



**MINUTES
CITY COUNCIL MEETING
November 21, 2017**

CALL TO ORDER

The meeting was called to order at 6:33 pm.

Present: Mayor: Marty Schneider; Council: Tim Hultmann, Tom Skjaret, and Jahn Dyvik

Staff Present: City Administrator: Scott Weske; Fire Chief: James Van Eyll; Planning Consultant: Addison Lewis; City Attorney: John Thames (arrived late with prior notice); and City Clerk: Jeanette Moeller

Absent: Council: Michelle Jerde (with prior notice)

PLEDGE OF ALLEGIANCE

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

Mayor Schneider offered the following comments and updates:

Last Thursday, November 16, Mayor Schneider and Council member Hultmann had attended a Wayzata Crime Prevention Coalition meeting. Mayor Schneider reported that \$1,500 had been secured to facilitate holding a public safety educational seminar in Long Lake during the first part of 2018.

On Friday, November 17, Council member Dyvik had contacted Mayor Schneider to report an incident had occurred near Birch's on the Lake in the construction project area. A worker employed by subcontractor Redstone Construction had been in a construction accident and had fallen off a concrete form. Mayor Schneider complimented Long Lake Fire for their quick response and management of the scene, and indicated the worker had undergone surgery, is up using a walker, and is doing well under the circumstances.

The previous Friday evening, Mayor Schneider attended a benefit for fallen Officer Bill Mathews held at the Wayzata Legion. The purpose of the benefit event was to raise funds to send Officer Mathews' family and Wayzata Police Officers to a memorial wall dedication for fallen officers in Washington, DC. The event was well attended, and Mayor Schneider had been happy to see Representative Jerry Hertaus there as well.

A Community Christmas Home Decorating Contest has begun and event information will be circulated on the City Listserv. Sponsored by Long Lake True Value, Otten Bros., Kelley & Kelley Nursery, The Country Cake Cupboard and area cities, decorating entries must be submitted by Thursday, December 7.

On Saturday, February 3 during SuperBowl weekend, an area-wide hot dish contest is anticipated to take place. Mayor Schneider encouraged those interested to start testing their recipes, and indicated he will provide more information as it becomes available.

APPROVE AGENDA

Mayor Schneider requested that the agenda be amended to move discussion of Agenda Items No. 10 and No. 11 later in the agenda, to follow originally numbered Agenda Items No. 12 and 13.

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

CONSENT AGENDA

The Consent Agenda consisted of:

- A. Approve Minutes of November 8, 2017 City Council Work Session
- B. Approve Minutes of November 8, 2017 City Council Meeting
- C. Receive Minutes of October 17, 2017 Economic Development Authority Meeting
- D. Receive Unofficial Draft Minutes of November 14, 2017 Planning Commission Meeting
- E. Approve Vendor Claims and Payroll
- F. Approve Addendum to Recording Secretary Service Agreement for 2018 Recording Secretary Services Between the City of Long Lake and TimeSaver Off Site Secretarial, Inc.
- G. ~~Adopt Resolution No. 2017-43 Approving the Issuance (Annual Renewal) of 2018 Residential and Commercial Refuse Hauler Licenses~~
- H. Adopt Resolution No. 2017-42 in Support of Naming the Brown Road Bridge in Honor of Officer Bill Mathews

Mayor Schneider requested that Consent Agenda Item G be removed for further discussion, to be addressed as Agenda Item No. 14.

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

OPEN CORRESPONDENCE

Dan MacDonald, 335 Russell Lane – Mr. MacDonald inquired as to whether there had been any word regarding the City's ability to set the speed limit for the eastern portion of County Road 112 in Long Lake. Mayor Schneider indicated that the investigation process is underway at this time to determine what the parameters would be for the City to initiate a speed limit change in that area, and he intends to report back to the City Council as more is known.

BUSINESS ITEMS

Appointment of New Firefighters to the Long Lake Fire Department

Fire Chief Van Eyll stated that with an application process and interviews completed, it is the recommendation of staff that conditional job offers for the position of paid on call firefighter be made to applicants Christopher Rhea and Benjamin Veach. The conditions of the offer are that each new firefighter passes a physical exam, physiological exam, agility test and probationary period. The interview panel consisted of a Fire Lieutenants, District Captain and Assistant Chief. Both Benjamin and Christopher will be responding to Station 1.

A motion was made by Schneider, seconded by Skjaret, to adopt Resolution No. 2017-44 conditionally appointing the following candidates to the position of paid on-call firefighter for the City of Long Lake Fire Department: Christopher Rhea and Benjamin Veach. Ayes: all.

Van Eyll also highlighted the Slow Burn Brigade's annual Toy and Food Drive event featuring Santa's appearance, to be held December 2 from 9:00 am to 12:00 noon at Fire Station 1.

