



**MINUTES
CITY COUNCIL MEETING
May 2, 2017**

CALL TO ORDER

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

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

Staff Present: City Administrator: Scott Weske; Public Works Director: Jason Goehring; and City Clerk: Jeanette Moeller

Absent: Council: Kurt Kaminski

PLEDGE OF ALLEGIANCE

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

Mayor Schneider offered the following comments and updates:

Mayor Schneider invited Council members Jerde and Dyvik to share their observations of the Long Lake Earth Day Cleanup Event. Council member Jerde indicated that Bryan Keeler of Lakeside Wine & Spirits had sponsored the event, with approximately 45-50 participants showing up to join in cleanup efforts. Participants focused their cleanup efforts on parks and community gathering areas. She reflected that the event was great for community engagement, and she hoped it would become an annual activity. Council member Dyvik added that Hennepin County had provided the trash bags for the event. He had attended with his family and observed that a Long Lake Waters Association group participated as well. He echoed Council member Jerde's hope that the event would continue as an annual activity.

Mayor Schneider stated that there had been a disruption in communications the previous Friday as a result of a Century Link communications line that had been cut in the County Road 112 construction area. He had visited the site while repair work was underway, and complimented Century Link crews on their hard work to expedite the completion of repairs ahead of the anticipated schedule.

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 April 18, 2017 City Council Meeting
- B. Receive Unofficial Draft Minutes of April 25, 2017 Park Board Meeting
- C. Approve Vendor Claims and Payroll

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

OPEN CORRESPONDENCE

Jane Davidson, 1020 Old Long Lake Road – Ms. Davidson indicated she was appearing before the Council to reiterate her objections as stated in previous written correspondence regarding the portion of the County Road 112 Phase 2 project involving the intersection of CR 112 and Old Long Lake Road. She appreciates the efforts of the City and County towards improving safety and while opposed to the current design, she is confident if the County would be more flexible an alternative solution could be achieved. She described past meetings and ongoing discussions with County staff at which she and her husband had voiced objections. Though the County had made a minor revision to their original plan for the intersection, the revision did not address her objections. She stated that the current revised plan to extend the driveway 75' from its current length would place an unfair burden on the neighbors. The driveway extension would also place the resulting driveway in both the jurisdictions of Long Lake and Orono, creating difficulties as each City has its own set of rules. She is not in favor the appearance of the intersection as planned; the additional costs to be borne by the neighbors for snow removal, landscaping and maintenance of the extended drive; the inconvenience of transporting mail and refuse receptacles; the loss of substantial tree cover and destruction of beauty for installation of the drive; the anticipated negative appearance of the proposed stormwater holding pond; and questioned the involvement of the 1070 W Wayzata Boulevard property in the extended driveway plan. Ultimately Ms. Davidson conveyed her position that the County could come up with an alternate plan that would be more reasonable to the neighbors while not compromising safety goals, and she called specifically on the Long Lake City Council to specifically request the County make some alternative planning efforts for the design of the area.

John Hovanec, 1010 Old Long Lake Road – Mr. Hovanec noted he had spoken before the Council previously, but wanted to emphasize that curb, gutter, signage and enforcement were the keys to making the intersection safe and accomplish the County's safety goals at a minimal expense. On another note, Mr. Hovanec thanked City Council and staff for their support and the opportunity for Long Lake residents to participate in the annual Orono Spring Cleanup Day collection event.

Frank Kulacki, 1020 Old Long Lake Road – Mr. Kulacki had participated in the Project Advisory Committee (PAC) during the early planning stages for the project, and noted that the PAC did not look at design build issues at that time. He expressed concern regarding the drive straddling over two jurisdictional lines; the burden of responsibility for landscaping and snow removal; and the negative impact of the situation upon property values for the neighbors. Regarding the holding pond, he advised that he was in possession of the hydrologist's report and the calculations were based on assumptions generated by standard civil engineering software packages. He asked that the Council not approve the plan as it exists until the plan has been reviewed carefully and in a give and take manner. Hennepin County project engineer Kristy Morter has not moved far from her original position. He distributed copies of a handout stating his main points and asked that they be reflected in the minutes, included below:

Submitted by Frank Kulacki, 1020 Old Long Lake Road
Long Lake City Council
May 2, 2017
Phase II: Intersection of Old Long Lake Rd and CR 112

- PAC considered only concepts in meetings and public hearings.
- PAC never discussed analysis, design and build underlying possible concepts.
- The straddle of the design will produce financial burden to Orono, Long Lake and homeowners.
-- Who will be responsible for landscaping?
- Homeowner property values likely to decline for Orono and Long Lake residents.

