



**MINUTES
CITY COUNCIL MEETING
October 22, 2019**

CALL TO ORDER

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

Present: Mayor: Charlie Miner; Council: Deirdre Kvale, Jahn Dyvik, and Tom Skjaret

Staff Present: City Administrator: Scott Weske; Planning Consultant: PeggySue Imihy; City Engineer: Alex Miller; City Attorney: John Thames; 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 Miner offered the following comments and updates:

The EDA met prior to the City Council meeting and the two main topics of discussion were the City-owned Virginia Avenue and former BP station properties. Regarding the Virginia Avenue parcel, an issue has arisen related to the deed, and the EDA ultimately decided to suspend negotiations with Trinity Vincent in order to look at correcting the deed issue before moving forward with any proposal. Focusing on the 1905 Wayzata Boulevard W property, the EDA discussed a rough draft Request for Proposals (RFP) and the RFP process, with a goal of hopefully completing an RFP with more detail for approval at the EDA's next meeting.

The Long Lake Fire Department held a Fire Prevention Open House on Monday, October 7 at Fire Station 1. He noted there was a good turnout by families, and there were great exhibits for attendees to learn about fire safety. He thanked the Fire Department for their work on the event.

The Fire Department had responded to a substantial house fire on Friday, October 11 involving some sort of explosion at a residence in the southern part of Orono. Mayor Miner added that thankfully, there were no injuries to the homeowner or to firefighters.

APPROVE AGENDA

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

CONSENT AGENDA

The Consent Agenda consisted of:

- A. Approve Minutes of October 1, 2019 City Council Meeting
- B. Receive Unofficial Draft Minutes of October 8, 2019 Planning Commission Meeting
- C. Receive Minutes of August 19, 2019 Park Board Meeting
- D. Receive Minutes of September 17, 2019 Economic Development Authority Meeting
- E. Approve Vendor Claims and Payroll

- F. Adopt Resolution No. 2019-46 Conditionally Appointing the Following Candidate to the Position of Paid On-Call Firefighter for the City of Long Lake Fire Department: Cameron Riddle
- G. Adopt Resolution No. 2019-45 Accepting the Donation of \$3,059.67 to the Long Lake Fire Department From the Long Lake Volunteer Fire Department Relief Association

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

OPEN CORRESPONDENCE

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

BUSINESS ITEMS

Presentation by Mike Bash, Orono School Board – Orono Schools Technology Levy Renewal Referendum

Orono School Board member Mike Bash provided an explanation of the School District's ability to levy for operating or technology funding, clarifying that while the State provides operating funds for school districts, school districts have levy authority to ask voters for additional funding. Mr. Bash reviewed the Technology Levy renewal referendum that will be on the November 5 Orono School District election ballot; described and responded to Council questions regarding how the requested levy amount had been calculated, how the requested funds would be utilized, and how technology improvements would be funded should the levy not receive approval; displayed examples of how other comparable school districts are levying for technology and how the proposed levy would impact taxes based upon sample median taxable market values; and provided information on how and where residents of Orono School District may vote on the Technology Levy as well as three School Board offices up for election. In response to questioning by Mayor Miner and Council member Kvale, Mr. Bash confirmed an operating levy currently remains active and he anticipated the District may potentially consider coming back before voters for an operating levy renewal perhaps in 2025.

Planning Case #2019-13 / Request for Rezoning to Planned Unit Development, Planned Unit Development Master Plan, and a Preliminary Plat for 57 Cooperative Style Condominium Units at 1948 Wayzata Boulevard W and 570 Brown Road N (Lifestyle Communities, LLC)

Planning Consultant Imihy stated that the applicant had previously brought forward a concept plan and is now making application for rezoning to PUD, a PUD Master Development Plan, and Preliminary Plat for Zvago, a proposed 57-unit condominium development to be located at 1948 Wayzata Boulevard W and 570 Brown Road N. Imihy displayed a location map of the properties, explaining that the 1948 Wayzata Boulevard W property, formerly the site of a Burger King restaurant that has since been raised, is currently zoned B-2 General Business; and the 570 Brown Road N is zoned R-5 Multiple Family Residential. Both properties are guided as Downtown Village Mixed Use in the 2030 and 2040 Comprehensive Plan future land use maps. The applicant is requesting that both properties be rezoned to PUD, and along with that, has prepared a PUD Master Development Plan for consideration. Imihy noted that while it is not unusual to see applications for Preliminary and Final Plat be made concurrently, it is a condition of a Final Plat application that properties be under the applicant's ownership at time of application. At this time, the developer owns the 570 Brown Road N property, and is under contract to purchase the second parcel. If the applications currently being considered receive approval, the applicant will return with an application for Final Plat once both parcels are under their ownership.