Mayor Schneider expressed his gratitude to the candidates and their families, recognizing that being a firefighter is a difficult and time consuming job with erratic hours. He indicated he is very grateful to the candidates and to the families who support them.

Special Event Permit Request for Holiday Tree Lighting in Nelson Lakeside Park

City Clerk Moeller reported that the Long Lake Area Chamber of Commerce has applied for a Special Event Permit to permit the 2017 Chamber of Commerce Tree Lighting Ceremony to be held on Thursday, December 7 from 6:30 pm to 7:15 pm. Their proposed holiday tree lighting event would include lighting a tree in Nelson Lakeside Park, serving hot cocoa, treats and refreshments, having a small bonfire in the gravel boat trailer parking lot, and singing along with holiday music provided by the Orono High School band and choir. The tree to be lit is located immediately next to the gravel boat trailer lot, and electricity to light to the tree would be sourced from Lakeside Wine & Spirits. The draft permit approval letter includes a condition stating that the City of Long Lake may not be held responsible for any loss, damage or theft of holiday lighting and related equipment. Staff recommends approval of Special Event permit issuance for this event.

Roxie Albers, representing the Long Lake Area Chamber of Commerce, indicated that the City Clerk's summary of the event was correct, adding that The Country Cake Cupboard will provide treats for the event, and that the Chamber will be welcoming participation by the schools and churches. Regarding lighting supplies, Mike Kokesh from True Value had put together a quote for the purchase of LED industrial grade lighting and heavy duty extension cords. The quote amounted to approximately \$1,169. The Chamber is requesting the City of Long Lake consider financially participating in the supply purchase, with the hope that they City may fund up to half the cost of the lighting supplies.

Mayor Schneider noted that he was aware Kevin Krolcyk of Mint Roofing had volunteered to donate use of his company's lift to facilitate installing the lights, and added that Mr. Krolcyk may also have a fire ring he might be willing to loan to the Chamber for the event. He observed that he was thankful of the Chamber's initiative to put the event together.

Ms. Albers clarified that the tree would likely be lit for a period of time nightly through the holiday season.

Council member Skjaret questioned whether BDI grant or Economic Development Authority funds could be utilized to fund the City's participation in the purchase as requested. Mayor Schneider responded affirmatively.

A motion was made by Dyvik, seconded by Skjaret, to adopt Resolution No. 2017-46 approving issuance of Special Event Permit #S2017-11 for the 2017 Chamber of Commerce Tree Lighting Ceremony to be held December 7, 2017. Ayes: all.

Request for Financial Contribution From Long Lake Area Chamber of Commerce to Assist in Purchasing Lights for Holiday Tree Lighting

Mayor Schneider expressed support for a financial contribution to support the purchase of lighting supplies for the holiday tree lighting ceremony in an amount not to exceed \$600.

A motion was made by Skjaret, seconded by Hultmann, to approve a request by the Long Lake Area Chamber of Commerce to financially contribute to the purchase of holiday lighting supplies in an amount not to exceed \$600.

Administrator Weske confirmed that if the Chamber were to return unnecessarily lighting supplies, the City would expect a portion of its contribution to the purchase to be refunded as well.

Council member Dyvik commented that he would assume the supplies would be jointly owned by the Chamber and the City, and inquired regarding storage.

Mayor Schneider replied that the idea as it was explained to him is the commercial grade LED lights would remain on the tree year-round, and should last a number of years in the future.

Ayes: all.

Discuss Formation of CR 112 Phase 1 Project Landscaping Subcommittee

Mayor Schneider indicated that at the Council's last meeting, there was discussion about landscaping in the County Road 112 corridor relative to the lakeshore and other areas to begin in spring of next year. Mention was made that forming a subcommittee to work on landscaping plans would be reasonable, with Council member Dyvik expressing interest in being involved in the effort.

Council member Dyvik reflected that there has been some uncertainty as to the landscaping process and plans, and commented that a subcommittee would offer a means to engage the County about available resources for corridor landscaping and then to work on landscape planning to assure a plan is in place once the work is ready to begin. He referred to an initial tree location plan developed by the project team that had been provided to Council by Weske, adding that maybe that would be a starting point for review.

Mayor Schneider added that funds were earmarked to landscape the County Road 112 corridor, however, memory of plans to facilitate the landscaping portion of the project is unclear.

Weske indicated his understanding that Council's direction would be for staff to begin work on clarifying the City's involvement in the landscape planning process as expected by the County. He noted that he and Moeller had begun discussing ideas for subcommittee makeup.

Council member Dyvik affirmed his interest in working with staff to form a plan for establishing a County Road 112 project landscaping subcommittee.

Council member Skjaret noted that Council member Jerde had asked him to relay that regarding some concerns previously expressed about highly visible lighting at businesses in the lakeshore area, she had spoken with John James regarding exterior lighting at his building and Mr. James had made some adjustments to help alleviate light concerns.

