication is in place. The City will be working with Hennepin County and other agencies to assure the loop of communication is complete as the project begins. On January 9, Mayor Schneider had attended a Regional Mayors Council meeting and met in particular with the Mayor of Hopkins who had expressed a willingness to share advice and resources based on their city's experiences during the reconstruction of their "Main Street". There may also be other grant resources available to assist the City during the construction. Also, on January 11, Mayor Schneider spoke at the Long Lake Area Chamber of Commerce general meeting and luncheon to present preliminary information regarding preparing for the project start and communications that will be available during construction. The meeting was attended by about 40 people. Through the Business District Initiative (BDI) grant, signage highlighting the business district will be ordered. City Planning Consultant Addison Lewis will also be retained to help act as a bridge between the City and County in planning for the project to be underway.

Mayor Schneider highlighted upcoming events to be reviewed later during the meeting agenda; including the Orono Lions Club annual Snowball Open scheduled to be held January 28, and the Orono Rotary Club Ice Madness winter festival to be held on February 11 at Nelson Lakeside Park.

### **APPROVE AGENDA**

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

### **CONSENT AGENDA**

The Consent Agenda consisted of:

- A. Approve Minutes of January 3, 2017 City Council Meeting
- B. Receive Minutes of December 20, 2016 Economic Development Authority Meeting
- C. Receive Unofficial Draft Minutes of January 10, 2017 Planning Commission Meeting
- D. Approve Vendor Claims and Payroll
- E. Adopt Resolution No. 2017-07 Authorizing Signatories for the City Financial Account at Lake Community Bank and for the City's TD Ameritrade Investment Account
- F. Appoint Planning Commission Chair (Bob Erickson) and Chair Pro-Tempore (Roger Adams) for the Year 2017
- G. Establish Thursday, April 20, 2017 From 5:30 pm to 7:00 pm as the Date and Time for the 2017 Open Book Meeting

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

### **OPEN CORRESPONDENCE**

No one appeared to address the City Council during Open Correspondence.

### **BUSINESS ITEMS**

#### **Legislative Update and Review – Senator David J. Osmek, District 33**

Senator Osmek began by sharing his new contact information with the Council, as he has recently moved office locations, and welcomed Council and staff to contact him. Senator Osmek reviewed legislative activities of 2016 and the coming year. In particular, he highlighted the following:

The bonding bill was unable to be completed last year, and a big item associated with the bonding bill related to funding for Highway 12 safety improvements. As a result of the roadway's notoriety, fortunately MnDOT was able to allocate funds to install a center barrier divider. Senator Osmek indicated he would not be supportive of any bonding bill without inclusion of funding for Highway 12 safety improvements, and noted that the Governor's initial proposal did not include that element.

Senator Osmek expressed gratitude for City of Long Lake residents voting for him in the 2016 election, noting that the vote outcome reflected Long Lake residents have appreciated his work on their behalf.

The Senator noted that he is now the Chair of the Energy Committee and will be working to try and make electricity more affordable, predictable and plentiful. The committee has a few bills in review at this time to work towards these goals, notably including that would impact the Renewable Development Fund projects, and including a "digital right to repair" bill to help small businesses be able to retool equipment.

Senator Osmek welcomed questions and comments from the Council, staff and audience. Looking ahead, he recognized that the City will be facing a challenging time through the upcoming CSAH 112 road project, but he believes the community will ultimately be happy with the final results.

Mayor Schneider indicated that the Long Lake community is truly thankful that despite the lack of bonding progress, the median barrier was installed last fall on Highway 12. He appreciated the Senator's support, and stated that a lot of people – including Senator Osmek and Representative Hertaus – worked very hard for Long Lake and neighboring Orono in order for that project to come to fruition.

Senator Osmek responded that advocates for funding were great in coming down and testifying to the need for improvements, and their efforts made a difference in creating awareness.

Mayor Schneider added that this example was a great sign of how government does work, and expressed his thanks to Senator Osmek.

Council member Skjaret stated that including his previous term served on the Council, he recalled this being the third time he's seen Senator Osmek and during past visits, Council member Skjaret had very little to say as he was not fully aware of the Senator's role in the legislature. He reflected that personally, he is an old fashioned democrat and there is very little they would likely agree on politically. Aside from that, he commented that it is his experience that many people think the Minnesota Legislature is really dysfunctional and hasn't seemed to get a lot done in the past few years. He indicated it is really unfortunate this was happening because the results are really kind of harmful to the State of Minnesota. He sees governing and compromising as synonymous terms, and commented that he does know what may be going on or if outside interests are playing larger roles, but whatever is preventing decision making, he encouraged the legislature to figure it out and work through it. He added that if he were to give the legislature a letter grade for the past few years, he would go with a D- based on outcome. Looking forward, he indicated that work on tax alignment currently underway is a really good start, and he is optimistic he would improve his assessment of the legislature's performance looking ahead. He thanked Senator Osmek for his time.

