



**MINUTES
CITY COUNCIL MEETING
June 6, 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; Fire Chief: James Van Eyll; and City Clerk: Jeanette Moeller

Absent: None

PLEDGE OF ALLEGIANCE

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

Mayor Schneider offered the following comments and updates:

Mayor Schneider conveyed that it was a sincere privilege and honor to participate in Memorial Day commemorative activities in Long Lake, and provided a review of commemorative services held at Union Cemetery, St. George's Cemetery, and the Long Lake Veterans Memorial in Nelson Lakeside Park. Special recognition was given to Orono High School students for their contributions to Union Cemetery; the Orono Marching Band, Hamel VFW Post 5903, Fire Chief Van Eyll and Fire Department members, the LFLD Slow Burn Brigade, Dave Shaughnessy who organized the event at Nelson Lakeside Park, Long Lake resident Adam Bestler for musical contributions, and event speakers Bob Hardin and Ed Rundle for sharing their experiences and memories. Services were well attended and the weather was beautiful for the day's events. Mayor Schneider noted that for those interested in purchasing a paver stone at the Long Lake Veterans Memorial to honor or memorialize the services of a veteran, there is a process ready and available to do so. The cost to purchase a paver is \$150, and order forms are available at City Hall. He added that if the cost to purchase a paver would be a financial hardship, he had learned there is an anonymous donor who may be able to provide financial assistance. Mayor Schneider also mentioned there has been some discussion of organizing an expanded Veterans Day commemorative event at the Long Lake Veterans Memorial later in the year.

A full closure of the portion of County Road 112 / Wayzata Boulevard W between Cemetery Road and Wolf Pointe Trail will begin on June 12 and is expected to last four or five days. Project updates will continue to be sent out via the City Listserv and by Hennepin County's project email subscriber list. Mayor Schneider also noted that traffic at the east end of the roadway will be down to one lane on June 7 due for construction purposes.

SummerFest planning continues, with the event scheduled to take place on July 22 and 23 in Nelson Lakeside Park. Activities are anticipated to include a City wide garage sale, car show, the Orono Lions annual carp fishing contest, a fireworks display, bed races, food, beverages, and mini-golf.

Hennepin County staff have prepared a business district directory map of Long Lake and portions of Orono, at no charge to the cities.

Long Lake's first gardening contest has begun. Forms to enter garden displays in the contest are available at locations throughout the business district. The deadline for entries is Friday, July 14 at 4:30 pm, and winners will be announced at SummerFest. The contest information flier will be circulated on the City Listserv and made available online.

In a work session prior to the regular meeting, the City Council discussed some of the roadway modifications being proposed as part of the County Road 112 Phase 2 design work; discussed upcoming cell tower lease contract negotiations in closed session; and heard an update regarding SummerFest event planning.

APPROVE AGENDA

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

CONSENT AGENDA

The Consent Agenda consisted of:

- A. Approve Minutes of May 16, 2017 City Council Meeting
- B. Receive Unofficial Draft Minutes of May 23, 2017 Park Board Meeting
- C. Approve Vendor Claims and Payroll
- D. Accept the Resignation of Firefighter Tom Lunieski From the Long Lake Fire Department
- E. Adopt Resolution No. 2017-22 Accepting the Donation of \$500 From North Shore Marina to the Long Lake Fire Department
- F. Approve the Proposal From Southwest Assessing for City Assessor Services From July 1, 2017 Through June 30, 2018 and Authorize Staff to Execute the Contract for Services
- G. Approve the Annual Review of all Active Conditional Use Permits

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

OPEN CORRESPONDENCE

Bob Hardin, 2040 W Wayzata Boulevard - Mr. Hardin commented that he thought the Memorial Day event at the Long Lake Veterans Memorial was fantastic, noting that Mayor Schneider was a wonderful emcee for the ceremony, and that the speakers were wonderful as well. The turnout was fantastic and everyone was talking about how well everything had come together.

BUSINESS ITEMS

Receive and Accept the 2016 Audited Financial Report

Administrator Weske introduced Andy Berg of Abdo Eick & Meyers, in attendance to present the City's annual audited financial report.

Berg reported that the City had contracted with the Abdo Eick & Meyers (AEM) CPA firm to conduct an external audit of 2016 financial activities, render an opinion on the audit results, and prepare an assessment of the system of internal controls. He noted the completed AEM audit report includes a "clean opinion".