County Road 112 / Wayzata Boulevard W Reconstruction Project Updates

Weske reported that safety cones were being removed, and work continues on the installation and timing of new intersection stoplights.

Mayor Schneider noted that Phase 1 project manager Paul Backer had previously stated his goal was essentially to have surface road improvements complete between Willow Drive and Mill Street by Thanksgiving, and project timing appears to be in sync with his goal. Hydroseeding and final touch cleanup is ongoing in areas. In speaking with subcontractor Redstone Construction, work is going to continue in the lakeshore area for the next month or so until weather no longer permits work to continue. An unfinished portion of the roadway in front of Gear West will be cleaned up, but not paved at this time. Ultimately for the holiday season there should be pretty good access for traffic, and street light and intersection signal light installation work will continue.

Planning Case #2017-03 / Preliminary Plat and Planned Unit Development for 5 Single Family Homes at 1070 W Wayzata Boulevard

Planning Consultant Lewis reported that the subject property is located at 1070 W Wayzata Boulevard. The site is 2.52 acres and contains a single-family house. The property is currently zoned R-2 Lakeshore Single Family Residential and is located within the Shoreland Overlay District; although it is not a lakefront property. Property to the north and west is also zoned R-2. Property to the east includes Summit Beach and is located in the City of Orono.

Applicant Jim Koch is requesting approval of a preliminary plat and re-zoning to Planned Unit Development (PUD) to allow for five single-family lots. Access to the lots would be provided from a proposed private street connecting to Old Long Lake Road. The proposed preliminary plat includes several deviations from subdivision ordinance standards. The ordinance allows for private streets only through the approval of a PUD. Also, the City's subdivision ordinance has standards for lot and block design as well as for the design of streets; however Zoning Code establishes that the Council may allow for deviations from these standards to allow for flexibility and creativity in the design of Planned Unit Developments (PUD's), provided that doing so follows a specific intent and purpose statement. Zoning Code states that in review of a PUD / Master Development Plan, consideration shall be given to the following:

- a. The City of Long Lake Comprehensive Plan and Downtown Master Plan and Design Guidelines, as may be amended from time to time,
- b. The effect of the development on the neighborhood and surrounding area of the City,
- c. The impacts of the development on community facilities including but not limited to adjacent roadways and parks,
- d. The quality of design of the project and its relationship to adjacent planned uses,
- e. The compliance of the application with the purpose and requirements of the PUD District, and
- f. Other such factors as the City finds relevant to the evaluation of the application.

Lewis reviewed the applicant's preliminary plat proposal, including an exhibit showing how the lots could be developed. Typically for a PUD, a Master Development Plan with more detail would be submitted; however, the applicant does not have specific building plans at this time. In lieu of a Master Development Plan, R-2 district standards are applicable. Regarding tree removal, Zoning Code allows for removal of trees for permitted structures, driveways and streets. The applicant is proposing tree removal for development; however, the City could add a condition of approval to require additional landscaping. Referring to stormwater management, Lewis indicated that the City defers to the Minnehaha Creek Watershed District for review of stormwater management plans. The applicant has developed a plan for stormwater management that would need to be reviewed and issued a permit by the Watershed District. The applicant has not yet submitted the plan for review to the Watershed District and is requesting approval of the preliminary plat before applying to the Watershed District for a permit. Staff is supportive of this request recognizing that the City Council may still request changes to the design of the plat, which would require changes to the stormwater plans. If the preliminary plat is approved, staff is recommending that approval of the stormwater management plan by the Watershed District be required prior to final plat approval.

Lewis summarized how the preliminary plat would deviate from subdivision ordinance standards, including the following:

Lot design dictates that side lot lines shall be at right angles to street lines. All five of the proposed lots have side lot lines that are not at right angles with proposed Outlot A or the private street. The intent of this requirement is to provide for lots that are rectangular and generally uniform and provide for a reasonably sized buildable area. Although the lots are not uniform in shape, the lots

appear to provide a reasonably-sized buildable area to accommodate a single-family home within the setbacks required for the R-2 district. As part of a PUD, the City has discretion to deviate from the lot design requirements as long as the proposal is consistent with the purpose and intent of the subdivision ordinance. The City Council should consider whether the subdivision is consistent with the purpose and intent of the subdivision ordinance as outlined previously.

The applicant is proposing a private street ending in a cul-de-sac to provide access to the five single-family lots off of Old Long Lake Road. The private street is to be located within proposed Outlot A. The subdivision ordinance states that no outlots shall be created except when related to the phasing of development or for a specific purpose as approved by the City Council. The subdivision ordinance allows for private streets only through the approval of a PUD.

With respect to street design, private streets are prohibited except as approved within a Planned Unit Development and constructed according to City standards. Cul-de-sac roads are permitted when designed to permit future road extensions into adjoining properties or where topography, environmental, land use or existing conditions justify their use as approved by the City Council. The minimum right-of-way width for a local street is 60 feet. The applicant is proposing 30 feet. The minimum pavement width (face to face of curb) for a local street is 32 feet. The applicant is proposing 24 feet. The minimum right of way width for a cul-de-sac end is a 60-foot radius. The applicant is proposing 48 feet.

