



**MINUTES
CITY COUNCIL MEETING
July 7, 2020**

CALL TO ORDER

The meeting was called to order at 6:33 pm.

Present: Mayor: Charlie Miner (telephonic); Council: Deirdre Kvale (telephonic), Jahn Dyvik (telephonic), and Tom Skjaret (telephonic)

Staff Present: City Administrator: Scott Weske (in person); Public Works Director: Sean Diercks (telephonic); Fire Chief: James Van Eyll (telephonic); City Engineer: Alex Miller and Shelly Hanson (telephonic); City Attorney: John Thames (telephonic); and City Clerk: Jeanette Moeller (in person)

Absent: Council: Michelle Jerde (with prior notice given)

PLEDGE OF ALLEGIANCE

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

Mayor Miner offered the following comments and updates:

Mayor Miner hoped everyone enjoyed their 4th of July holiday weekend. He added that downtown looked great with the hanging flower baskets and flags on the light poles, and thanked Public Works for keeping everything looking beautiful. He noted he had seen Public Works staff out working over the holiday to make sure the flower baskets stayed hydrated. He also had observed a lot of lake users on Long Lake over the weekend.

The Council met in a work session prior to the regular meeting and talked almost exclusively about the City's updated Pavement Management Plan (PMP) and a franchise fee proposal to fund PMP improvements.

Mayor Miner indicated Fire Chief Van Eyll had received a nice letter from the Assistant Commissioner of Public Safety thanking him for his assistance at the emergency command center during the riots in Minneapolis. Mayor Miner expressed appreciation to Fire Chief Van Eyll for his volunteerism.

Information about changes to this year's Corn Days will be discussed during the meeting ahead.

APPROVE AGENDA

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

CONSENT AGENDA

The Consent Agenda consisted of:

- A. Approve Minutes of June 2, 2020 City Council Work Session
- B. Approve Minutes of June 16, 2020 City Council Meeting
- C. Approve Vendor Claims and Payroll

- D. Approve the City of Long Lake Pavement Management Plan Revised July 2020
- E. Receive 2nd Quarter 2020 Preliminary Revenues and Expenditures Ending June 30, 2020

Regarding Consent Agenda Item No. 5E, Council member Kvale sought clarification on financial reporting related to the debt service fund expenditures for the Watertown Road project. Weske explained that the City just received its property tax revenues the previous week, and the revenue was not yet included in the reports as an offset. He also noted that payments are made to bond agencies, but adjustments allocating funding sources to the payments are made and balanced during the audit process.

A motion was made by Dyvik, seconded by Skjaret, to approve the Consent Agenda.

Regarding Consent Agenda Item No. 5D, Council member Dyvik questioned whether the Pavement Management Plan (PMP) warranted more discussion. Weske clarified that the action requested is to approve the PMP, recognizing that while the PMP schedule of improvements was being approved, the Council would continue to review the PMP each year and potentially make changes. The PMP serves as a guideline to assist the City in budgeting for street improvements over a five-year period and is a document that can be modified based upon changing road or financial conditions. Mayor Miner suggested that a caveat statement be added to the PMP document to indicate the plan is subject to change.

Ayes: all by roll call.

OPEN CORRESPONDENCE

Gretchen Piper, Candidate for Minnesota Senate District 33 – Ms. Piper introduced herself as a candidate for the Minnesota Senate District 33 seat, discussed her personal and professional background, and indicated her willingness to meet with individuals and interest in meeting with Councils, Chambers and school leaders to hear about issues important to communities.

Sahand and Sarah Elmtalab, 1090 Old Long Lake Road – City Clerk Moeller had received a request from the Elmtalabs to read the following comments aloud during Open Correspondence:

Hello, we are new to the community. We have been excited to join everyone here at Long Lake. Since August of last year, we feel we may have made a mistake. We have expected help and resolution from the community and city, like we have given and would give, and have not received it.

