



**MINUTES  
CITY COUNCIL MEETING  
August 15, 2017**

**CALL TO ORDER**

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

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

**Staff Present:** City Administrator: Scott Weske; City Attorney: John Thames; Public Works Director: Jason Goehring; Fire Chief: James Van Eyll; 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:

Mayor Schneider noted that the Church of St. George had expressed thanks to all who were involved in making this year's Corn Days Parade a success, despite initial concerns that the Parade may not have been able to happen as a result of the disruption in Chamber of Commerce leadership. All who were present realized this year's Parade was a great success. Mayor Schneider displayed photos of local veterans who rode in the Parade on the Long Lake Fire Department Studebaker truck, with photos contributed courtesy of Mary Ellis. On the subject of local veterans, he added that there has been some discussion of commemorative activities to be planned for Veterans Day 2017.

The EDA met prior to the City Council meeting and discussed the status of the Business District Initiative (BDI) grant, as well as utilizing BDI funds for signage to include street banners. Mayor Schneider displayed photos of the recently installed bike repair station in Hardin Park, which was also funded through the BDI grant. During their meeting, the EDA held a closed session to continue discussion of negotiations with Pillar Homes for possible development of the Virginia Avenue property.

**APPROVE AGENDA**

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

**CONSENT AGENDA**

The Consent Agenda consisted of:

- A. Approve Minutes of August 2, 2017 City Council Work Session
- B. Approve Minutes of August 2, 2017 City Council Meeting
- C. Receive Minutes of July 18, 2017 Economic Development Authority Meeting
- D. Receive Unofficial Draft Minutes of August 9, 2017 Planning Commission Meeting
- E. Approve Vendor Claims and Payroll
- F. Receive 2017 Budget Update

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

## **OPEN CORRESPONDENCE**

**Dan MacDonald, 335 Russell Lane** – Mr. MacDonald rose to say that resident Anita Secord lives near the Church of St. George and she had broadcasted this year's Corn Days Parade on Facebook, making the Parade visible online as well this year.

## **BUSINESS ITEMS**

### **Accept Donation to the Long Lake Fire Department From CenterPoint Energy's Community Partnership Grant**

Fire Chief Van Eyll informed the Council that a few months ago, the Long Lake Fire Department had applied to CenterPoint Energy's Community Partnership Grant Program, and recently learned that a matching grant had been awarded by CenterPoint. The Fire Department's application was intended to allow the purchase of older equipment with new particulate-blocking hoods able to block out cancer causing particulates to 98% - a substantial safety improvement over current equipment. Fifteen years ago, CenterPoint Energy started the Community Partnership Grant Program. Since the start of the program they have given away over \$1,000,000. The Long Lake Fire Department has been one of a number of fire departments to receive funds from their program.

Roger Schmitz, CenterPoint Energy, indicated that the Community Partnership Grant Program was implemented to recognize the shared commitment to safety between their company and community public safety departments, while providing natural gas service to communities. Through the Community Partnership Grant Program, CenterPoint Energy has awarded over \$1.5 million in donations funding over 775 projects in communities throughout their company's service area. Mr. Schmitz stated that on behalf of CenterPoint Energy, he was pleased to present the City of Long Lake with a Community Partnership Grant award of \$2,500.00.

*A motion was made by Dyvik, seconded by Skjaret, to adopt Resolution No. 2017-33 accepting the donation to the Long Lake Fire Department in the amount of \$2,500.00 from CenterPoint Energy. Ayes: all.*

### **2040 Comprehensive Plan Update Proposal – WSB & Associates**

Administrator Weske recalled that this agenda item had appeared before the Council a month ago. Preparation for the last Comprehensive Plan update project had included the involvement of a six-member task force, a full time on-staff City Planner, and a consultant planner. The 2030 Comprehensive Plan update took approximately two years to complete. Weske indicated Comprehensive Plan updates are required to be submitted to Metropolitan Council for review by December 31, 2018; however, a first draft must be prepared and submitted to neighboring communities by June 1, 2018 to meet the mandatory six month review period imposed by Metropolitan Council. Staff is recommending the 2040 Comprehensive Plan Update project be led by the City's planning and engineering consulting firm, WSB & Associates.