Staff is generally supportive with the use of a private street and cul-de-sac as a means to provide access for the proposed lots and does not have any concerns with the requested deviations; however, due to the width of the proposed roadway, the Fire Chief is recommending the south side of the roadway be posted as "No Parking – Fire Lane". As part of the final plat application, the applicant will need to provide documentation on the establishment of a Homeowners Association to ensure proper maintenance of the street.

Hennepin County received notice regarding the proposed plat, as the property abuts County Road 112. The County reviewed the original plans and recommended that the private road be setback 10 feet from the property line abutting County Road 112 or some combination of additional setback and screening be provided. This was recommended to address headlight glare and provide space for snow storage. The original plans proposed a three foot setback for the private road and no screening. The applicant has revised the plans to provide for a six foot setback and a five foot privacy fence. The County has stated via email that they are comfortable with the proposed setback and screening.

The applicant has revised the plans to provide for a separate driveway access to serve the properties to the north at 1010, 1020, and 1030 Old Long Lake Road. This change was based on previous discussions between those property owners, Hennepin County, the City of Long Lake and the City of Orono as it relates to the County's design for the reconstruction of that portion of Old Long Lake Road. The County has stated that they are comfortable with the proposed layout. The configuration of the access is subject to an approved cooperative agreement that is yet to be finalized between Hennepin County and the cities of Orono and Long Lake. A condition for approval would be that access to the property from Old Long Lake Road shall be revised to comply with the agreed upon design by Hennepin County, the City of Long Lake and City of Orono.

Lewis referred the Council to the draft minutes of the November 14, 2017 Planning Commission meeting for a review of the Commission's discussion. The Planning Commission voted 4-1 to recommend denial of the requested preliminary plat and rezoning to PUD. In their recommendation for denial, the Planning Commission made the finding that the requested deviations from the

subdivision requirements were not consistent with the purpose and intent of the zoning and subdivision ordinance.

Mayor Schneider sought clarification on the vote taken by the Planning Commission for denial, as the minutes reflected one member abstained rather than that one member voted against the motion.

Planning Commission Chair Roger Adams stated that four members had voted for denial, and one member voted against denial.

Mayor Schneider asked that City Clerk Moeller correct the voting record in the draft Planning Commission minutes.

Mayor Schneider recognized that a lot of neighbors and interested parties were in attendance at the Council meeting, and asked that any who speak please identify themselves at the podium. He invited the applicant to present and share his comments.

Applicant Jim Koch initially requested he be able to postpone his comments until after any residents speak, but at the request of the Mayor, ultimately arose to speak regarding his proposal. He stated that he had worked with City staff and utilized the services of his own developers, engineers, planners, architects, and other industry professionals to develop a plan intended to meet the guidelines of the Comprehensive Plan and zoning requirements. Although they had developed multiple plan ideas for subdivision of the property, he indicated that the inclusion of a private road was based on staff's recommendation to pursue that avenue, and the private road represents a deviation from the subdivision ordinance necessitating a PUD. Lot shape design also represents a deviation from the PUD, and lots were designed to be good sized and have front yard driveways, setting back homes for buffer from sound. He believed the privacy fence added at the County's request would serve as a sound buffer and provide buffer from headlights. He referenced rain gardens, holding/drainage ponds, and an engineered stormwater management system he has incorporated in his plan. Though he has prepared a stormwater management plan as would be required for the plat to move forward, he has not yet submitted the document for final review and approval pending the outcome of the Council's action. He discussed how the proposed plat was designed to limit removal of mature trees, and indicated he would be amenable to adding some trees and plantings to buffer the development from the three adjacent neighbors. He stated he would meet park dedication requirements, and noted that he had provided copies of easement documents to Planning Consultant Lewis with regard to the easements included on the plat. He spoke to the expense and economics involved in the design of his proposed development, intended to follow R-2 zoning district guidelines and allowing for good sizeable lots consistent with properties in neighborhoods local to the development. He reflected upon Underhill Circle and Martha Lane as examples. He continued to speak to their efforts to meet design requirements while creating an economically feasible five-lot project.

Council member Hultmann noted that the draft approving resolution would include a number of conditions the developer would have to meet in order for the development to proceed, including whether the MCWD will accept the stormwater management plan as designed. He had attended the two Planning Commission meetings regarding this application.

Council member Dyvik asked questions regarding whether the private road would be included in calculation of hardcover throughout the development, and questioned how stormwater movement would be directed.

Lewis clarified that hardcover percentages are calculated applicable to individual lots, and the private road is proposed to be platted as an outlot. Hardcover would need to be addressed through the stormwater permitting process between the applicant and the MCWD. For the MCWD to issue their permit, the applicant will have to be able to show a certain amount of stormwater can be managed based on road/impervious surfaces.