Berg provided the City Council with an overview of the audit management letter; and responded to staff and Council member questions regarding items within the audit with assistance from Administrator Weske. Regarding concern expressed by the City's bond advisors regarding the sewer enterprise fund despite the overall health collectively of the City's four enterprise funds, Berg explained that a majority of cities look at their enterprise funds separately for operations and cash

flow analysis purposes. In some situations, cities have utilized inter-fund loans between the enterprise funds. In review of Long Lake's sewer enterprise fund, sewer operations and disbursements continue to exceed cash receipts. A review of sewer rates or consideration of alternative options such as an inter-fund loan may be advisable. Administrator Weske added that a review of the sewer fund would be timely, as the City had received new Metropolitan Council estimated expenses for the following year and it appears the City will be experiencing a high rate increase for I/I surcharges in the year to come.

Berg indicated he would be happy to work with Administrator Weske to optimize reporting to meet the Council's needs for understandable financial reports, and could present service level options for staff and Council to provide assistance in the future.

Approve Sanitary Sewer Connection Request – 225 Willow Drive, Orono

Weske reported that the owner of 225 Willow Drive in Orono has requested to connect to the City's municipal sanitary sewer line. Connection to this line is governed by two separate municipal sewer connection and service agreements, which allow for 24 connections to the City line. Presently, 26 connections exist and granting this request would allow a 27th. Staff does not believe this additional proposed connection will be problematic for the line, but feels that the present agreements should be amended to reflect the correct number of connections. Additionally, review of these agreements has prompted City staff to explore the potential exercise of unenforced rights under the agreements.

Mayor Schneider noted that in addition to the sewer connection requested, there is a proposal for a development in Orono off of Orono Orchard Road just south of Bollum Lane that may seek to connect to Long Lake municipal sewer as well in future.

Council and staff discussed the history of utility connection agreements with Orono, including the agreements mentioned, as well as the land use agreement enacted at the time of Fire Station 1 construction which included an allowance for up to 250 connections in anticipation of a future development in the vicinity of the station. Weske clarified that while the most recent utility connection agreements for the Glendale Cove and Creekside Orono neighborhoods include a provision that a SAC unit be paid to the City of Long Lake for each sewer connection, connections under older agreements include no such provision. Further, Weske noted that the older agreements do include provisions requiring that the City of Orono contribute to operations expenses incurred by Long Lake if service exceeds a certain threshold.

Council and staff also discussed the ability to meter flows from Orono, as well as the billing process for those Orono properties connected to Long Lake's sewer and whether the accuracy of discharge metering and billing for those connected properties is verifiable.

Council members reviewed the language of the proposed motion as drafted by the City Attorney and ultimately were in favor of the motion language as is. The importance of untangling utility agreements was commented upon, and it was observed that adopting the motion as suggested would create opportunity to renegotiate the applicable sewer connection agreements to be more equitable. Mayor Schneider added that pending approval of the proposed motion, staff should inform Orono and the affected property owner of the nature of the action taken, which would not permit the connection to take place until an amended or new agreement has been enacted.

A motion was made by Skjaret, seconded by Dyvik, to approve the sanitary sewer connection request by 225 Willow Drive, contingent upon execution of an amendment to or replacement of the City's sewer connection and service agreements with Orono. Ayes: all.

Special Event Permit Application for Gear West Twilight 5K and Kids Adventure 1K

Moeller stated that Gear West has submitted an application to hold their annual "Twilight 5K and Kids Adventure 1K" on Friday, June 23, 2017 from 7:00 pm to 8:30 pm, based at Nelson Lakeside Park.

Registration and run packet pickup for both events would take place in the park from 6:00 pm to 7:00 pm. The Kids Adventure 1K, entirely located in the park, would begin at 7:00 pm. The Twilight 5K run would leave the park at 7:30 pm, cross Wayzata Boulevard W at Lake Street with the help of Police, then follow City sidewalks and trails on an out and back route, ultimately finishing in the parking lot at Chiro Center, 1865 W Wayzata Boulevard. Up to 250 participants are anticipated to join in the event.

A site map depicting the Twilight 5K run route including a detailed route description, and depicting the Kids Adventure 1K course layout was submitted along with the Special Event Application, distributed to Council members in their meeting informational packets. City staff and Wayzata Police Chief Risvold met on Wednesday, May 31 to review the event plan and prepare a list of conditions that would apply to permit issuance, and followed up with event coordinator Brian McCollor of Gear West by phone following the meeting. Staff is requesting the Council consider adoption of a resolution approving issuance of Special Event Permit #S2017-03 for the Gear West Twilight 5K and Kids Adventure 1K, subject to the conditions recommended in the permit approval letter attached to the proposed resolution.