Our understanding of the facts:

- 1. Proper disclosures were not made and we are owed in excess of \$20,000 from Green Mavericks just for the sprinkler system. There is an additional \$75,000+ in legal fees.*
- 2. The city accepted and allowed building permits without proper timelines and accountability of completion regarding the road, the storm-water drain, the landscaping plan, the curbs, the retaining wall, etc. Very lengthy list.*
- 3. The bonding amount the city asked to have put up was not an appropriate amount. As this was uncovered, in addition to the timelines not being accounted for, the city made us sign an agreement which shifts some of the risk from the city to us. I don't think this was appropriate or how you treat your citizens when you made the mistakes.*
- 4. Green Mavericks asked us to sign a "Title Correction Document" as "required by the City of Long Lake". This was misleading, to be put politely, and our access was taken from us.*

5. *Subcontractors were not paid on time. Some may still not have been paid. Some of these subs are Long Lake businesses.*
6. *Green Mavericks called Sarah Elmtalab a bitch. Sarah is a Long Lake resident.*
7. *Green Mavericks told Sarah my 5-year old son and 3-year old daughter would be going to hell. My son and daughter are Long Lake residents.*
8. *Green Mavericks on numerous occasions harassed my mother-in-law; Recently on record with the police.*
9. *The landscape plan presented to us, and supposedly the city, has not been executed. Clearly, it is not 90 trees on the road as anyone who has driven by can see. This is just one item.*
10. *The recent June deadline for the stormwater pond, curbs, landscaping, retention walls, etc was again not met; with little to no accountability.*
11. *Green Mavericks, also, has a number of issues some being legal with our surrounding neighbors. These families are, also, Long Lake residents.*

We have offered to help Green Mavericks from the beginning so that we can make this area look nice as we are living there. We have been met with deception and resistance, to be out politely.

We are proposing a few different options for consideration:

1. *We would like Green Mavericks to be held accountable. This would entail an actionable accountability plan so we all can see a resolution in sight. This is what actually should have already happened.*
2. *If this cannot be done, we propose allowing a separate entrance for our home so my family is safe. With the harassment of little kids, senior citizens, and my wife accompanied with the unsafe blockage and damage of the road, we hope someone can step in to help our family like they'd expect us and everyone to step in for theirs.*
3. *As a last option, we are happy to work with anyone from the city to whomever else and help resolve this catastrophe and eye soar.*
4. *We would like our like access for a dock given back since we were egregiously misled and it was taken from us.*

Thank you for listening. We have grown to know quite a few people and that has been great. Although sad and catastrophic, we were happy to be present and help with the fire at Cody's home. This event had us feeling we were contributing and helping the community which is what this is all about.

We simply would like some help from our community so we can raise our kids safely, protect our mom, and be treated fairly within the bounds of the law. I hope we are met with the help we would give.

*Thank you.
The Elmtalabs*

City Attorney Thames indicated he had spoken with City staff today, had received a copy of the Open Correspondence comments, and offered the following to provide context for Council:

Disclosures referenced by the comments relate to disclosures that are the developer's responsibility. The sprinkler system requirement for homes was documented in the Developer's Agreement, with sprinkler systems accepted by the City and Fire Chief in lieu of an adequate turnaround sized to accommodate fire protection vehicles.

The Elmtalabs' home was the first Building Permit to be issued, and then a Building Permit was issued for Lot 2. Construction of all development site improvements did not happen as timely as the City would have liked. When the first house construction was complete, the Elmtalabs requested the City release their Certificate of Occupancy (CO) prior to improvements related to the development being completed. In an effort to assist the property owners, the City agreed to conditionally release the CO so they could move in; or in other words, the property owners entered the development knowing it was incomplete and at their request. There has been a lag on the part of the developer in completing site improvements, though some significant progress has occurred in the last few weeks.

Thames felt it was premature to say whether or not the letter of credit withheld for completion of development site improvements is sufficient or not, as the City has not stepped in to complete the improvements and wouldn't do so unless there has been no compliance.

