



**MINUTES
CITY COUNCIL MEETING
October 3, 2017**

CALL TO ORDER

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

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

Staff Present: City Administrator: Scott Weske; and City Clerk: Jeanette Moeller

Absent: None

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 the tragedy that occurred in Las Vegas.

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

Mayor Schneider offered the following comments and updates:

Mayor Schneider invited everyone to attend the Taste of Long Lake charity fundraiser food and wine tasting event taking place at Otten Bros. on Saturday, October 7.

On Wednesday, September 27, Mayor Schneider served as an umpire and participated in the Orono Police Department versus Long Lake Fire Department annual softball game at Holbrook Park. He reported that the Orono Police Department won this year's game with a score of 14-9, and noted it was a fun evening.

The Birch's FallFest event took place on Sunday, September 24. During their FallFest, the Long Lake Rowing Crew had put together a Mayoral challenge sprint race whereby Mayor Schneider, along with Orono Mayor Denny Walsh, selected names randomly from a cup to determine who would be their rowing partners in four-seat rowing sculls for a competition. He announced that Team Long Lake was victorious.

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 September 19, 2017 City Council Meeting
- B. Receive Unofficial Draft Minutes of September 26, 2017 Park Board Meeting
- C. Approve Vendor Claims and Payroll

A motion was made by Hultmann, seconded by Dyvik, 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

Schedule Special Work Session for Discussion of 2018 Budget and Levy

Staff is requesting the City Council consider a motion to schedule a Special Work Session meeting for continued 2018 budget discussions. Suggested meeting dates would be either Tuesday, October 24 or Thursday, October 26 beginning at 5:30 pm.

Council member Dyvik pointed out that the Long Lake Waters Association water summit meeting has been scheduled for October 24.

A motion was made by Skjaret, seconded by Jerde, to schedule a Special Work Session meeting for continued 2018 budget discussions on Thursday, October 26 beginning at 5:30 pm. Ayes: all.

Special Event Permit for Gear Western Country Half Marathon and 5K

City Clerk Moeller reported that Gear West has requested a Special Event Permit to hold their annual half marathon and 5K followed by a race party on Saturday, October 14. The races start at 8:30 am and 9:00 am, with after-race festivities including a cook out and country music located at Gear West anticipated to end around 12:00 noon.

The races would take place on streets in both Long Lake in Orono, and on portions of the Dakota Trail and Luce Line trail. This year's race routes have been altered from the routes used in past years, moving runners away from the Wayzata Boulevard W corridor due to the ongoing reconstruction project. The applicant will be required to obtain permission from the Hennepin County Transportation Department for use of Brown Road (County Road 146) and for crossing Wayzata Boulevard W (County Road 112). The event organizer will work with the Police Department regarding traffic control planning along race routes. To allow some flexibility in addressing any additional route related concerns that may arise due to unforeseen circumstances, staff is recommending approval of the Special Event Permit for the Gear Western Country Half Marathon and 5K with a condition that any changes to final race routes through Long Lake be as agreed to in writing by the Wayzata Police Chief or his designee.

A motion was made by Jerde, seconded by Skjaret, to:

- *Adopt Resolution No. 2017-40 approving issuance of Special Event Permit #S2017-10 for the Gear Western Country Half Marathon and 5K event to be held October 14, 2017; and*
- *Approve the issuance of a Noise Variance Permit authorizing the use of sound amplification equipment during the Gear Western Country Half Marathon and 5K race party.*

Ayes: all.

Update Regarding Honoring Officer William Mathews

Council member Hultmann indicated that since the Council's last meeting, he had received follow up correspondence from Commissioner Callison regarding her staff's research on the ability to change the name of a bridge and her staff had only uncovered two instances where a bridge was named after an individual. The County Attorney is reviewing whether a policy is or should be in place for

this type of request. Ultimately, Commissioner Callison's office is working on providing additional information with respect to whether Long Lake could pursue a request to rename the Brown Road bridge in tribute to Officer Mathews, and Council member Hultmann will share her office's findings as more is known.

Dan MacDonald, 335 Russell Lane – Mr. MacDonald encouraged the Council to await the County's policy decision, reflecting that Officer Mathews deserves to be visibly honored rather than the City pursuing naming a less visible trail or street in his honor.

Mayor and Council discussed other commemorative alternatives including dedicating the future County trail along the lake in Mathews' honor, or alternatively renaming a City trail segment. Council member Hultmann stated that as the lake trail would be in County road right of way, he would send an email to Commissioner Callison inquiring whether the lake trail renaming may be possible as well.

Mayor Schneider and Council were in agreement to wait for further direction from the County and see what options may be available, then to proceed accordingly. Mayor Schneider reflected that the intent would be to try and move forward in some way to honor Officer Mathews' legacy in a timely manner.

Update Regarding Veterans Day Commemorative Activities

Mayor Schneider noted that Veterans Day is Saturday, November 11. Plans for Veterans Day commemorative activities are continuing to develop. At this time, it is anticipated activities will begin with a recognition ceremony at the Veterans Memorial in Nelson Lakeside Park; to be followed by a gathering at the Red Rooster likely including some type of light brunch or refreshments. Mayor Schneider hopes to share complete details with the Council at their next meeting, allowing a few weeks to promote.