- The holding pond is problematic based on a careful review of hydrologist's report provided by the County. It is a public document.
 - Additional impervious surface in the current design leads to results of pond to control runoff.
- Therefore, request is made to both city governments to NOT APPROVE the current preliminary design and plan for Phase II until alternatives are developed.
 - Homeowner input and comment should be part of the development of these alternatives.

Dan MacDonald, 335 Russell Lane – Mr. MacDonald spoke to reassure the concerned neighbors on Old Long Lake Road and stated that the City worked very hard on the first phase of the project to take people's views into consideration. He encouraged the neighbors to keep pursuing their goals and to count on the City representatives to back them up, because they will.

BUSINESS ITEMS

Selection and Appointment of Planning Commission Member to Fill Unexpired Term

City Clerk Moeller reported that the resignation of Planning Commission member and current Chair Bob Erickson, effective following the April 11, 2017 Planning Commission meeting, had created an opening to fill the remainder of a term on the Commission. A Press Release dated March 31, 2017 announced that applications would be accepted for the following position, to be appointed by the City Council:

- Planning Commission Member – one opening for either a resident or City of Long Lake business owner to fill an unexpired term effective through December 31, 2019.

Applications to fill the position were received through April 24, 2017. At the end of the application period, candidates were contacted and interviews scheduled to take place during the May 2, 2017 City Council Work Session meeting. Ultimately, two individuals applied to be considered for the vacancy – Deirdre Kvale and Charlie Miner. With interviews completed at the Work Session, staff recommends the Council consider making the appointment to fill the Planning Commission unexpired term at this time. Staff has prepared ballots to be used by the City Council during the meeting to facilitate the candidate selection process. Once the candidate selection voting process has reached a conclusion, appointment of the Planning Commission member candidate selected by simple majority vote should be formalized through the adoption of a resolution. A resolution has been prepared by staff for this purpose.

Mayor Schneider noted that in the event a tie vote is reached, he would be unable to make a tie-breaking decision to appoint as that authority extends specifically to the appointment of an individual to fill a City Council vacancy.

Staff distributed candidate selection ballots to Mayor and Council. Selection ballots were placed in an envelope and given to Moeller and Public Works Director Goehring for review and tabulation. Tabulation of selection ballots resulting in three votes being cast for the appointment of Charles Miner, with one vote cast for appointment of Deirdre Kvale.

A motion was made by Skjaret, seconded by Jerde, to adopt Resolution No. 2017-18 appointing Charlie Miner to the position of Planning Commission member serving the remainder of an unexpired term effective through December 31, 2019. Ayes: all.

Noise Variance Permit Request by Eureka Construction, Inc. to Allow an 8:00 AM Start Time for Saturday Construction Noise Activity, County Road 112 Phase 1 Reconstruction Project

Moeller stated that on April 19, staff received a Noise Variance Permit Application from the contractor for the County Road 112 Phase 1 Reconstruction Project, Eureka Construction, Inc., requesting a variance from allowed construction noise hours on weekends and holidays to permit an 8:00 am start time for Saturday work days during the 2017 construction season. The Long Lake City Code of Ordinances, Chapter 16, Sec. 16-132 (c) restricts construction activity noise to take place between the hours of 9:00 am and 6:00 pm on any weekends or holidays.

The contractor points out in their permit request that the work for the roadway reconstruction project takes place in both the cities of Long Lake and Orono. The City of Orono restricts construction activity noise to between the hours of 8:00 am and 8:00 pm on any weekend or holiday. The contractor's request to permit construction activity noise in Long Lake to begin at 8:00 am on Saturday work days would allow for a construction start time that is consistent throughout the project area.

Staff recommends the City Council consider the Noise Variance Permit Application and motion to either approve or deny the request.

Mike Derr of Eureka Construction, Inc. affirmed that the purpose of their variance request was to achieve some continuity in construction activity between the two cities, reflecting that juggling start times would be an obstacle to the project. For Saturday work, typically their goal is to try and limit work to an eight-hour period. If they can start earlier in the day, they would end earlier as well. Ultimately the variance would help the contractor manage time better when working in both cities, and would make it easier to move work crews in and out as needed.

A motion was made by Skjaret, seconded by Dyvik, to approve a Noise Variance Permit for Eureka Construction, Inc. from allowed weekend and holiday construction hours, permitting construction to begin at 8:00 am on Saturdays through the duration of the 2017 construction season, for work performed on the County Road 112 Phase 1 Reconstruction Project.