Senator Osmek responded that about 80% of the time, vote record will show the legislature is in agreement about what's best for Minnesota. However, while there are times of agreement, there are also times of dysfunction. Those tend to be items the media focus on. For his work, Senator Osmek is aiming for the committees he is a part of to have their bills done with legislation by May 1 to assure there is time to negotiate with the Governor if needed.

Kurt Kaminski, 1200 West Wayzata Boulevard, indicated that one of the things he's had an issue with has been the unwillingness of the State to return property tax refunds back to owners in a timely manner, and sought Senator Osmek's comments on the subject.

Senator Osmek noted that the timeliness of property tax refunds has been an ongoing issue. If owners are having problems receiving their property tax refunds, they are invited to contact either his office or Representative Hertaus' office – either can contact the Minnesota Department of Revenue on their behalf. Calls from their office to advocate on a property owner's behalf may help move their refund status higher up on the priority list.

Mayor Schneider again thanked Senator Osmek for his work, and for taking the time to come out and visit Long Lake.

**Planning Case #2017-01 (Long Lake Rowing Crew) / Zoning Amendment to Allow for Rowing Club Facilities as a Conditional Use in the B-3 Lakeshore Business District; Conditional Use Permit for Rowing Club Facilities for the Long Lake Rowing Crew on Property Located at 1310 W Wayzata Boulevard**

Planning Consultant Lewis indicated that the Long Lake Rowing Crew (LLRC) is a non-profit 501, 3C organization whose stated mission is "to provide a safe, inspiring and educational opportunity for people of all ages to learn, enjoy and excel in the sport of rowing. The LLRC has been utilizing the subject property at 1310 West Wayzata Boulevard (Birch's on the Lake Restaurant) for rowing activities for the past two seasons under an approved Interim Use Permit (IUP) that was issued in April of 2015, which has since expired. The intent of the IUP process is *"to allow a use for a brief period of time until a permanent location is obtained or while the permanent location is under construction or to allow a use that is presently judged acceptable, but that with anticipated development or redevelopment, will not be acceptable in the future or will be replaced in the future by a permitted or conditional use allowed within the zoning district."* With Birch's opening in the latter half of 2015, the two year IUP allowed for Birch's and the LLRC to operate concurrently on the site for a full season in 2016.

With Birch's now well established and no significant redevelopment of the site anticipated, the LLRC is requesting an amendment to the zoning ordinance to allow Rowing Club Facilities as a conditional use in the B-3 district, as well as approval of a Conditional Use Permit for Rowing Club Facilities to use the property at 1310 West Wayzata Boulevard indefinitely.

Their proposed use of the site would include storage of boats, parking of rowers' and parents' vehicles, assembly of rowing class participants, and boat access to Long Lake. Storage of equipment would include four boat racks and one oar rack along the north (lakeside) and east side of the building, located outside of the bluff impact zone. The racks are portable and should not impact the shoreline structure. Two small motorized boats for coaches would be parked at the dock when not in use. No changes are proposed to the existing dock and all proposed equipment is the same as when the IUP was approved in 2015.

When the IUP for the LLRC was considered in 2015, it was discussed that a more permanent location for storing of equipment, possibly incorporating storage space underneath the deck of the building, would be explored if a CUP was requested in the future. City Code requires that all equipment and materials be screened so as to not be visible from adjoining properties. With the existing vegetation on the property, it appears that the equipment would be well screened from adjacent property; however it would not be screened from the lake. The applicant and property owner explored the option of storing the equipment under the deck but did not find it to be a workable solution due to the reasons outlined in the applicant's narrative provided with their application, and included in Council members' meeting informational packets.

Consistent with the previously issued IUP, the LLRC's proposed practice hours during the summer would be morning and afternoon practices (8-11 am and 3:30-5:30 pm) Monday through Thursday, as well as Saturday morning practice (8-11 am). Up to three weekday evenings per week, an evening rowing session for 10-15 adult rowers would take place from 6-7:30 pm. No morning practice would take place Monday through Thursday during the spring and fall while school is in session. A proposed condition of the conditional use permit has been included to limit the LLRC's use of the property and Long Lake to these hours.

Access to the property is provided off of West Wayzata Boulevard. The LLRC has approximately 35-50 rowers, however, rowers will generally be split between morning and afternoon sessions and would not all be at the site at the same time. In addition, many younger rowers would be dropped off by parents.