Koch explained that the individual lots proposed do meet the 30% hardcover maximum requirement, and commented that their plan design focused on minimizing removal of trees and foliage. He displayed an example of one alternative plan they had arrived at.

Mayor Schneider commented that one issue raised at the Planning Commission level was discussion of an easement that allows the 1070 W Wayzata Boulevard lot to access the lakeshore. At the time it was created, the intent was likely to provide a one-house development access to the lake. He asked what the applicant's plans are for using that lakeshore access.

Koch replied that the current property owner had not previously used the access, and he does not have a plan to use the access at this time. The access easement has been part of the property for many years. For the benefit of the neighbors concerned about use of the easement, he noted that a homeowners association could consider it however there really is no available access via the easement at this time. He is not sure if it would be used in the future; however, if it were to be used, the homeowners association would have to go through a process likely involving the City and the MCWD in order to install something. The easement has existed on the property for many years, the neighboring home owners have known of its existence, and he does not see where this would be a City issue as the easement is something that runs with the property. If a neighboring home owner would have a problem with that, there is due course they could pursue, but if the concern is that every home would get a dock through the easement, that would not be the case.

Mayor Schneider questioned whether the applicant would consider vacating the lake access easement.

Koch responded that he would consider anything, but he did not perceive that to be a fair request. He noted that he would like the driveway easement to be more towards the edge of the property in a different location, but that is not the case.

Mayor Schneider invited Planning Commission Chair Adams to speak.

Roger Adams, Planning Commission Chair and resident at 1130 Underhill Circle, commented on the difficulty the Commission experienced in reviewing the application, himself particularly as he had grown up playing in the woods on the subject property. As a Planning Commissioner, any time he sees a request for a rezoning to a PUD, his antenna goes up and while a PUD classification can offer benefits, in layman's terms he stated that "that's where the mischief happens". The City's PUD classification includes references to the downtown district, and this property is not in proximity to the downtown. PUD guidelines stated that a Master Development Plan is required, though the applicant has not submitted one due to the reasoning of developing the lots individually. He commented that the basis for the request for a PUD rezoning in his mind is largely due to the request for a private road. The intent of the private road as explained is to provide for the best access for all lots, and he observed that including the outlot the plat really includes six lots as opposed to five. He discussed the topography of the lot and stated that the private road takes up a significant amount of the developable space taking slopes of the lot into account. Though a PUD is proposed to allow for deviations from R-2 design standards, without the PUD, he likened the deviations to requests for variances and noted that the question to be answered when considering a variance is - what is the hardship or practical difficulty for the granting of variances. Zoning Code

specifically states the economic considerations cannot be considered practical difficulties. The economics of the project and an increase in tax base cannot be considered. Also, it is subject to a matter of opinion whether the project design is consistent with the surrounding neighborhood. The Commission expressed concern about safety and welfare, including neighbors dealing with glare and lights. He spoke to concerns about water and drainage, as due to the steep slopes and topography of the lot, he would personally find it difficult to believe runoff would be contained on site as required by the MCWD rather than the water falling off the houses and naturally draining towards the lake. Although easement issues are less a City issue and more an issue between property owners, there is concern about an easement initially assigned to one property being accessible by five properties. Up to one-third of the proposed lots are unusable due to slope and tree coverage, making the lots more like 10,000 square feet in usable size. He also expressed concern about the future of kids playing on the proposed drive. He indicated that the development on Underhill Circle is not a PUD as the road and development were in place prior to current zoning regulations, and essentially every property on Underhill Circle is nonconforming because of that.

Council member Skjaret commented that there are three properties currently using a private road with no neighbors. Five additional homes are being proposed. He believes the risk of safety issues for children unattended is significantly less than it would be on a street like Glenmoor Lane, for example. The speed limit on the private drive could also be lowered to alleviate risk.

Though not a public hearing, Mayor Schneider stated he was area a number of area neighbors and residents had comments they would like to share, and invited them to do so.

Frank Kulacki, 1020 Old Long Lake Road, indicated that he and his wife Jane Davidson had submitted a letter from their legal counsel which was included in Council member's meeting packets. They also submitted a letter earlier today, provided to Council members as a bench handout. They continue to see five issues pertaining to the project that they consider serious, as indicated in their correspondence. Mr. Kulacki highlighted the following in particular:

The Developer has not submitted a complete Master Development Plan in connection with its application. The City's zoning ordinance requires that no building or grading permit be issued for a property that is zoned PUD unless a Master Development Plan has been approved for development of the property. A Master Development Plan depicts proposed land uses, building locations, and height, bulk, and gross square footage requirements of the dwelling units as well other hardcover. Thus far, the Developer has only submitted the preliminary plat of the lot. The developer has provided conflicting information concerning the size of the buildings on those lots. There is no information on a number of critical issues including but not limited to lighting, exteriors, and including the driveway easement that runs through the five proposed lots.