Consider Action on "In God We Trust" Initiative

Mayor Schneider recalled that the Council had first heard about the "In God We Trust" initiative when John James appeared before the Council during their September 5 meeting. He spoke with the Council about having "In God We Trust" represented at the City Hall building. City Attorney Thames was present at that meeting and had indicated that "In God We Trust" was adopted as the nation's motto in 1956. Since that time, use of the national motto in public institutions has been ratified by Congress and through Supreme Court decisions, as long as the motto's use is reflective of patriotism and tradition without any secular intent. After lengthy discussion at the September 5 meeting, the Council had tabled further discussion until the October 3 work session which took place prior to tonight's regular meeting. Council held additional discussion on the "In God We Trust" initiative earlier in the work session. There was some discussion that perhaps community input should be solicited via a referendum or survey. He stated that as elected officials, they should have courage to put it to a vote, and therefore indicated he would be making a motion.

A motion was made by Schneider, seconded by Dyvik, to direct that "In God We Trust" be displayed on a plaque at City Hall.

Prior to the vote, Council continued discussion as follows:

Council member Hultmann reflected that the Pledge of Allegiance is recited before meetings honoring tradition. He affirmed he believes in the separation of Church and State, and does not feel City Hall is the appropriate place for posting "In God We Trust".

Council member Skjaret stated that he feels it is the Council's responsibility to make decisions that benefit the community. Posting "In God We Trust" could be seen as a divisive issue in the community, and he agreed with Council member Hultmann that there is a separation between Church and State. He does not support the proposed action.

Council member Jerde stated that she would support the proposed posting if the intent is patriotic in nature.

Council member Dyvik commented that he also would support the proposed posting because the courts have ruled the display of "In God We Trust" may be upheld if the purpose is not related to establishment of religion, but is focused on patriotism. He recognized this may be a hot button issue for some individuals, and would be supportive of a survey of residents; however, the motion is on the table to be voted upon. "In God We Trust" has been the country's national motto for 60 years, and he would not see the proposed posting as divisive, but noted he respected Council member Skjaret's position.

Mayor Schneider agreed and indicated he does not see the posting as a divisive issue, but rather as an affirmation of what has been passed by Congress and reaffirmed by the Supreme Court. The action proposed is meant to be in support of the national motto, and is not meant to be anything but inclusive to everyone.

Ayes: Dyvik, Schneider, Jerde. Nays: Hultmann, Skjaret. Motion carried.

Mayor Schneider noted that one of the strengths of Long Lake is simply that a very strong sense of respect is maintained through the Council's disagreements and agreements, providing a good example of what a democracy is. The ability to have open discussion in this fashion while maintaining a lot of respect in doing so says a lot about Long Lake.

In response to the Council's action, staff will work with local printer Budget Printing to obtain an estimate for a plaque to be installed per the Council's majority vote.

Request to Direct Staff to Prepare Tobacco Ordinance Revisions – Review of City Council Vote at August 15 Meeting

Mayor Schneider reported that back in August, he had asked the City Council to consider giving direction to staff to pursue measures to revise the City's tobacco ordinance and raise the minimum age for tobacco purchases from 18 to 21. He reviewed the locations of the city's three establishments with tobacco licenses and noted that the intent of his request was to ask that staff be given direction to begin the process that would result in a public hearing to consider an ordinance amending with allowance for input from both sides. From his personal research, he does not believe the issue of raising the minimum age for tobacco purchases will be considered by the State any time soon. Edina and St. Louis Park have adopted this change in their local ordinances, and some other cities have weighed in on their interest in considering doing so. He added that back on August 15 during the last discussion of this subject, only four members of the Council were present and the vote was a tie that he as Mayor did not have the authority to break. With that in mind, he asked the full five member Council to revisit the issue.

Council member Skjaret questioned why the Council would want to further discuss the matter, since the Council's previous tie vote meant the motion did not pass. He commented that in the State of Minnesota, you become a legal adult when you turn 18 and are eligible to vote, get married, join the Army, sign for your own loan, and get a tattoo. If the problem is that 18 to 21 year olds are purchasing cigarettes for distribution to minors, nobody has been locally arrested for doing so. He added that tobacco laws do not prevent youth from using or possessing tobacco products, they only

prevent them from purchasing them. The real issue is nicotine addiction, and the way we treat addiction problems is by smart action and education rather than prohibition. The State has done a wonderful job of decreasing tobacco use through education, laws about where you can and cannot smoke, and by raising tobacco product prices. He added that the proposed amendment would not be effective and reflected it would have only a "snowflake effect", meaning it may look good, and people may feel good about it, but it would not last very long. He does not believe the costs associated with an ordinance revision would be worth it in this circumstance.

Council member Hultmann suggested that perhaps this could be an item for a community survey to invite the general public and residents to share their responses.

Council members were in support of this approach, and gave direction to staff to pursue preparation of a survey regarding interest in raising the minimum age for tobacco purchases from age 18 to 21. Mayor Schneider recalled that there was a survey conducted of a number of State Fair attendees that had included this issue as a question, and encouraged staff to review the survey's language while preparing a Long Lake survey.

