



**MINUTES  
CITY COUNCIL MEETING  
September 19, 2017**

**CALL TO ORDER**

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

**Present:** Mayor: Marty Schneider; Council: Tim Hultmann, Tom Skjaret, and Michelle Jerde

**Staff Present:** City Administrator: Scott Weske; City Attorney: John Thames; and City Clerk: Jeanette Moeller

**Absent:** Council: Jahn Dyvik (with prior notice)

**PLEDGE OF ALLEGIANCE**

Prior to recitation of the Pledge of Allegiance, Mayor Schneider called for a moment of silence to be observed in tribute to Officer William (Bill) Mathews.

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

Mayor Schneider indicated that rather than offering his traditional comments and updates, he would like to focus his thoughts on Officer Bill Mathews and extended his heartfelt condolences on his passing. Officer Bill took extra care in watching out for Long Lake, and his cheerful ways and presence were deeply appreciated. He remains grateful to Officer Mathews and to the Wayzata Police Department for their service to the community, and will be looking forward to discussing ways Long Lake can continue to honor Officer Mathews' legacy. Mayor Schneider had traveled overseas for a family vacation the day before Officer Mathews' passed away, and Mayor Schneider expressed his appreciation to staff and to Orono Police Chief Correy Farniok for contacting him personally. In the days ahead, he was able to communicate with Wayzata's Mayor Ken Willcox and with Wayzata Police Chief Mike Risvold to convey his condolences, and to be in contact with Council member Dyvik. In speaking with Crime Prevention Coalition Chair Greg Rye, while the funeral service was so important, he and Chair Rye discussed how the weeks, months and years ahead remain crucial in showing support for Officer Mathews' family. Mayor Schneider noted that a memorial fund has been established for the family, hosted by Wells Fargo bank of Wayzata. Information regarding how to contribute to the memorial fund is on the Long Lake city website. Mayor Schneider added that he was aware Long Lake was well represented at the funeral service by city staff and Council members, and welcomed staff or Council to share any thoughts about Officer Mathews.

Council member Hultmann and City Clerk Moeller shared personal reflections on their experiences with Officer Mathews. Council member Jerde added that one could tell he was a good man by the overwhelming show of support at the service.

**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 September 5, 2017 City Council Work Session

- B. Approve Minutes of September 5, 2017 City Council Meeting
- C. Receive Minutes of August 15, 2017 Economic Development Authority Meeting
- D. Approve Vendor Claims and Payroll
- E. Adopt Resolution No. 2017-39 Establishing Municipal Ratification of the Pension Benefit Level for Members of the Long Lake Fire Relief Association From \$3,800 to \$4,350 per Year of Service

*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 asked whether there would opportunity to comment during Agenda Item 11 and discussion of honoring Officer Mathews. Mayor Schneider replied that public input will be welcome.

## **BUSINESS ITEMS**

### **Public Hearing: Consider Adoption of Ordinance Amending the Long Lake Code of Ordinances, Chapter 40, Waterways, Article V. Personal Watercraft**

Moeller stated that during an August City Council meeting, it was brought to the attention of the City Council that City ordinance provisions applying to personal watercraft usage were more restrictive than state law governing personal watercraft operations. After some discussion of inconsistencies including more restrictive hours of operation than those permitted by state law, and differences in towing regulations; ultimately, the Council was in favor of initiating a review of the City's personal watercraft regulations. Staff received direction in August to prepare required notice and draft an ordinance revising personal watercraft regulations in a manner consistent with state statute and MnDNR rules as set forth.

Staff prepared Ordinance No. 2017-05 for review and approval by the City Attorney. Required notice was published in the City's official newspaper and electronic notice of the hearing was distributed via the City Listserv. Staff recommends the City Council hold the public hearing to hear comment regarding the draft ordinance, and upon conclusion of the hearing, consider a motion to adopt Ordinance No. 2017-05.

*A motion was made by Hultmann, seconded by Skjaret, to open the public hearing. The public hearing was opened by 6:46 pm.*

Judd Axelson, 1790 Martha Lane – Mr. Axelson thanked the City Council for addressing this issue, and voiced his support for pursuing keeping Long Lake watercraft rules consistent with state and MnDNR boating regulations.

Mayor Schneider added that he had reached out to the Long Lake Waters Association to see if they had an opinion regarding the proposed personal watercraft ordinance changes, and they articulated they did not have an interest in weighing in on the draft ordinance language. They shared that they view themselves more as ecological stewards of the lake.

*A motion was made by Hultmann, seconded by Skjaret, to close the public hearing. The public hearing was closed at 6:48 pm.*

Council member Skjaret questioned whether the City of Orono would need to similarly revise their personal watercraft ordinance language. Moeller affirmed Orono would need to do so, and that she

would be sending Orono city staff a copy of Long Lake's ordinance for their use. Weske clarified that Orono's position had been to opt for Long Lake to take the lead in facilitating the changes proposed.