There are 134 parking stalls on the property. In March of 2016, Birch's on the Lake was granted a variance from the minimum number of parking stalls required. When the IUP was approved in 2015, no additional parking was required for the LLRC due to the fact that the practice hours for the LLRC are not during the peak restaurant hours. A condition of approval was included in the previously issued IUP that stated the City of Long Lake reserves the right to revoke the IUP if it is determined that the use of the property by the LLRC is resulting in a shortage of parking on the property. This condition has not been included in the draft resolution for the requested Conditional Use Permit. Staff is not aware of any complaints or issues related to a parking shortage as a result of the use of the property by the LLRC over the past year while Birch's and LLRC operated on the site concurrently.

Regarding the proposed zoning code amendment requested, a conditional use is a land use designation in a zoning ordinance that is specifically allowed in zoning a district so long as certain conditions are met. A conditional use permit can only be granted for uses specifically listed in the zoning ordinance as conditional uses in a particular zoning district, which is why the zoning amendment is necessary in this case. A conditional use permit is a property right that runs with the land and is not limited to a particular landowner. When the property is sold, the new landowner has the right to continue the use so long as the conditions are met. If a city wishes to place a time limit or expiration date on a use, an IUP is the more appropriate tool. A CUP may be revoked by the city for non-compliance with the conditions.

City Code 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. The surrounding land uses include medium density residential to the east, Union Cemetery to the west, single family residential to the south, and Long Lake to the north.

Section 15 of the Long Lake Zoning Ordinance states that the intent of the B-3 district is to provide for retail sales and service establishments that are compatible with a lakeshore setting and also to promote a high standard of building and site design that is compatible with, and will enhance the characteristics of a lakeshore setting. The B-3 district is the only commercial oriented lakeshore zoning district within the City of Long Lake. In addition, the subject property is the only property in the City of Long Lake that is zoned B-3. Based on the intent of the B-3 district and conditions of the surrounding area, staff believes that Rowing Club Facilities would be appropriate as a conditional use in the B-3 district. A draft ordinance has been prepared for the Council's consideration to remove "Rowing Club Facilities" as an Interim Use and add it as a Conditional Use in the B-3 district.

Specific to the LLRC's request for a conditional use permit, a conditional use permit may be granted by the City Council on a 4/5 vote of the entire council when the city can find in the affirmative to certain conditions. Lewis provided a detailed analysis of the criteria for issuance of a conditional use permit and how the proposed rowing club use would meet established criteria.

At their January 10, 2017 meeting, the Planning Commission recommended 3-0 that the City Council approve a zoning code amendment to allow for Rowing Club Facilities as a Conditional Use in the B-3 Lakeshore Business District and approve a Conditional Use Permit for Rowing Club Facilities for the Long Lake Rowing Crew on property located at 1310 West Wayzata Boulevard with the conditions outlined in the draft resolution proposed for the Council's consideration. The Planning Commission did not recommend any additional screening of rowing equipment.

Lewis reiterated that the LLRC's request proposes no changes in operations over what was previously approved through an IUP process back in 2015. Equipment, hours of operation, and number of rowers anticipated are unchanged at this time.

Council member Skjaret thanked Lewis for explaining the screening requirements and noted he is in agreement that the subject area is secluded and protected from view of neighbors currently. He expressed concern that while he is impressed with the operation of the current rowing club, if the property use should change in the future, he would not want to see an approved conditional use for the rowing crew become a hindrance to the property transferring to a new owner. He questioned whether a statement could be included to add a contingency of approval that specifies approval is consistent with the property's current use.

Lewis clarified that ultimately a conditional use permit is issued to a property owner. The rowing crew's relationship with Birch's on the Lake is an "at will" arrangement, and if a new owner were to purchase the property in the future, the property owner would have the right to allow the LLRC to operate or to terminate the LLRC's use of their property.

Mayor Schneider indicated that he had been contacted by residents of the Tealwood neighborhood expressing some concern about future LLRC special events. He inquired whether the LLRC would be willing to accept a condition of approval to their use stating that no LLRC sponsored events or regattas would take place without applying for and receiving the proper permits for these types of events.

Amy Johnson and Mimi Bendickson, LLRC members in attendance, both indicated the LLRC would be willing to comply with the suggested condition.