Imihy reviewed the minimum zoning requirements that must be met within a PUD, and commented that the proposed building would meet or exceed the minimum PUD requirements and lot standards. Imihy explained and responded to Council member questions regarding how building height is calculated, clarifying that although there is significant grade change through the overall site, the proposed building meets the maximum 35 feet height requirement. She noted that there had been some concern by a neighboring resident voiced following the Planning Commission meeting that the developer would be infilling the site. She advised that the developer would actually not be doing so and would actually be lowering the grade elevation of the upper portion of the site. On the north side of the site, the current finished height elevation at grade is 986 feet, and the proposed finished grade elevation for the project would be 975 feet. On the south side of the site, the existing height elevation is 962 feet, and the proposed finished height elevation at grade would be 964 feet. Rather than infilling, the developer would actually be removing a bit of grade at the top.

Imihy reviewed some considerations the developer has been able to work through to date relative to limiting access to the emergency/refuse hauler access drive via a mechanical arm; assuring there is adequate water pressure to accommodate a fire suppression system; providing for an additional fire hydrant at Fire Chief Van Eyll's request; and working with Lake Community Bank to enter into an agreement for the development to address storm water management for both the bank and Zvago. The shared storm water infrastructure proposed would entail an underground retention system storing stormwater in underground tanks for controlled release. City Engineer Miller is working with the applicant to work through some engineering comments which would be required to be satisfied prior to any building permit issuance.

Imihy displayed proposed building floor plans and confirmed that parking facilities would exceed the minimum number of spaces required to serve the site. She also depicted renderings and noted that the Lake Community Bank sign actually follows a very similar color scheme to the Zvago project. She informed the Council that the developer did receive approval from the Planning Commission for their Village Design Guidelines design review. The Commission's review of the project included comment that they really did enjoy the look of the building and expressions of the façade. A small sign is proposed and displayed on renderings which would identify the property as Zvago, but no additional signage is proposed.

Initially the developer's application was intended to be reviewed by Planning Commission in September; however, the developer requested their application be tabled until October to allow for tying up some loose ends. The developer instead decided to utilize the opportunity noticed for the September Planning Commission to instead meet with townhome neighbors and the townhome association president. Imihy added that she believes the developer has made an effort to address the neighbors' concerns, which included traffic, landscaping, security and trespassing, building height, and loss of sunlight. A traffic study prepared by WSB had been included in Council member meeting packets to compare traffic for the proposed project to when the properties contained a fast food restaurant and residences. Though traffic will be different in timing pattern, in general, there would not really be an increase in traffic based upon prior uses. Regarding concerns related to loss of trees, the developer would be removing foliage particularly from the 570 Brown Road N property; but has worked with the neighbors to address privacy concerns by committing to install a new privacy fence and increasing landscaping plans between the sites. Relative to security and trespassing, the building is oriented to focus entry/exit to the trail system readily available, and residents of the project would be more likely to utilize designated trails than to walk across neighboring private properties. With regard to the loss of sunlight noted as a concern, most of the tree cover in place now is actually taller than the proposed building would be, and the neighbors may actually receive more sunlight until newly planted trees mature.

Imihy summarized that staff and the Planning Commission recommended approval of the rezoning to PUD, Master Development Plan, and Preliminary Plat. She clarified that the process would involve two separate actions, as rezoning would be completed by adoption of an ordinance, and the remaining actions would be approved by adoption of a resolution. She explained that the Council may approve the application items, deny based upon findings, or table action for further information.

A letter submitted from the townhome association president to the Planning Commission for their review to voice their concerns was read aloud.

Imihy noted that the intangible thing for the townhome neighbors to know is how the project would ultimately affect them, but cities are often surprised when projects are completed that they appear smaller than they looked in renderings. She explained that renderings are not 100% to scale and are meant to offer an idea in context. She reviewed the neighbors' concerns and reiterated that the trees in place now are actually taller than the building would be. For a number of years, townhome residents would experience more sunlight rather than a loss of it. The townhomes are also situated in such a way that the townhome garages would be closest to the development, as the main townhome living spaces are oriented towards the lakeside.

Council member Skjaret, as the Council's Planning Commission Liaison, had attended the Commission's meeting and confirmed that while of course the townhome association spokesperson had concerns, it appeared the spokesperson was pleased by the developer's response regarding tree replacement, the fence, and traffic.

Council member Dyvik questioned whether the MCWD has approved the developer's plan.

Imihy advised that the developer could speak more specifically to their conversations with the MCWD, but she confirmed they had met with the MCWD and their office had indicated the developer's current plan to treat stormwater through an underground storage tank system is acceptable. Imihy and Engineer Miller are anticipating the MCWD will be approving the developer's permit once they move through the process.

Ben Landhauser, Vice President of Development for Lifestyle Communities, LLC, displayed some additional renderings to help approximate the project's location and appearance, and highlighted an exhibit with their proposed site plan superimposed on a Google aerial depicting flow of traffic, access points, and showing the location of the underground stormwater system. He confirmed that the MCWD has said that what they are proposing meets their rules, and they are also evaluating the existing stormwater pond and ditch on the south side of the project area to make sure wetland rules are being met by the redevelopment. The currently proposed system has been found to meet the MCWD's rate and volume requirements. The amount of water leaving the system would be likely less or the same as is experienced from the site today. Mr. Landhauser clarified that with regard to the wetland on the south side, the MCWD is reviewing it and it would likely be determined to be an incidental wetland – initially man made and now has characteristics of a wetland. As long as stormwater is being addressed under current regulations, vacating or using the existing wetland would not necessarily be a problem. He added that the MCWD has completed a cursory review but is unable to grant a permit until a project has received City approvals, so they will complete the permitting process prior to final plat approval or building permit.