In addition the developer has not discussed use, access, maintenance and liability responsibilities of two key easements. No information on the intended use or proposed access to the outlot adjacent to Orono Summit Beach and 1010 Old Long Lake Road has been provided. It appears that access will require use of the driveway easement which has been maintained solely by the homeowners of 1010, 1020 and 1030 Old Long Lake Road. There is no stated plan for the use of the ingress/egress easement through the wetland within the 1010 Old Long Lake Road property. The developer's comments with respect to the outlot are inconsistent and have included use of a trolley. The lack of clarity on the two easements is unacceptable.

The detrimental environmental aspects of the development is of concern to the community. Mr. Kulacki and Ms. Davidson have concerns with the tree removal plan, particularly along our driveway easement and in the outlot adjacent to Orono Summit Beach in which there is an abundance of wildlife habitat.

Long Lake is impaired with a D rating by the MPCA. The city will likely see substantial, long term financial burden to even begin to address this situation. Thus development of land that drains directly to the lake should carry an extraordinary level of planning and consideration of added density.

Access to the new development has not been adequately addressed in terms of existing easements, connection to Old Long Lake Road, and planned maintenance. Safety and liability issues have not been addressed.

The property owners of 1020 and 1010 Old Long Lake Road have submitted the opinions of legal counsel regarding multiple areas of concern. He concluded that it is their opinion there is too much uncertainty for the City to determine the potential impacts of the proposed PUD and development at this time.

Mary Claire Owen, 1030 Old Long Lake Road, stated that she has owned her residence for 22 years. She has appreciated the peaceful and private setting; beautiful environment including a private drive that people have commented feels like visiting the north woods; and has entertained the visits of a variety of wildlife. She has many concerns about the proposed development and stated that:

Too many buildings on the 1070 property will create by far too much hard surface. No master plan has been provided to illustrate the size and design of proposed structures. Many evasive statements have been made on the part of the developer. The safety of users accessing their drive is a great concern, especially as the drive can be hazardous in winter months when it can become difficult to stop if necessary. Runoff of water from hard surfaces will flow directly to her home.

Ms. Owen's hope is that the Council will follow the concerns and input of the Planning Commission, uphold their recommendation, and that any future subdivision be for no more than two lots at the site.

Dan Larson, 1120 Underhill Circle, stated that the biggest impact to him is allowing the private road as it is not consistent with anything else in the town, and he does not believe the zoning classification should be changed to permit it. If the applicant can subdivide the lot and meet current zoning requirements, fine. He referenced a circumstance in the Chicago area where rezoning a district set unfortunate precedent, and advised the Council to be aware of what they are doing for the future of Long Lake.

Ellen Feldman, 1124 Underhill Circle, noted that her neighborhood would not directly be impacted by the proposed development, though would experience indirect impact. She stated that she wished the developer would sit down and communicate with the neighbors, and expressed concern about transparency. She commented that while she believes the applicant when he says he is unsure what he would do with the lake access easement, but she cannot imagine development of the properties as proposed would be worthwhile without lake access. She suggested the idea of vacating that easement as a show of trust.

Mike Feldmann, 1010 Old Long Lake Road, displayed an exhibit showing the location of his lot just downhill from the subject 1070 W Wayzata Boulevard property. His attorney had submitted a letter on his behalf outlining his points of concern, including the unresolved status of vehicular access due to the relocation of the intersection of the existing private drive with Old Long Lake Road; the lack of a Master Development Plan; the lack of a drainage plan or submittal of a stormwater management plan to the MCWD; impacts to the existing private driveway and utilization of the driveway easement; and that there is no available easement to access to Long Lake for the five lots proposed. Mr. Feldmann presented a number of exhibits reflecting example calculations he had prepared in order to depict the impact of adding significant hardcover to the lot through the proposed development and expressed concern that the addition of a private road, driveways and five homes upon the 1070 lot could result in hard surfaces utilizing approximately 50% of the 1070 lot in entirety. Mr. Feldmann also questioned the applicability of a PUD zoning classification to a property not located near the downtown area; and referenced concerns about environmental impacts. He indicated that he is not against development of the property, but that the nature of the proposal and uncertainties remain concerning. He does not believe rezoning to a PUD and placing five houses on the subject lot would be a complement to his neighborhood.

Mayor Schneider asked that City Attorney Thames provide legal perspective regarding the submittal of the Master Development Plan referenced; and regarding the conceptual nature of the application as details remain missing.

City Attorney Thames responded that no building approvals would be granted without approval of a Master Development Plan. While the Master Development Plan may come into play for a preliminary plat and zoning review, it does not necessarily have to be before the Council at this time to make a decision on the current application. The idea behind the Master Development Plan within a PUD is to present the Council with the details and specifics of what a development will look like in the end, and what are the parameters the development will play by. That Master Development Plan would be a requirement at some point, whether at the preliminary plat stage or at final plat review. He affirmed that when a final site and building plan review application is forthcoming, the City would have to approve a Master Development Plan as part of that review.