Council member Skjaret questioned whether staff would advise amending the motion to allow the variance for the multiple phases of the project.

Moeller responded that staff would suggest the variance be for the 2017 construction activity only at this time, as requests may differ in future years. She added that the Noise Variance Permit is a zero-fee permit and it would not be difficult to bring another noise variance back before the Council for next year.

Ayes: all.

Reject Bids for Watertown Road Improvement Project, Alternate 1 – Watertown/Glendale Watermain Improvements

Public Works Director Goehring reported that the City of Long Lake received two quotes from bidders regarding Alternate 1 of the Watertown Road Improvement Project. The proposed work included abandoning the watermain loop between Watertown Road and Glendale Drive and directional drilling new water services off of Watertown Road to the properties of 2280 Watertown Road, 2296 Watertown Road, and 2298 Watertown Road.

During the Watertown Road improvement project, gate valves were installed at both ends of this problematic section of watermain to minimize future impact on the entire neighborhood in the event

of a water break. These two gate valves were only supposed to be installed in the event that Alternate 1 of the project was rejected. In addition, three new water services were installed off of Watertown Road for these properties if this watermain were to be abandoned per Alternate 1 of the Watertown Road project. These services can be tapped into at any time by the consumer if they choose to do so.

Staff is recommending the Council take action to reject all bids for Alternate 1 of the Watertown Road Improvement Project for Watertown/Glendale watermain improvements. The prices for these directionally drilled services as proposed in the quotes received are high, and City Code states that new installations or repair work at and after the corporation stop at the watermain is the responsibility of the consumer.

Goehring reviewed the two quotes received, advising that the quote received from Burschville Construction Inc. amounted to \$45,640, and the quote received from Northdale Construction Co. Inc. amounted to \$65,533.

Council member Dyvik questioned why bids for the work were obtained for the work as a City project, when ultimately the scope of work would be the responsibility of the homeowners involved in the project area.

Administrator Weske responded that initially at the time the improvement project was initiated, it was recognized that there would be an opportunity to include the work in the project scope and make enhancements while road construction was underway. Conversations with impacted neighbors led to this work, originally established as Bid Alternate 1 to the overall Watertown Road improvement project, being delayed for further consideration at the time road construction was largely completed. A connectable watermain loop was installed, lessening the impact of future breaks in the area to a few homes versus a substantial area of the neighborhood.

Goehring added that with few homes to be impacted during future service breaks, staff will be able to promptly shut off gate valves in preparation for repair work.

A motion was made by Jerde, seconded by Skjaret, to reject all bids for Alternate 1 of the Watertown Road Improvement Project for Watertown/Glendale watermain improvements. Ayes: all.

Request to Consult with Community Wireless Consultants for American Tower Lease Negotiations

Administrator Weske indicated that at the April 4 Work Session, staff received direction from Council to research cell tower leases that had been negotiated over the last two years in the surrounding area. Also, direction was given to staff to further look into what other communities have done and whether other cities have used consultants to facilitate their tower lease negotiations.

Community Wireless Consultants works with the City of Rogers. Joe Egge and his partner used to work on the tower side of negotiations, working on behalf of large cellular companies such as Sprint, Verizon and AT & T. Community Wireless Consultants works on an hourly basis of \$100 an hour, and it has been estimated a rate study and negotiations would be around \$300 to \$1,500 based on expected involvement.

American Tower was requested to provide a \$5,000 escrow deposit for City expenses in negotiating a new tower lease, which has been received. An estimated \$2,000 has already been used on drafting the new lease as prepared by the City Attorney.

Council member Skjaret stated that recognizing the long term nature of this type of lease, it would be money well spent to employ outside assistance with recent experience negotiating similar contracts in order to obtain the best result possible.

Mayor Schneider noted he had spoken with other cities who have renegotiated their cell tower lease contracts and was advised that the process is very complex, technical, and can be a bit adversarial in nature. In this case, American Tower will pursue the best deal they can achieve, while Long Lake will be working towards the best result possible for the community.

Weske clarified that retainage of escrow from American Tower Corporation to be applied to cell tower lease negotiations was at the suggestion of the City Attorney, and would be considered a normal practice in this type of contract scenario. Employing the services of Community Wireless Consultants would assure the City is working cost effectively towards the goal of a new lease.