A motion was made by Dyvik, seconded by Skjaret, to adopt Resolution No. 2017-23 approving issuance of Special Event Permit #S2017-03 for the Gear West Twilight 5K and Kids Adventure 1K to be held June 23, 2017, subject to conditions contained in the Special Event Permit approval letter. Ayes: all.

Noise Variance Request from Eureka Construction, Inc. to Permit Construction Activity Noise Outside of Allowed Hours on Weekdays (Monday – Friday) During Short-Term Construction Closures, County Road 112 Phase 1 Reconstruction Project

Goehring stated that on June 1, 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 weekdays to permit a 6:00 am start time for weekday work on Mondays through Fridays beginning June 12 and ending June 30, 2017.

City Code states that no person shall engage in or permit construction activities involving the use of any electric, diesel or gas-powered machine or other power equipment except between the hours of 7:00 am and 10:00 pm weekdays or between the hours of 9:00 am and 6:00 pm any weekends or holidays.

The contractor's request for a weekday construction noise variance is to facilitate two short-term construction closures necessary for the County Road 112 project. Short-Term Closure 2 during the week of June 12 – June 16 is for the purpose of culvert removal and installation across County Road 112 between the west leg of Cemetery Road and Wolf Pointe Trail; and Short-Term Closure 1 during the weeks of June 19 – June 23, June 26 – June 30 is for culvert removal and installation between Brown Road and Lake Street.

The contractor has indicated that both of these closures have large work scopes and involve coordinating multiple contractors under a limited time frame. In the interest of facilitating these short-term construction closures, staff recommends the City Council consider approval of the Noise Variance Permit Application as submitted.

A motion was made by Jerde, seconded by Skjaret, to approve a Noise Variance Permit for Eureka Construction, Inc. from allowed weekday construction hours to permit construction noise to begin at 6:00 am on weekdays, Monday through Friday, beginning June 12 and ending June 30, 2017, for work performed on the County Road 112 Phase 1 Reconstruction Project. Ayes: all.

Mayor Schneider encouraged staff to remind the contractor that the Noise Variance Permit for 6:00 am weekday work extends through June 30 only, and may not be extended without a new Noise Variance application to City Council.

Discussion of Parking During Short-Term Construction Closures

Fire Chief Van Eyll stated that when discussions began regarding closing down County Road 112 between Cemetery Road and Wolf Pointe Trail, the Fire Department conducted a time study and determined that navigating the detour and not having another access to the area of Birch's restaurant or Wolf Pointe Trail would add an extra five minutes to public safety response times. Hennepin County had already been planning on placing movable barricades to prevent access to Cemetery Road, and the County agreed to allow the Fire Department and emergency vehicles to retain the ability to use Cemetery Road if needed. Cemetery patrons will still have access to visit the cemetery via coming in from the eastern entrance to the parking lot. "No parking" signage may be warranted in the barricaded area during the closure so that the no parking area is enforceable while work is underway.

Mayor Schneider indicated he had spoken with Police Chief Risvold, who had recommended posting parts of both sides of Glenmoor Lane as "no parking" to assure safe sight lines are maintained for Glenmoor Lane traffic. Birch's restaurant has also offered use of their parking to any cemetery visitors during the closure if needed.

Mayor Schneider, with support of Council, were comfortable with relying on Chief Van Eyll and Chief Risvold to post parking restrictions where warranted.

County Road 112 / Wayzata Boulevard W Reconstruction Project and Public Works Updates

Goehring offered the following updates relative to the County Road 112 reconstruction project, and to other Public Works activities:

- Pavement removal is underway throughout the County Road 112 project area. On Lake Street, a large area of pavement is missing where watermain work and valve replacements are ongoing. The majority of watermain work at the east end of the project area is complete and looks good. Storm sewer work is wrapping up in the area around Brown Road. Beginning tomorrow, the contractor will be pipe bursting sanitary sewer lines from Brown Road to the area of the San Pancho Mexican restaurant, with only limited excavation work required at pits where the pipe will be routed into the ground. In the temporary sheeting area, a lot of activity is ongoing as utilities are working to install new utility equipment together in a trench. The road closure the following week, beginning June 12, will be for culvert work. Goehring did contact ownership of Birch's on the Lake to remind them to please use their parking lot first and foremost, as Cemetery Road will not be available for general parking during the short-term closure.
- Goehring provided an update on geese and beach maintenance, indicating that Public Works is manually raking and removing goose droppings regularly multiple times each week. With approval of the City's goose management plan now received, Goehring will be contracting with Canada Goose Management to conduct live bird removal. Public Works will also be trying an experiment and allowing the strip of grass between the retaining wall and sidewalks to grow taller to deter geese from feeding in the area. Public Works will be exploring ways to alter

landscaping as a deterrent where possible. He indicated he would like to conduct a live goose removal project annually as a maintenance item moving forward.

- Referencing work related to the County Road 112 reconstruction work in the vicinity of the former BP station site, Council member Dyvik questioned whether anyone was checking soils in the area for contaminants. Goehring confirmed that work crews have been hauling contaminated soils off-site, soils are being tested, and as the contractor lays new watermain infrastructure they are pouring in a special type of rock in the trench to serve as a barrier against vapor from the soil. Once the excavation work is complete, Goehring will request the contractor provide the City with copies of documentation regarding soil testing conducted for the Council to review.
- Council member Dyvik had been asked by residents when the contractor would begin the shoreline restoration work in the County Road 112 project area. Goehring indicated shoreline work is currently slated to begin next spring, and commented that the contractor will have significant work ahead of them to prepare lanes for the lane shift necessary to allow shoreline work to begin.
- Weske confirmed that Eureka Construction had submitted a request to utilize the property behind Public Works for pavement crushing activities, but the request did not include any proposal for financial compensation other than to restore the site to pre-use condition. Weske had undertaken research and contacted a local quarry to obtain an estimate on the value of pavement crushing operations. The contractor is currently working with a private property owner in Orono to seek permission to use the property owner's site for pavement crushing; however, Orono is not anticipated to be in favor of the request. Council members expressed a general willingness to entertain a proposal for pavement crushing at the Public Works site in order to facilitate expediting the project, provided the proposal includes compensation to the City based on the value of the service.
- Regarding lake effect monitoring, Goehring confirmed Eureka Construction has assured staff that all required permits and erosion control measures are in place. Goehring indicated he would touch base with the Minnehaha Creek Watershed District office to confirm they are aware in advance of any pavement crushing occurring in the vicinity of the lake.
- Mayor Schneider indicated Police Chief Risvold had sent correspondence reporting a second arrest of a drunk driver in the vicinity of the construction zone that morning. WCCO news requested an on camera interview with the Chief to discuss this arrest, and last week's similar arrest. A news report is likely to air the evening of the meeting. Mayor Schneider thanked the City's public safety departments for their help and work during this challenging time.

Initial Discussion of Crime-Free Rental Housing Ordinance Project

Mayor Schneider will be meeting with Police Chief Risvold and a staff member to learn more about their experiences with their crime-free rental housing ordinance, and will bring back information to the Council.

OTHER BUSINESS

June 13 Planning Commission Meeting – Council member Skjaret, who serves as an alternate for attending Planning Commission meetings as liaison, will be out of town and unable to attend the June 13 Planning Commission meeting. If any other Council member would be able to attend, he has a copy of the meeting packet to provide them with.

Flower Garden at Hardin Park – Council member Skjaret highlighted the efforts of volunteer resident Suzanne Caswell who, with assistance from husband Dick Caswell, has contributed extensive work to create a mature and absolutely fabulous flower garden at Hardin Park.

Lake Water Quality – Council member Dyvik noted that the lake water quality has declined and algae rapidly returned for the season; however, users continue to enjoy the lake. The Long Lake Waters Association will be continuing to work with groups to learn more about ways to improve water quality.

Conditional Use Permits for Massage – Council member Dyvik had noticed that the list of the City's conditional use permits included two permits issued for home massage occupations and inquired whether they should apply for massage services provider licenses. Moeller responded that staff will be working to learn whether the conditional use permits referenced remain active or not to determine whether massage licensing materials should be sent.

ADJOURN

A motion was made by Jerde, seconded by Skjaret, to adjourn the meeting. Ayes: all. Mayor Schneider adjourned the meeting at 8:15 pm.

Respectfully submitted,

Jeanette Moeller
City Clerk