Council member Dyvik stated it was unclear to him what variances from R-2 requirements would be.

Lewis responded that no variances from R-2 requirements are being requested, but what is being requested are deviations from the subdivision ordinance. He read aloud the five deviations as identified in the staff report.

A motion was made by Skjaret, seconded by Hultmann, to approve Resolution No. 2017-45 approving a preliminary plat for Landings at Long Lake and rezoning from R-2 to PUD, subject to conditions stated in the resolution.

Council members discussed the difficult nature of reviewing this application, and Council member Hultmann observed that the conditions of approval as stated in the resolution may be difficult for the applicant to overcome if approved.

Ayes: Hultmann, Skjaret. Nays: Dyvik, Schneider. Motion failed.

Thames stated that the Council can continue to discuss the application in open form, or if unable to break a tied position, could table the application until the December 5 meeting to allow for the full Council to vote.

Mayor Schneider observed that this is a very serious and complex project, and to him, the lack of details available are a bit unsettling to him. He felt that for a project like this and in reference to the concerns and neighbors, further details would put everybody in a better state of understanding.

Council member Dyvik noted that although he is in favor of development, he sees too many unknowns with the present application that would be better to have defined. He also wishes to respect the Planning Commission's process and the decision they arrived at regarding the application.

Ann Webster, long time resident of Underhill Circle, stated that the exhibits do not depict how steep the slopes are in the vicinity of the lot. The sump pump at her residence runs nine months of the year and the wet area remains wet.

Thames indicated that if the Council is deadlocked, the most likely recourse would be to table the application to the next meeting with a full complement of Council members available to vote. In the meantime, he suggested that it may behoove the applicant to reach out to the concerned neighbors and discuss whether there are items that could be addressed that may aid in the Council's decision. Regardless of whether discussion between the applicant and neighbors takes place, the Council would reevaluate the application when all five of its members are present.

A motion was made by Dyvik, seconded by Schneider, to table consideration of Planning Case No. 2017-03 until the next Council meeting on December 5, 2017. Ayes: all.

Discussion of Old Long Lake Road Drive Design and Relationship to Cooperative Agreement

Administrator Weske reported that a new proposal for configuration of private drive for the homeowners at 1010, 1020, and 1030 Old Long Lake Road has been circulating between the County and the homeowners. The new proposal includes a 12' wide private drive, a gap, and then a separate 10' private drive to service the 1070 W Wayzata Boulevard property. Weske believes the new design is favorable and maintenance responsibilities could be easily defined in the cooperative agreement.

Council and staff discussed how the dimensions of the two drives had been arrived at, and whether there could be opportunity to move the drives to allow for wider widths.

Jane Davidson, 1020 Old Long Lake Road, indicated that the width of the driveways was a result of a corrected survey completed by the County and locating the drives in the location of the existing driveway easement. She believes safety has not really been addressed by movement of the road as proposed, as the two separate drives would be in close proximity to the intersection of Old Long Lake Road and County Road 112. She too had been in favor of moving the drives further from the intersection, but was informed by the County that the curvature of the new road would not allow for the drives to intersect Old Long Lake Road and meet safety standards. The area is constrained for space, and none of the options for configuration have been very attractive. She noted that even the last working configuration plan would have added an extra 25' to 30' of driveway to the neighbors' responsibility.

Council and staff discussed how the drive configuration could impact the pending land use application for the 1070 lot. Weske noted that the County wants to complete this intersection design, as it is holding up the bidding process for the Phase 2 County Road 112 project at this time.

Thames stated that while approval of the preliminary plat for the 1070 lot remains in question, the County wants to move forward with the drive and intersection design. While the County may not

have too many concerns about the option selected, any option chosen does need to be reviewed by the City of Orono as well. Staff is seeking input from the Council on the latest design. The separate drive option is now the preference of the Old Long Lake Road neighbors, and this latest design option was provided by Kristy Morter.

Ms. Davidson indicated that all the impacted properties had received a letter from the County informing them that the City of Long Lake and the City of Orono did not reach agreement on the former design plan, and asking the neighbors to make a selection of one of three options presented by the County for their consideration. She had sent emails to the owner of the 1070 lot as well as her fellow Old Long Lake Road neighbors to ask if they could have a neighborhood meeting to discuss the options available. She did not receive a response to her email from the owner of the 1070 lot; however, the neighbors at 1010, 1020, and 1030 Old Long Lake Road had met and basically voted to arrive at their preferred option. Neighbor Mike Feldmann had written a nice letter to the County summarizing the neighbor's position and reminding them of the 20' driveway easement.