Mayor Schneider added that since the Council's last discussion of this item, he and Weske had met with Metropolitan Council representatives including District 3 Council member Jennifer Munt, sector representative/planning analyst Freya Thamman, and communications specialist Andrew Verden on August 11. Discussion in the meeting focused on how Metropolitan Council has calculated that Long Lake as a fully built community is expected to add 170 to 180 new households, despite the loss of approximately 60 households due to construction of the Highway 12 bypass; and also that with a County road project under construction in town over the next few years, it may be difficult for Long

Lake to update "vision" elements in a 2040 Comprehensive Plan with clarity. Ms. Thamman provided assurance to Mayor and staff that she would be happy to provide an analysis of how household growth statistics were arrived at; and offered assurance that tools would be available through Metropolitan Council to help the City revisit and update the Comprehensive Plan as required. In a follow up conversation with Mayor Schneider, Ms. Thamman stated she would be willing to come to a Council meeting to share information regarding Metropolitan Council's resources available to assist in the Comprehensive Plan update process, and to review examples of Comprehensive Plan update projects from communities similar in size to Long Lake. She indicated that in her opinion, Long Lake was not running behind in initiating its update project. Given the potential for incurring significant expense to complete the Comprehensive Plan update, Mayor Schneider commented that he would like to invite Ms. Thamman to a work session to share Metropolitan Council's resources available to assist the City in meeting the plan update requirement.

Council members were in agreement that reflecting upon the potential for expense, it would be advantageous to hear from Ms. Thamman. Council further discussed the importance of allowing opportunity for community input in the Comprehensive Plan process, and how the Comprehensive Plan document is utilized by the City in practice.

#### **Discuss Birch's on the Lake's Variance and Parking on Glenmoor Lane**

Weske reported that staff has been receiving complaints that the valet service for Birch's on the Lake is not parking cars in their designated valet parking area as committed to during their parking variance land use application, and has been parking cars on Glenmoor Lane. In March 2016, Birch's on the Lake requested a parking variance from the number of parking stalls that would be required to accommodate their intended complete seating plan (including seating on the deck). A copy of the narrative submitted with their variance application stating their intended operation plan as prepared by Brennan Greene, owner of Birch's on the Lake, was included in Council member meeting informational packets.

During their review of the variance application, the Planning Commission felt that the applicant's request to allow a parking variance with their intended plan of seating up to 350 represented more seats than the Planning Commission would be able to support, and ultimately voted to recommend approval of a parking variance at a compromise of 300 seats. However, the Commission wanted to see proof that 52 cars or more could be parked in the 35 spaces Birch's wanted to use for valet.

Upon Council review of the variance application, the motion that was approved by the City Council to allow Birch's on the Lake to receive a variance from parking requirements to accommodate up to 300 seats in the restaurant with 134 parking stalls included the condition that:

*a. The valet service must be employed every Friday and Saturday from 4 p.m. to 10 p.m. The City reserves the right to increase the hours and days that the valet service must be employed upon a finding of a parking shortage during those times. If it is found the valet is not being employed during the required days and hours by the City, the City may revoke the variance and the property owner will be required to reduce the number of seats in the restaurant to be compliant with City Code.*

Both the Planning Commission and the Council had voiced concern that overflow parking for the restaurant was going to impact surrounding neighborhoods. Staff at this time has not been given reason to believe the parking issues on Glenmoor Lane are in relationship to an overcapacity issue where the Building Inspector or Fire Chief would need to be involved; but rather that continued parking issues represent more of a management issue. While Glenmoor Lane is a public road and the ability to restrict public use of the road is limited, the valet service should be following the restaurant owner's parking plan as submitted with their variance application and must utilize the

restaurant's own valet parking area. Some residents of Glenmoor Lane have indicated they would be supportive of dedicating the road as a permit parking only road, understanding they would have to request permits from City Hall to park on street on their road of residence. Staff is seeking Council discussion of the continued parking issues.

Both Council member Skjaret, who resides on Glenmoor Lane, and Mayor Schneider confirmed they had received complaints regarding use of the roadway for Birch's parking.