Council and staff discussed whether a "buy out" option to sell the tower location may be of interest. Weske indicated he would be providing Community Wireless Consultants with background information and contracts, old and new, for the consultant to consider in making their recommendations for negotiations. A buy out option could be considered as a part of negotiations.

Mayor Schneider affirmed that pending a motion to authorize employing the services of the consultant, the Council could expect the consultant to present contract negotiation information and options for the Council's review at a future work session. Weske indicated this understanding was correct.

A motion was made by Dyvik, seconded by Jerde, to authorize Community Wireless Consultants, Inc. to consult and work with staff on the new American Tower lease.

Prior to the vote, Mayor Schneider questioned whether Council member Dyvik would like to include a "not to exceed" dollar amount in an approving motion.

An amended motion was made by Dyvik, seconded by Jerde, to authorize Community Wireless Consultants, Inc. to consult and work with staff on the new American Tower lease, for a contract amount not to exceed \$1,500. Ayes: all.

Business District Initiative Grant Update

Mayor Schneider reviewed the history of the \$46,000 Business District Initiative (BDI) grant award received by the City back in March 2016, to be utilized for the enhancement of business and the downtown business district in Long Lake. Limited funds have been expended thus far for the "Shop Long Lake" signage campaign, as well as consulting assistance from WSB & Associates. Recently, Mayor Schneider and Administrator Weske met with Hennepin County representatives to discuss further implementation of the grant funds. As an outcome of the meeting, it became evident the purposes of the grant may be well served by obtaining the services of a consultant. Timelines and expectations for grant use were also discussed.

Weske stated that the next step will be to obtain a list of consultants that have worked on these types of projects in the past, and to evaluate which consultant may have the best scope of services to benefit Long Lake while not overlapping the efforts of the County. Weske is anticipating receiving that suggested list of consultants from County representatives.

Mayor Schneider also confirmed that the Chamber of Commerce is very much engaged in the process of implementing the grant. While the City Council has approval and direction authority over

use of grant funds, input from the business community has been and remains important. The intent of the grant is not to simply assist the community through CR 112 road construction, but is ultimately to help suburban districts enhance their priority business districts. The County's expectation is that the City will have a commitment to use the remainder of grant funds available by the end of 2018. Further information and discussion will follow at future Council meetings.

County Road 112 / Wayzata Boulevard W Reconstruction Project Updates

Goehring offered the following updates relative to the County Road 112 reconstruction project:

- Last Friday morning, a Century Link communications line was cut. The project contractor was doing excavations for storm sewer work, arrived at an unmarked pipe and assumed the utility to be abandoned, then cut the line. In the future, when the contractor runs into unexpected utilities underground, they will contact the owner of the utility right away and request the utility appear on site to confirm if the utility is live or dead. Adding to Goehring's comments regarding the communications line cut, Mayor Schneider indicated that he had been promptly advised of the situation by Nick Kim of Hennepin County. He visited the site multiple times during the day to offer support, and noted when the incident occurred, Hennepin County project staff reached out to many impacted businesses going door to door to inform them of the situation. All of the contractors involved in the repair were professional and the repair was completed ahead of schedule. The situation was truly treated as a priority, and he thanked everyone for handling it in a positive way.
- Goehring reported that traffic has now been moved onto the north side of CR 112. Major street removal is underway, and tree removal has commenced along the berm. Storm sewer work from Brown Road to Willow Drive is ongoing. Asphalt crushing is underway. Temporary sheeting has been installed on the berm, and major excavation work to prepare for a temporary bypass can be expected in that area.
- Watermain work will begin soon, with quite a bit of watermain work planned in front of Southwood Shores. Staff will be communicating with residents as that work begins.

Mayor Schneider indicated that in the work session prior to the regular meeting, there had been some questions regarding process. At the last Council meeting, he recalled Goehring was invited to reach out to WSB & Associates engineering staff as needed for support during the project, but that the Council felt Public Works had a good grasp of the project activities at the time. He sought confirmation from Goehring on this understanding. Goehring responded that County and contractor project staff have been doing an excellent job and have been very professional. Communication between Public Works and the pipe foreman for the water and sewer work has been good. Public Works staff are receiving calls and being able to be on site. At this time, everything is looking good. Mayor Schneider also sought assurance from Goehring that he had not been given direction from any specific Council member regarding his level of involvement in the project. Goehring indicated he and Weske had discussed him acting as an inspector on site, and Goehring was supportive of he and the Public Works staff having hands on experience for the duration of the work.