Mr. Feldmann displayed the three options presented for the neighbors' consideration, for the benefit of the City Council.

Mr. Kuch stated that they had received the letter and design proposal from the property owners, the Hoveys, four or five days ago but were waiting for the outcome of the Council meeting to respond. He and his partners were in favor of the shared drive design.

Gregg Klohn, 4455 North Shore Drive, commented that he believes the shared drive proposal best eliminates safety concerns, and indicated that two driveways did not make a lot of sense.

Mayor Schneider noted he hoped that over the next few weeks, the development and neighborhood have some discussions and he encouraged dialogue between the parties.

Mr. Kulacki indicated that in a shared drive circumstance, development of a PUD is implicit. He would see two separate private driveways as the way to go. The current property owner has been silent and is speaking through a developer who has an economic interest in any decision.

Mayor, Council and staff continued to review the design options presented and explore alternatives.

Council member Dyvik suggested that rather than a 12' wide drive to the Old Long Lake Road neighbors and a 10' wide drive to the 1070 lot with a two foot wide separation between them, perhaps the City could request the County consider modifying their design to reflect equal drive widths of 12' separated by the two foot wide segment.

Ms. Davidson indicated that the neighbors had been in agreement that they would be happy if the public road option were installed and they were participating in a standard assessment for public road improvements in future. Understanding that the cities could not reach agreement, she observed that as a resident of Long Lake, her expectation is that somebody does not add an 80' private road to her property. As taxpayers, she would expect that the City would provide them with access to their properties in a reasonable manner. The public road option previously discussed would have allowed for some flexibility on the width of the driveway and would allow for better compromise with the 1070 lot.

Mayor and Council were in favor of asking the County whether they would widen their cut for the 1070 lot separate drive to 12', resulting in a 12' drive, two foot barrier, and 12' drive option. Staff was given direction to communicate this request to the County for consideration.

Adopt Resolution No. 2017-43 Approving the Issuance (Annual Renewal) of 2018 Residential and Commercial Refuse Hauler Licenses

Mayor Schneider recalled that Council had previously expressed interest in asking refuse haulers to publish their rates and services for the coming license year.

Moeller noted that while City ordinance states that “the licensee shall negotiate service needs and rates with individual customers”, and though there is not currently a mechanism to require making their rate schedule available for City publication, the haulers could certainly be contacted and encouraged to submit their Long Lake service rate schedules available for staff to publish on the City’s website along with their contact information.

Attorney Thames suggested that the haulers be provided with a date to respond to the request, after which any rate schedules received would be published.

A motion was made by Schneider, seconded by Hultmann, to adopt Resolution No. 2017-43 approving the issuance of residential and commercial Refuse Hauler Licenses effective January 1, 2018 through January 1, 2019, with conditions set forth in the Resolution. Ayes: all.

OTHER BUSINESS

Small Business Saturday, Shop Local – Council member Hultmann noted that Saturday, November 25 is Small Business Saturday, and encouraged everyone to “Shop Long Lake” and help local businesses.

Yellow Hydrant Bags – Council member Hultmann stated that yellow bags recently secured over fire hydrants along County roads in the City are in place to protect the hydrants from salt. The County uses more salt in their sanding and snow plowing operations than the City does, and the salt can cause blockages and corrosion. In the event of a fire, the bags are quickly removable.

ATC / Verizon Lease Update – City Attorney Thames has been in continued communication with representatives from ATC. Some final adjustments were made to the revised lease exhibits, including the addition of an access point; however, he has been informed the City can expect to receive a fully executed agreement soon.

News Release for Position Opportunities – City Clerk Moeller will be preparing the annual news release announcing opportunities to apply for positions on the City’s advisory boards and commissions.

Public Works Director Hiring Update – Administrator Weske announced that the application period for the position of Public Works Director closed the previous Friday, and five applications had been received. He sought two volunteers from the City Council to participate in candidate interviews once staff has reviewed the applications received to determine the most qualified applicants for the position. Availability during daytime hours would be preferred. Mayor Schneider and Council member Skjaret both volunteered to participate in the interview process. Weske confirmed he would keep both Mayor Schneider and Council member Skjaret apprised as candidates are selected for interview; and also affirmed that a special work session meeting of the full Council could be scheduled for interview and hiring purposes as well.

County Road 112 Construction Meetings – Council member Dyvik questioned who from City staff would be sitting in on County Road 112 construction meetings in lieu of a Public Works Director. Weske replied that a Public Works staff member will continue to attend, with attendance and participation also by Fire Chief Van Eyll and Weske. Mayor Schneider encouraged staff and

Weske to continue to attend the construction meetings in order to assure nothing is missed as Phase 2 approaches.

ADJOURN

A motion was made by Hultmann, seconded by Dyvik, to adjourn the meeting. Ayes: all. Mayor Schneider adjourned the meeting at 9:40 pm.

Respectfully submitted,

Jeanette Moeller
City Clerk