

**Orono City Council  
Special Work Session  
Monday, May 13, 2019  
Council Chambers 5:30 p.m.**

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**PRESENT:** Mayor Dennis Walsh, Council Members Richard F. Crosby II, Matt Johnson, Aaron Printup and Victoria Seals. Representing staff were City Administrator Dustin Rief, Community Development Director Jeremy Barnhart, City Attorney Soren Mattick and City Clerk Anna Carlson.

**Meeting Start Time: 5:30 p.m.**

**1. Marina Licensing**

Community Development Director Jeremy Barnhart presented the Marina Licensing item. He gave a brief background about the history of Marina Licensing in Orono. Barnhart mentioned that the standards laid out in our Code are shown in the memorandum. He recommends a public hearing if Council would like to re-institute marina licensing.

Mayor Dennis Walsh asked how we would enforce a license if they already have a Conditional Use Permit (CUP) that lays out very general conditions of their permit which are not very specific. Walsh noted the parking issue is really only occurring for a small period of time, so what effect would a license have on that if they already have a CUP.

City Attorney Sore Mattick stated enforcement can only happen if they directly violate the land CUP. The City does have the right in the community to institute a business license, if desired. With licensure you can impose additional reasonable restrictions.

Walsh is concerned that there would be an argument on the business owner's side if they already have a CUP.

Mattick noted that if the City implemented a license, it would not be revoking the CUP you would be revoking the license for compliance.

Council Member Victoria Seals mentioned that the main goal of discussing this is to get the marinas to comply with their CUPs. Seals noted there always seems to be some kind of variation of the marinas doing whatever it is that they want to do and nothing happens to them. She is concerned that if they are not complying to the CUP what would make them comply with a license.

Mattick noted that if their CUP lays out the specific conditions and any of the conditions are found to be in violation, you could revoke the CUP, which would not allow them to continue to run their business.

Barnhart mentioned that for businesses that preexisted before the ordinance, there is no CUP. Seals asked what can you do if there is no CUP.

Soren noted that if the business was considered a true lawful non-conforming use, then by adding a license it could be a way to add another layer to gain compliance. Otherwise the City really has nothing to go off of to gain compliance.

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Council Member Matt Johnson asked why can we establish and enforce a license on residential properties but have no say on the businesses. The City currently does not take any active measures to ensure compliance, it is a complaint based system. If the City decides to implement licensing they could implement a standard for compliance that makes the city insure and enforce the standards.

Mattick explained that because there is no active licensing, it makes it hard to enforce anything. He recommended the Council to figure out what the issues are and what standards they would like to implement.

Council Member Richard F. Crosby II mentioned that if we come up with reasonable standards it could be easier to enforce through licensing.

Walsh expressed that the City would need to sit down and look at the details and find out what it is that council would like to do to get them to comply. This is a process that will take time to figure out. Walsh asked if Victoria Seals and Matt Johnson take the lead and begin looking into what standards the council may want to implement.

City Administrator Dustin Rief asked Mattick if we went through process for implementing licensing, how could that effect the CUP. Rief asked if the license would supersede the CUP. Mattick responded that it would essentially be another layer for compliance. He recommended the City figure out what the conditions are prior to implementation.

Barnhart will share information with the council.

Johnson would like to see it be organized similar to how it was done for the accessory structures.

Johnson added that the other piece is that there is legislation going through about the licensing questioning if the LMCD has any authority on the marina licensing.

Resident, Gabe Gabbour explained his concerns about the LMCD and their authority to charge fees and enforce regulation of marinas. He asked the City to request from the state auditor if the fees that are being charged are legal or if the LMCD has the right to do enforcement. He also asked if the auditor says they don't have the right to charge a fee (LMCD) who goes after them.

Walsh stated that the City can ask the question and reach out for clarity.

Mattick stated the questions are can they charge us to begin with and what are they regulating.

## **2. Crystal Bay Road Lake Lots**

Barnhart stated that the City frequently receives questions about purchasing or somehow acquiring the Crystal Bay Road lake lots. These lots are city owned and the city is not interested in selling them based on the summary of background information provided to the City Council at the September 12, 2011 Council Work Session. These four lots share reserved rights to over 178 lots that have bath and boating rights.

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Mattick stated that there would be a few concerns if the city gets rid of the lots that could potentially cause some issues. If the City chose to get rid of the lots then availability would need to be open to all 178 lot owners.

Printup agreed that it could create issues if the city goes to sell it.

Mattick added that there is no existing rule that states you have to open in it up to all 178 lots.

Crosby is not opposed to allowing the adjacent owners be able to purchase the lot and use the proceeds to improve other park areas.

There was discussion about the different possibilities that could come from those lots. Staff will look into those and bring back at a future work session for discussion.

**3. Wayzata Country Club Boundary Adjustment Request**

Dustin Rief mentioned that he was contacted by the Wayzata Country Club, they have requested to a boundary line change. Rief provided background information on the lot and land value.

There was discussion regarding various counter offers.

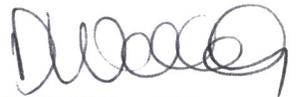
Rief will reach out to them with a counter proposal.

**Meeting End 6:50 p.m.**

**ATTEST:**



Anna Carlson, City Clerk



Dennis Walsh, Mayor