County Road 112 / Wayzata Boulevard W Reconstruction Project Updates

Mayor Schneider indicated he had spoken with the owner of the Red Rooster, Dave Lundberg, as well as the County road project senior engineer, Paul Backer, regarding a logistical stumbling block that could use Council direction. There will be a new crosswalk at Mill Street impacting the area around the northeast corner of the Red Rooster. Mr. Lundberg would like to tie into the County's project and have his section of sidewalk replaced as well as part of the overall sidewalk work in that vicinity. The logistical issue is that the sidewalk contractor has indicated they are unable to do the work independently for a private business, and can only add the work at the order of the City or the County. Subject to the correct legal solution, Mr. Lundberg would be very happy to pay for his portion of the improvements and is hoping the work may be done in conjunction with the project. Mr. Backer indicated he had no issue with the City taking on the responsibility to coordinate adding Mr. Lundberg's sidewalk section replacement to the project scope, however, the Council would need to discuss and provide direction to facilitate doing so.

Council members discussed Mr. Lundberg's request and were in favor of lending assistance in this situation. Staff received direction to obtain a project estimate and to work with the City Attorney to craft a reimbursement agreement that could be entered into by the City and Mr. Lundberg.

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

- Crews are continuing to rebuild the roadway on the south side of the project area between Willow Drive and Brown Road as utility replacement work is completed.
- Reconstruction of the center lane of Wayzata Boulevard W between the creek crossing and Mill Street has allowed the project area to accommodate both directions of traffic as reconstruction begins on the northern half of the roadway.
- Beginning this month, reconstruction on the center lane of Wayzata Boulevard W between the Southwood Shores townhomes and Wolf Pointe Trail will start. Crews will remove pavement, replace underground utility lines, and grade the roadway. This work is being completed to allow both lanes of traffic to shift onto the newly built temporary lanes spanning the shoreline along Wayzata Boulevard W. The temporary lanes will allow crews to begin shoreline work this winter and continue in 2018. During construction of the center lane, eastbound traffic will be moved to the temporary lanes, and westbound traffic will remain on the current road.

- Asphalt crushing operations at the Public Works site are nearly complete.

Council member Dyvik noted that someone had mentioned to him they were concerned that mud and dirt in the east end of the project area along the shoreline were washing into the lake in the extreme rains. He sought assurance that the correct silt fencing and erosion control measures were in place to protect the lake at this time, and that they will be in the future as the trees along the shoreline are removed. Mayor Schneider responded that the City has had consistent assurances from the County that environmental concerns would be addressed, and he would follow up on this in conversation with Paul Backer.

Council member Skjaret questioned the status of the cooperative agreement development for Phase II of the project.

Mayor Schneider thought the cooperative agreement would likely be coming before the Council for review and vote in November. Weske confirmed that November review was likely, and staff is continuing to work on noteworthy items in the agreement at this time.

OTHER BUSINESS

Newspaper Reporting – Council member Skjaret commented upon the ongoing absence of reporting on Long Lake related news in the City's official newspaper, 'The Pioneer'. Mayor Schneider had also made the same observation and shared that he had discussed his concerns related to the lack of reporting by the recently employed reporter assigned to Long Lake with the senior editor. He also shared his disappointment that a condolence eulogy he had written following Officer Mathews' passing was not published as he had requested, but was used and made part of an article written as if it were an interview. Additionally, the current reporter had misspelled Officer Mathews' name and misidentified his residence as being in the City of Long Lake. He noted that as the City has the ability to select its official newspaper, the lack of reporting might be a consideration at the time next year's newspaper is selected.

LLWA Annual Water Summit – Council member Dyvik reported that the Long Lake Waters Association will be hosting their second annual water educational summit meeting on Tuesday, October 24 from 6:30 pm to 8:30 pm in the Orono City Council Chambers, 2750 Kelley Parkway, Orono, MN. The LLWA is inviting all interested individuals to attend and learn about the state of the Long Lake subwatershed including the newly released 2017 Minnehaha Creek Watershed Management Plan, and about the LLWA's plan of action.

October 10 Planning Commission Meeting – Mayor Schneider requested that staff post a quorum notice to allow Council members to attend the October 10 Planning Commission meeting and hear the presentation regarding the land use application for 1070 W Wayzata Boulevard.

Park Board Liaison – Council member Jerde indicated that the Park Board had asked her to pass on to the City Council that the City needs to start planning ahead for replacement of playground equipment, in particular at Dexter Park. Mayor Schneider encouraged the Board to look into grants available through the Minnesota Sports organization and discussed his positive experience with their grant application process.

Holiday Decorating Contest – Mayor Schneider stated that he is anticipating to have holiday decorating contest details available for the Council's next meeting.

ADJOURN

A motion was made by Jerde, seconded by Skjaret, to adjourn the meeting. Ayes: all. Mayor Schneider adjourned the meeting at 7:33 pm.

Respectfully submitted,

Jeanette Moeller
City Clerk