Council member Skjaret noted that he had observed sight lines at the intersection of Lake Street and CR 112 are now limited, and encouraged being cautious when exiting off Lake Street entering CR 112. Council and staff discussed looking at signage or other measures to enhance the safety of that area during the project.

Council member Dyvik added that he had received an update that emergency shoulder repair was underway on the roadway. Goehring stated that the roadway shoulder had proven not to be strong enough and was cracking. Repairs were underway in an approximate 100 foot area.

OTHER BUSINESS

Fire Advisory Updates – As the Fire Advisory committee is reviewing the fire protection agreement with Orono at this time, Council member Skjaret recalled that there was also a land use agreement related to the location of Fire Station 1 and stipulating the City's responsibility to provide some utilities to Orono. He asked that staff locate the agreement and verify whether that agreement too is due to expire in short order. Council member Dyvik added that he and Council member Skjaret were to attend a Fire Advisory meeting last week, however the meeting was rescheduled. In response to a question received from Mayor Schneider, Council member Skjaret indicated that Orono has expressed interest in Long Lake's fire service taking on an additional area north of the golf course that is currently served by Wayzata Fire, which would represent a substantial savings for the City of Orono. Chief Van Eyll has stated that response times for the area would be adequate. Taking on the additional coverage area may result in a "partial win" for both communities.

Earth Day Event – Council member Jerde expressed her thanks to Bryan Keeler of Lakeside Wine & Spirits for sponsoring the Earth Day Cleanup event, and to all who attended and participated in the cleanup.

Old Long Lake Road / CR 112 Comments – Council member Jerde thanked resident Dan MacDonald for his words in support of the Council, and offered her encouragement to the impacted neighbors at 1010, 1020, and 1030 Old Long Lake Road. She indicated the Council is listening to their concerns.

Shared Services Agreement Update – Mayor Schneider advised that staff is continuing to work with Wayzata to bring a more formal understanding or agreement before the City Council that would address Wayzata's use of Public Works for the storage of equipment and items. Goehring indicated he and Weske had met with Wayzata's Administrator and Public Works Director to discuss the need to formalize storage and sharing arrangements. Wayzata recently sent a draft shared services and equipment sharing agreement for Long Lake's consideration. Goehring reviewed the terms of the agreement and sent a counter proposal. Wayzata is taking the revised agreement to their Council for approval, and he expects he will be including the agreement on the Council's next meeting agenda.

Use of Park Property – Mayor Schneider had received a call from Melanie DeLuca, Orono Community Education, who is serving as a coordinator for a youth book reading pilot program. He inquired about the fee for park use. Moeller indicated that although Orono School District / Orono Community Education are technically outside Long Lake, they are given the opportunity to reserve parks at the resident rate of \$15.00 per date. Historically their organizational use of parks when renting is for programs that they are charging fees for. If the reading program is a zero fee program, with the Council's support, the rental fee could be waived for this type of activity, though she would advise that a park rental form still be required to document the park's use and to assure staff has the ability to place any conditions on the park use if deemed advisable.

Donation for Portable Loudspeaker – Mayor Schneider had received a request by a representative of the local American Legion Post, seeking City Council support of the City covering the cost of rental for a portable loudspeaker to be used for Memorial Day commemorative events. Weske added that the cost of the rental is typically less than \$200, and in past years Long Lake has been paying half the rental fee. Council members were in favor of covering the full rental cost as requested.

Utility Bills Update – Weske indicated that staff is working to resolve issues that arose during the transfer of meter reading data from the new meter equipment, and is hoping bills will be able to be generated soon. Mayor Schneider noted that while he had been late in scheduling his own meter changeout appointment, his appointment has been set to update his property’s meter equipment on May 8.

Comments Regarding Process – Mayor Schneider commented that moving forward, the Council will seek assurance from staff that the Council is respectful of procedure and that staff is not receiving input or direction individually from multiple sources. The Council will be relying on staff to let the collective group know if staff is receiving a directive that should be otherwise approved by Council as a whole. The goal is for staff to be able to work efficiently at the direction of the full Council.

Park Maintenance Efforts – Council member Jerde thanked Goehring and the Public Works crew for their work and effort in maintaining the City’s parks. She reflected that she did not think they have looked so well in a long time, and noted that Dexter Park is looking great. Mayor Schneider echoed her comments.

ADJOURN

A motion was made by Jerde, seconded by Skjaret, to adjourn the meeting. Ayes: all. Mayor Schneider adjourned the meeting at 7:51 pm.

Respectfully submitted,

Jeanette Moeller
City Clerk