*A motion was made by Hultmann, seconded by Skjaret, to adopt Ordinance No. 2017-05 amending Chapter 40, Waterways, Article V. Personal Watercraft, of the City Code of Ordinances. Ayes: all.*

**Special Event Permit for Fireworks Display on Long Lake (Host Site: Birch's on the Lake)  
Special Event Permit for Birch's FallFest Rowing Sprints Race**

City Clerk Moeller reported that on September 7, staff was contacted by Benjamin Netzley of Hollywood Pyrotechnics, Inc. and advised that they had been retained by Birch's on the Lake to offer a fireworks display during the restaurant's FallFest event on Sunday, September 24. The majority of the FallFest event is planned to be contained to the restaurant itself; however, a fireworks display using Long Lake does require that a Special Event Permit be obtained from both the City of Long Lake and from Hennepin County Sheriff's Office Water Patrol.

On behalf of Hollywood Pyrotechnics, Inc., Mr. Netzley submitted a Special Event Permit application to permit their Fireworks Display on Long Lake to be held on Sunday, September 24 from dusk or approximately 8:00 pm through 8:15 pm. The application was found to be complete with exhibits detailing the scope of the display. Staff and Fire Chief Van Eyll have reviewed the application materials and would recommend approval of the requested Special Event Permit, subject to conditions.

Additionally, the Long Lake Rowing Crew (LLRC) was invited by Birch's on the Lake to participate in the restaurant's FallFest event by staging a mini rowing race from their permitted location at the restaurant. As the proposed event falls outside the scope of both their approved conditional use permit and Hennepin County Sheriff's Water Patrol permit and would take place on a day outside their permitted lake use schedule, the LLRC is applying to both the City of Long Lake and to Hennepin County Sheriff's Office Water Patrol for the necessary permits to allow their mini rowing race. The Birch's FallFest Rowing Sprints race as proposed would be staged from their site at Birch's on the Lake, with small groups of LLRC rowers and boats racing on Long Lake in "sprint" races between the hours of 3:00 pm and 4:00 pm. They would also be broadcasting race announcements during the races.

The Special Event Permit application submitted by Amy Johnson on behalf of the LLRC was found to be complete with exhibits describing the proposed sprint races, including a site map depicting their race route on the lake.

Moeller noted that in awareness of the popularity of community interest events and in recognition of anticipated attendance, both proposed permits include conditions to address event parking considerations as well as outdoor deck viewing occupancy limits.

*A motion was made by Skjaret, seconded by Hultmann, to:*

- *Adopt Resolution No. 2017-35 approving issuance of Special Event Permit #S2017-08 for the Fireworks Display on Long Lake to be held September 24, 2017;*
- *Adopt Resolution No. 2017-36 approving issuance of Special Event Permit #S2017-09 for the Birch's FallFest Rowing Sprints Race to be held September 24, 2017; and*
- *Approve the issuance of a Noise Variance Permit authorizing the use of sound amplification equipment for broadcasting announcements during the rowing sprints race event.*

*Ayes: all.*

**Review Vacant Building Registration Appeal for Property at 1905 W Wayzata Boulevard (Croix Oil Company)**

Administrator Weske reported that in February 2016, the Vacant Building Registration Ordinance went into effect. In August of 2016, Croix Oil Company registered the property at 1905 West Wayzata Boulevard as vacant. A check was received in accordance with the fee schedule for the one year amount for \$1,000 and the property was registered for a year.

On August 23, staff mailed Croix Oil Company an invoice for \$2,000 for their renewal fee. On September 5 staff received an appeal form to be reviewed by the City Council. The letter accompanying their appeal form indicated that Croix Oil Company has been actively been trying to sell the property for 10 years. Croix Oil states that the downturn in the market and Highway 12 now bypassing Long Lake have contributed to the property not selling.

After review by staff and the City Attorney, staff's recommendation is to deny the appeal based on the data provided as it does not provide a counter argument to qualify the building as a non-vacant building.

Weske added that Croix Oil's letter attachment to their appeal refers to a rezoning having taken place after Croix Oil Company closed the facility. The property has not been rezoned and continues to retain the zoning classification of B-2 General Business, as it was zoned prior to Croix Oil Company's purchase of the property.

Mayor Schneider indicated that he would open the floor to the applicant to present their appeal; however, no one was in attendance on behalf of Croix Oil to speak to the appeal.

Weske confirmed that the \$2,000 renewal fee was imposed in accordance with the vacant building registration fee schedule for commercial properties that have been vacant more than one year; and that should the appellant opt not to remit the required registration fee, the fee can be certified to the property's taxes.

*A motion was made by Hultmann, seconded by Jerde, to deny the vacant building registration appeal by Croix Oil Company for the property at 1905 West Wayzata Boulevard. Ayes: all.*

**Discuss Honoring Wayzata Police Officer Bill Mathews**

Mayor Schneider welcomed public input during the Council's discussion of honoring fallen Wayzata Police Officer Mathews.

Dan MacDonald, 335 Russell Lane, proposed that the trail section or "lake walk" to be installed between Martha Lane and Cemetery Road be named and signed in memory of Officer William Mathews, and added that the railings through the walkways could be permanently marked in blue.