Mr. Landhauser also explained that it is misleading to think of the underground storage system as a tank, as it is actually a series of huge storm water pipes set in a grid pattern. An outlet pipe would be positioned at a certain distance, and a restriction plate may be included to allow water to leave the system at the same rate as it currently leaves the site. The developer confirmed they have used

a similar system in a different project and it works very well. Maintenance plans will be in place should the system need to be jetted for silt and deposits. Though at the time their other system was installed they could not find a way to pump up water for reuse for irrigation while at the same time releasing water at the correct rate, they would be able to look into it and see if the technology has changed.

Mr. Landhauser also described their work to address townhome neighbor concerns by adding a more substantial landscaping buffer, installing a privacy fence, accommodating concerns about mechanical systems by orienting a fan on the opposite side of the building from the townhomes, confirming that exterior building lighting will be placed on decks to be controlled by owners, and reducing the emergency access drive to a 12 foot wide drive with reinforced turf on either side of the drive to support fire rescue vehicle weight while downplaying the size of the drive. He noted that while he would never mean to speak for the townhome owners, he felt that their decision to delay and create opportunity to dialogue with the townhome owners had been positive, and he has remained in regular communication with the group.

Noting that Council member Jerde was absent, Council member Skjaret questioned process and whether rezoning requires a 4/5 supermajority vote of the Council.

City Clerk Moeller clarified that the requested rezoning would not require the 4/5 supermajority vote. A supermajority vote is required for rezoning when the proposed change would be from a residential classification to a commercial or industrial zoning classification.

A motion was made by Skjaret, seconded by Dyvik, to adopt Ordinance No. 2019-04 rezoning the properties located at 570 Brown Road N and 1948 Wayzata Boulevard W to PUD (Planned Unit Development). Ayes: all.

A motion was made by Skjaret, seconded by Dyvik, to adopt Resolution No. 2019-44 approving a Preliminary Plat and a Master Development Plan for a Planned Unit Development for the properties located at 570 Brown Road N and 1948 Wayzata Boulevard W, subject to conditions contained within said Resolution.

Imihy read aloud the conditions of approval as recorded in Resolution No. 2019-44.

Ayes: all.

Council member Dyvik commented that the project will address a bit of the City's need for density without going to excess.

Council member Kvale noted she liked the fact that the project's design blends in to the environment and is not simply a wall.

OTHER BUSINESS

County Road 146 / Brown Road Bridge Maintenance – Mayor Miner recalled that recently a Planning Commission member had initiated a conversation and asked questions regarding who owns and is responsible to maintain Brown Road Bridge infrastructure. Ultimately, Mayor Miner reported that the outcome of the matter is that the bridge is owned by MnDOT, but Hennepin County is responsible for maintenance of the bridge. Similarly, the City of Orono is responsible for maintenance of the Willow Drive and Old Crystal Bay Road bridges to the west. The question had been raised as the County Road 146/Brown Road Bridge is showing wear on the stone-faced concrete and the light poles are losing paint on their bases. The County intends to begin a routine

maintenance program in 2020 which will hopefully include painting of the boulder faces along the bridge and improvements regarding the flaking light poles.

Charles Cudd Permitting Status – Council member Skjaret had observed activity on the future Charles Cudd home sites in the downtown. Moeller confirmed that with erosion control permits from the MCWD in hand, City permits had subsequently been issued for demolition of structures and tree removals consistent with the approved Tree Preservation Plan. Her understanding was that they would be focusing on demolition and cleanup in order to prepare for marketing the lots. Council member Dyvik added that a friend of his had purchased the western lot situated closest to the park.

Finance/Utility Officer Candidate Interviews – City Administrator Weske advised that the Council would be interviewing two candidates for the Finance/Utility Officer position in 20-minute sessions during their November 4 work session meeting. The work session will be scheduled to start at 5:00 pm to allow for continued budget discussions to follow the interviews.

Land Use Application for Lakeside Row – Moeller reported that Lifestyle Communities, LLC had submitted a land use application to propose the 'Lakeside Row' townhome community for properties located on Symes Street. She indicated that the application would be heard by the Planning Commission and Council at meetings in November, but noted that those Council members wishing to see exhibits in advance of the meeting would be welcome to contact her for electronic copy.

Letter From Resident – Moeller read aloud a letter she had received earlier in the day from a resident, MaryAnn Wiborg, expressing her appreciation to all those involved with the County Road 112 reconstruction project, and her pride in how great her community looks.

Carbone's Updates – Mayor Miner sought updates on the Carbone's Pizzeria project. Moeller had spoken with the business owner the previous day and he was anticipating having an opening event for friends and family, with the business to 'soft launch' open to the public on the coming weekend or early next week.

ADJOURN

Hearing no objection, Mayor Miner adjourned the meeting by general consent at 8:07 pm.

Respectfully submitted,

Jeanette Moeller
City Clerk