*A motion was made by Dyvik, seconded by Skjaret, to adopt Ordinance No. 2017-02 to allow Rowing Club Facilities as a Conditional Use in the B-3 Lakeshore Business District. Ayes: all.*

*A motion was made by Skjaret, seconded by Jerde, to adopt Resolution No. 2017-06 to approve a Conditional Use Permit (CUP) with findings and conditions for the Long Lake Rowing Crew to operate a rowing club facility on property located at 1310 West Wayzata Boulevard, with the additional condition that any events or regattas hosted by the Long Lake Rowing Crew must go through the proper special event permitting process and obtain all required permits. Ayes: all.*

### **Special Event Permit Request for Snowball Open 2017**

City Clerk Moeller stated that the Orono Lions Club is requesting a Special Event Permit to sponsor their 30<sup>th</sup> annual Snowball Open fundraiser on Saturday, January 28, 2017. The event is comprised of an on-ice 18-hole putt-putt style golf course on Long Lake, and prizes or food booths at holes are present if sponsored. Proceeds from the event annually benefit local organizations; including supporting the RED Lion reading program (encourages first grade students to "read every day" in the month of February), assisting senior citizens in local food shelves, and more.

As with last year's event, the Orono Lions Club is proposing to host the Snowball Open based on the Birch's on the Lake restaurant property and on Long Lake in the vicinity of the restaurant, also using Orono's Summit Beach as an access point. They have again requested use of the Nelson Lakeside Park parking lot to allow for an auxiliary parking site only, and have applied for a Special Event Permit that would allow the Orono Lions Club use of Nelson Lakeside Park for event parking purposes. Please note that the Orono Lions Club has also made application to Hennepin County Sheriff's Water Patrol for the required Special Event Permit from their office.

Staff recommends approval of the event application proposed, contingent on receipt of documentation and satisfaction of conditions as specified in the Special Event Permit. Moeller reviewed the list of conditions included in the draft event permit as prepared by staff.

Council member Skjaret inquired whether parking would be allowed on turf areas in the park. Moeller replied that parking on turf could be allowed by permission of the Public Works Director, as long as weather conditions would permit parking without turf damage.

*A motion was made by Jerde, seconded by Skjaret, to adopt Resolution No. 2017-09 approving issuance of Special Event Permit #S2017-02 for the Orono Lions Snowball Open 2017 to be held January 28, 2017. Ayes: all.*

### **Special Event Permit Request for Long Lake Ice Madness 2017**

Moeller reported that on behalf of the Orono Rotary Club, Todd Urbanski has submitted an application requesting a Special Event Permit to permit the Long Lake Ice Madness 2017 winter festival to be held on Saturday, February 11 from 8:00 am to 3:00 pm.

This family-focused event celebrating winter activities is proposed to take place again on Nelson Lakeside Park property and on Long Lake. Activities and demonstrations are anticipated to include snowshoe demonstrations, fat tire biking, a skating rink, snow sculpture building, a curling rink, and a medallion hunt. Paths would be groomed on-ice around Long Lake for the activities to take place, subject to approval by the Hennepin County Sheriff's Water Patrol Unit. Other winter related sports and activities may be included.

The schedule of events originally submitted with the Special Event Permit application was included in Council member meeting informational packets; however, there have already been some changes since the initial submittal. The event organizer informed staff that the event will focus more on the winter village concept with demonstrations and on ice activities, but will be removing scheduled races from the event schedule. The site map remains unchanged though, as the on ice activity path will be groomed for demonstration and activity purposes rather than for use as a race course. No alcoholic beverages are proposed to be sold or served at this event. The current schedule invites attendees to visit the Red Rooster restaurant both before and after the event for meals and refreshments.

It is estimated that as many as 200 attendees may be present during the event, and no fees are proposed to be charged for public and spectator attendance at this time.

Staff recommends approval of the event application proposed, contingent on receipt of documentation and satisfaction of conditions as specified in the Special Event Permit. Moeller reviewed the list of conditions included in the draft event permit as prepared by staff.

Mayor Schneider added that his impression is that Orono Rotary is working towards establishing Ice Madness as a family focused event with a lot of winter activities. As a new event, they are still in the early stages of trying to figure out how to add additional value to Ice Madness. He noted he had been told this year's medallion hunt will be a little less "technical" in nature.