Brennan Greene, owner/brewmaster of Birch's on the Lake, spoke to the concerns and indicated they had perhaps not fully understood the terms of their parking variance as approved. He commented that Birch's had recently worked out lease arrangements for use of Union Cemetery parking for valet purposes; discussed parking on Glenmoor Lane noting that while they are unable to control where customers park, they can and will assure valet parking does not use the roadway; and reflected that their busy nights on Friday and Saturday evenings are the only time parking is an issue. Upon continued dialogue regarding the neighbors' parking concerns and Birch's operations with the Council, Mr. Green emphasized that he feels confident they will be able to assure their valet parking will not be parking on street on Glenmoor Lane in the future.

Mayor and Council expressed appreciation to Mr. Greene for taking the time to speak with the Council on this issue.

**Consider Approval of Public Works Crushing Contract with Eureka Construction, Inc.**

Public Works Director Goehring reported that at the last meeting, Council had held discussion about continuing conversations with Eureka Construction Inc. regarding their interest in negotiating with the City in order to permit the contractor to utilize the back lot of the City's Public Works facility for asphalt crushing operations. Thus far, Eureka has been crushing asphalt in the highway right-of-way; however with one-half of the project nearly complete and as the contractor moves towards the beginning of Stage 2 construction, right-of-way space is limited and asphalt removals and recycling are necessary to provide all the base material for Stage 2.

Staff has negotiated the completion of the Nelson Lakeside Park beach retaining wall replacement and the installation of a drinking fountain water service line at Dexter Park as compensation for providing Eureka Construction, Inc. with space to recycle rubble from Phase 1 of the CSAH 112 Project. After the Council reviews the proposed Public Works Crushing Contract, staff is recommending a motion to approve the Public Works Crushing Contract to allow Eureka Construction Inc. to continue CSAH 112 Phase 1 asphalt crushing at 2145 Daniels Street.

City Attorney Thames indicated he had reviewed the contract with its "service to service" exchange and a focus on insurance and indemnification terms. The contract includes provisions to assure restoration to equal or better condition once crushing activities are complete. Thames and Goehring confirmed that the contract proposed is to allow crushing activities for the CSAH 112 Phase 1 project only.

Goehring provided further details about the retaining wall replacement project and future landscaping plans for the new wall, hoping that plantings will help deter movement of geese in the area. He also reviewed cost estimates that had been previously received for both the Nelson Lakeside Park beach retaining wall construction, as well as for drinking line installation in Dexter Park. He commented that due to the nature of the pre-cast block sections to be used for the retaining wall construction, he had confidence in the potential for long-standing durability of the wall replacement.

*A motion as made by Dyvik, seconded by Hultmann, to approve the Public Works Crushing Contract to allow Eureka Construction Inc. to continue CSAH 112 Phase 1 asphalt crushing at 2145 Daniels Street. Ayes: all.*

### **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:

- This week, topsoil and curb/road finish work is ongoing in the construction corridor between Willow Drive and Brown Road N, and from Brown Road N to Mill Street. A significant portion of the trail has been paved, and trail/sidewalk grading work continues. Street lighting work is also underway. During the following week, the first phase of the traffic switch to allow construction to begin on the other side of the roadway is scheduled to take place. The traffic switch will occur in phases from west section, downtown section, to east section. He also updated the Council on expected pedestrian detours as road work downtown continues. Mayor Schneider noted that Hennepin County project representatives would be holding an open meeting at City Hall the following day beginning at 12:00 noon to present information regarding the upcoming traffic switch.
- Goehring responded to Council member questions regarding the contractor's area of focus and scheduling, confirming that they have been adhering pretty closely to their project schedule barring weather complications.

Mayor Schneider shared that Kristy Morter of Hennepin County had indicated there is some potential for adding a crosswalk crossing County Road 112 for the neighborhood area east of Birch's. The most logical location from the County's perspective appears to be a crossing in the Russell Lane area. Their willingness to discuss the crossing appears to have been a response to concerns expressed by the City Council previously, and Mayor Schneider indicated he appreciated the County's effort to be responsive to the Council's concern.

### **Discussion of Ordinance Projects:**

#### **Crime-Free Rental Housing Programs and Ordinance Provisions**

#### **Cigarettes and Tobacco Products – Discuss Amending Minimum Age for Purchase to 21**

Mayor Schneider indicated that he will continue to meet with Wayzata Police staff to learn more about their current crime-free rental housing program and how aspects of it may fit within a Long Lake perspective.