Lori Goodsell, 2206 Watertown Road, stated that Officer Bill was a great guy and shared her experiences with Officer Mathews. She would love to see the City pursue dedicating the Brown Road bridge in his name, because he used to watch out for the community often at that bridge. Whether or not the bridge may be renamed in his honor, she will continue to think of him often as she travels that bridge.

Council member Hultmann had emailed Hennepin County Commissioner Jan Callison to inquire as to what the process would be to pursue renaming the Brown Road bridge. She had responded it would

take some time to gain additional information on how to do so, but that she would be replying with more information soon.

Mayor Schneider suggested that as the Council and City are receptive to doing something visible and permanent to honor Officer Mathews, perhaps the next step would be to hear back from the County regarding what the protocol for renaming the bridge, and then revisiting the ideas suggested. He added that the City of Wayzata had approved the construction of a memorial to honor fallen Wayzata Police Officer JW Anderson a few weeks prior, and that plans are underway to include honoring Officer Mathews as well in their memorial project.

**Adoption of Preliminary 2018 Payable Levy; Establish Truth in Taxation Public Meeting Date to Discuss Preliminary Levy and Proposed Budget**

Weske reviewed General Fund budget considerations for 2018 which include an estimated 2% increase in employee health insurance premiums; an assumption that \$6,581 of Local Government Aid (LGA) will be received; the 2018 contract Police protection services amount from the City of Wayzata will be \$290,700; 2018 estimated insurance rate increases by line of coverage to include liability property, and workers' compensation an average increase of 4%; and an increase in the City's Taxable Market Value of \$225,002, from \$2,909,771 to \$3,134,773. Permit revenue for 2018 is anticipated to remain largely the same as the year prior; though, with the changes in the City's escrow policy adopted in 2017, it is anticipated the City may incur less consultant fee expense in 2018.

The proposed 2018 preliminary operating levy of \$991,370 coupled with a required debt service levy of \$146,853 produces a total preliminary levy of \$1,138,223, resulting in an increase of \$73,645. The proposed preliminary levy increase of \$73,645, accompanied by a 7.7% increase in net tax capacity, will ultimately result in a zero increase of the local City tax rate for 2018 while retaining a \$27,528 surplus as a buffer for 2018.

Weske reviewed recent history of the City's tax rates over the past few years, and clarified that the debt service increase is related to bonding for the Watertown Road street improvement project and to the City's portion of the County Road 112 project. Looking ahead, future budget preparation discussions will include reviewing capital improvement plan items and replacements. He also indicated that it may be advisable to consider delaying Grand Avenue street improvements in order to prevent bonding for the project likely necessitating increasing the City's tax rate.

Mayor Schneider stated that the Council is voting on the preliminary proposed levy only. The final levy would be voted upon in December, and the final levy may not exceed the preliminary proposed levy to be voted upon at this time.

Weske indicated that a Truth in Taxation budget hearing would be held at the Council's first meeting in December for review of the final 2018 proposed budget and levy. Final action to approve the final 2018 budget and levy would take place at the Council's second meeting in December.

Council and staff discussed potentially scheduling a special work session to be dedicated solely to budget discussions.

*A motion as made by Skjaret, seconded by Jerde, to adopt Resolution No. 2017-37 establishing the preliminary 2017 property tax levy payable in 2018 for the City of Long Lake; and Resolution No. 2017-38 establishing the 2017 public meeting date as December 5, 2017 to discuss the proposed levy and budget for taxes payable 2018 for the City of Long Lake. Ayes: all.*

### **County Road 112 / Wayzata Boulevard W Reconstruction Project Updates**

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

- Pavement removals and grading are underway in the downtown area.
- Storm sewer and water main replacements are also being replaced in the downtown area.
- There have been significant watermain replacements at the intersections of Shaughnessy Avenue/County Road 112 and Brimhall Avenue/County Road 112.
- The remainder of the watermain to be replaced between Willow Drive and Brown Road has been staged on the south side of the road and will be installed later this week.
- The addition of more pavement, curb and gutter has continued over the past few weeks, most notably between Brown Road and Martha Lane.

Mayor Schneider observed that noticeable progress continues through the corridor as areas now include finished sidewalk, curbing, and retaining wall improvements. At the meeting held at City Hall in August, positive assurance was received from County project representatives that the County will be working very hard to have surface roadway construction complete from Willow Drive to Mill Street by the Thanksgiving holiday.

### **OTHER BUSINESS**

**Brush Impacting Visibility** – Council member Skjaret asked that staff contact Hennepin County to request brush be cut back in the vicinity of Heather Lane and County Road 112, as visibility is an issue at the intersection. Weske replied that he will contact Hennepin County and request either that they cut back the brush, or ask that City crews be given permission to undertake the work.

**Upon Reflection** – Mayor Schneider reflected that the past week had been a difficult one. He shared that he had respect for the work undertaken by staff while mourning the passing of Officer Mathews, and reflected that staff and Council will continue to keep him close to heart.

### **ADJOURN**

*A motion was made by Jerde, seconded by Hultmann, to adjourn the meeting. Ayes: all. Mayor Schneider adjourned the meeting at 7:30 pm.*

Respectfully submitted,

Jeanette Moeller  
City Clerk