*A motion was made by Jerde, seconded by Skjaret, to adopt Resolution No. 2017-10 approving issuance of Special Event Permit #S2017-01 for the Long Lake Ice Madness 2017 winter festival to be held February 11, 2017; and to approve issuance of a Noise Variance Permit authorizing the use of sound amplification equipment for broadcasting announcements or music during the event. Ayes: all.*

### **Appointment of Park Board Members**

Moeller indicated that due to expired terms, the City currently has two openings on the Park Board for terms effective through December 31, 2019. Additionally, the City has one opening on the Park Board to fill a partial term expiring December 31, 2017 due to Park Board member Brendan McCarthy resigning from the Board. City staff posted a press release dated December 5, 2016 announcing the position opportunities and soliciting applications for the open seats. Applications were received from the following individuals:

- Jane Davidson – Applying for reappointment to serve on the Park Board
- Marc Crawford – Applying for reappointment to serve on the Park Board
- Donny Chillstrom – Applying to serve on the Park Board

With three applications received – two for reappointment to continue service on the Park Board, and a third applicant well-known to the Council – staff included the appointment of Park Board members as an item on the meeting agenda for the Council's consideration. However, after further review, Moeller indicated staff had misunderstood the Council's original intent to accept applications for both the vacant City Council position and all previously advertised Board and Commission openings through January 20. Moeller apologized for the confusion, and indicated this item could be rescheduled for the next agenda.

Mayor and Council agreed the appointment of Council members should be deferred for review at the Council's first meeting in February.

### **OTHER BUSINESS**

**Applications for Boards and Commissions** – Moeller reviewed the breakdown of applications received to date for Park Board, Planning Commission, LMCC Resident Representative, and the vacant City Council positions. Moeller reflected that it was exciting to see the high level of response to the position announcements.

**Streetlight Replacement** – Council member Skjaret had recently read about an Xcel Energy program to replace streetlight bulbs with LED lights at no charge. He inquired as to whether the City had any involvement with that program yet. Weske replied that streetlights will be upgraded to LED lights as part of the CSAH 112 project, and the City will be buying these light fixtures rather than leasing them from Xcel Energy. It is anticipated the switch to LED lights will ultimately save close to \$50 per month in electricity fees. Council member Skjaret asked whether the Council would support him exploring the LED light upgrade project offered by Xcel in more detail on the City's behalf to see whether additional light upgrades may be possible in other areas. Mayor and Council were supportive of Council member Skjaret's interest.

**Refuse and Recycling Receptacle Locations at Public Launch** – Council member Skjaret stated that his new favorite place to take the dog for a walk has been on the lake, and ice fishermen are doing a great job this year of picking up their trash. He noted he'd never really taken a close look to see if refuse and recycling receptacles are conveniently located near the launch, and encouraged Public Works to make sure receptacles are in a good location there for those people coming and going off the lake.

**Carp Removal Project** – Council member Skjaret questioned whether a carp harvest was still under consideration for this season. Mayor Schneider indicated he has been advised that it is not too late to undertake a carp harvest, and further information may be coming forward if a harvesting contractor opportunity arises.

**Long Lake Waters Association Update** – Council member Dyvik announced that the Long Lake Waters Association is seeking applications for their Board of Directors. The deadline to apply is Friday, January 27, and those interested in more information are invited to email the LLWA at [longlakewaters@gmail.com](mailto:longlakewaters@gmail.com). Later under Other Business, Mayor Schneider reflected the LLWA is fully organized and operational, he would suggest a Council liaison also be appointed to attend LLWA meetings and report back to the Council on the group's activities.

**Meter Replacement Project** – Council member Dyvik noted that he had contacted the City's water meter replacement vendor to schedule his replacement, and was pleased that they were accommodating of evening appointments as well. Administrator Weske added that the most recent utility billing cycle should represent the last time Public Works staff have to travel door to door to read meters, and reminded everyone that if they haven't yet scheduled their water meter replacement with Ferguson Waterworks, to please do so as soon as possible. The replacement is indeed a mandatory requirement.

**Goal Setting Session** – Council member Jerde recalled mention of scheduling a goal setting session perhaps in February. Mayor Schneider indicated that holding a session in February is the goal at this time. The intent would be for the session to be held once the final Council member has been seated, and members of Planning Commission and the EDA would be welcomed to attend as well.

**Communications Now Available for CSAH 112** – Mayor Schneider reminded the viewing audience that major construction will be starting on CSAH 112/Wayzata Boulevard W in April or May. He highly encouraged everyone to sign up for the City Listserv email subscriber list to receive regular updates; and to look at the City's website where there is a direct button link to view the County's CSAH 112 project website. Very substantial project data is there and available for viewers to be kept current.

**Support Events and Shop Local** – Mayor Schneider encouraged support of the upcoming Snowball Open and Ice Madness events; and also strongly encouraged patronage at local businesses as often as possible.

## **ADJOURN**

*A motion was made by Jerde, seconded by Dyvik, to adjourn the meeting. Ayes: all. Mayor Schneider adjourned the meeting at 7:49 pm.*

Respectfully submitted,

Jeanette Moeller  
City Clerk