Also, Mayor Schneider stated he had been looking into the feasibility of ordinance modifications to increase the minimum age for purchase of cigarettes and tobacco products from 18 to 21. City Clerk Moeller confirmed that upon direction to modify the ordinance, drafting an ordinance to do so would appear to be straightforward, essentially changing all references to age 18 to reference age 21 instead.

Council member Skjaret reflected that in this country, when you are 18, you are legally an adult. He did not understand the reasoning for taking away the choice of an adult and felt the impact of such a change would be negligible. He referenced studies that have been conducted over the past 20 year period and observed that education, laws pertaining to where smoking is permitted, and higher taxes on tobacco products have proved more successful. He stated that he has a difficult time with taking rights away from adults, and observed that in the State of Minnesota, an 18 year old can go to a gun show and purchase an assault style rifle. He personally would have more concern about an 18 year old buying an assault rifle than buying a tobacco product. He added that he has a favorite statement, a quote from Mark Twain, who said that "in order to make a man or boy covet a thing, it

is only necessary to make that thing difficult to obtain". Council member Skjaret stated he believes prohibition doesn't work, what works is education, and he thinks a "nanny" state of law is not effective.

Mayor Schneider responded that he has looked at other communities who have passed a minimum age of 21, notably the City of Edina recently. To him, with his experience with someone who has had health ramifications due to smoking, this relates to a health care issue. He questioned whether changing the minimum age for purchase of tobacco products could be considered taking away somebody's rights.

City Attorney Thames responded that the action would essentially be limiting the ability to sell tobacco products; however could be interpreted as limiting the right to purchase within the City.

*A motion was made by Schneider, seconded by Dyvik, to direct staff to pursue the changes necessary to the cigarettes and tobacco products ordinance to raise the minimum purchase age to 21. Ayes: Dyvik, Schneider. Nays: Hultmann, Skjaret. Motion failed.*

Moeller noted that with the absence of Council member Jerde from the meeting, Mayor Schneider could certainly raise the topic for consideration again at an upcoming meeting with a full Council in attendance to vote.

## **OTHER BUSINESS**

**Shop Local** – Council member Hultmann encouraged always shopping local during construction, as it is more important than ever to give local businesses as much support as possible.

**Maintenance Request** – Council member Skjaret indicated that a Heather Lane intersection has been impacted by shrubbery overgrowth hanging over a ditch, limiting visibility in the area. Goehring indicated he would follow up to assure the brush is cleared.

**Personal Watercraft Ordinance** – Council member Dyvik stated that in anticipation of the Orono Council discussing their interest in amending personal watercraft ordinance provisions to be reflective of MnDNR regulations, he had written correspondence to their Council members soliciting their feedback. As it turns out, despite Long Lake's expectation they would do so, Orono's Council did not discuss personal watercraft ordinance provisions at their recent meeting, but Council member Dyvik did receive responses to his correspondence from two of their Council members in support of making changes and welcoming Long Lake to take action on the matter. Moeller received direction from the Council to pursue making changes with a focus on referring to State Statute and MnDNR regulations as set forth regarding the use and operation of personal watercraft.

**Hennepin County Presentation Preparing for Traffic Switch** – Mayor Schneider reiterated that Hennepin County project representatives would be holding an open meeting at City Hall the following day beginning at 12:00 noon to present information regarding the upcoming traffic switch.

**Preliminary Budget Preparation** – Weske noted that as preliminary budget preparation work is underway, he would invite any Council members to email him with any reports or items they would like to see.

**Beach Closures** – Moeller indicated that Nelson Lakeside Park swimming beach is closed at this time due to higher bacterial level results from water sample testing. Hennepin County will be sampling the beach water again on Wednesday, August 16, with results anticipated to be received on Thursday, August 17.

**Cell Tower Lease** – City Attorney Thames advised that he is in receipt of a new offer from ATC regarding the Verizon cell tower lease, and he will be presenting the offer in closed session when the Council next meets. Council and Thames also discussed possible ordinance revisions necessary to reflect new small cell infrastructure provisions.

**ADJOURN**

*A motion was made by Hultmann, seconded by Skjaret, to adjourn the meeting. Ayes: all. Mayor Schneider adjourned the meeting at 7:48 pm.*

Respectfully submitted,

Jeanette Moeller  
City Clerk