Thames and the City were not privy to the title correction document mentioned – that document was between developer Green Mavericks and the property owners. He noted that the Developer's Agreement stated that the lake access easement would only be available to Lot 4, and if a different representation was made by the developer, that would be between the parties.

Regarding subcontractors not being paid, the City has not heard any come forward.

Relative to name calling issues, the parties have been advised to contact the Police with any concerns about threats or intimidation.

As far as recent progress, the most recent schedule the City had provided for Green Mavericks requires completion of site stabilization items, the stormwater pond, the retaining wall, and items of that nature. The City Engineer has been inspecting the area weekly. The developer is moving forward on improvements, though not as fast as the City would like to see. The City can understand the Elmtalabs frustration with site conditions; however, Thames has cautioned staff against taking any sides in what has become a very visceral issue between the Elmtalabs and the developer. The City has received progress reports that are encouraging, and some others that have not been so encouraging. The City had received an updated schedule from the developer earlier that afternoon, which documented that most of the items the City has been primarily focused on related to stabilization of the site will be completed by the end of the week, and that is something the City will be looking to see compliance with. If further action needs to be taken, the City has the authority to stop work; however, doing so would not address the Elmtalabs concerns, which are ultimately that they would like to see construction complete and the interruption done. Thames added that the City Engineer is doing a great job of following up with the developer.

Council member Kvale affirmed that in terms of subcontractors not being paid, that would not be a City issue.

Mayor Miner stated that he knows staff and the City Attorney have been spending a lot of time on the issue, and will keep Council up to date on how the site moves along. The City will do what it can as far as ensuring the City of Long Lake's actions are appropriate to the remainder of the project.

City Engineer Miller indicated that the holding pond has been excavated and most of the piping has been installed. The developer plans to install the blanket and aggregate by the end of the week. The site is stabilized for erosion control, which is an ongoing item she has been checking in on. Other issues she's been following up on are construction of the boulder wall and other grading throughout the site. There is earth that needs to be moved from one lot to another to meet grade.

Regarding the weeds along the berm, Miller agreed there has not necessarily been a whole lot of improvement. She was aware that the weeds had been mowed and one weed treatment was applied. That issue was probably due to be checked on to be sure it gets addressed.

Jim Koch, Green Mavericks (Developer, Landings at Long Lake Subdivision) – Mr. Koch addressed some of the comments made during Open Correspondence by adding the following:

Lake access to the Elmtalabs lot was never part of any disclosure and as Council and staff are aware, the Developer's Agreement with the City was that only Lot 4 would include lake access. That was communicated by Mr. Koch's real estate listing agent to the Elmtalabs listing agent. Further, the Elmtalabs had been asked to sign a release because something wasn't recorded properly. Green Mavericks has given up the lake access to one of the Old Long Lake Road neighbors through an agreement.

Full disclosures were made to the Elmtalabs through their agent. Their agent is the same party who built their home. The lake access information stated was untrue, and he has record of the disclosures as were put forth at closing.

Mr. Koch stated he has no legal issues with any of the neighbors in the area. He took offense to the name calling statements made – he indicated he had been on site when Sarah Elmtalab had been there and there had been some name calling, but it was not by him or his workers. He said he would never say something about someone's children and indicated it was unfortunate that comment was made.

Regarding comments in relation to landscaping, Mr. Koch stated he had approached the Elmtalabs with landscaping plans that included additional plantings beyond the minimum requirements, with landscaping intended to be finished when the boulder wall is completed. The Elmtalabs elected not to participate in the landscaping plan and installed their own trees along the berm which have died now. Green Mavericks intends to plant to fulfill beyond their landscaping requirement including plants, trees, bushes and an irrigation system for the remainder of the subdivision.

He indicated the weeds and grass have been cut twice now, and their condition is temporary until the boulder wall is finished next week.

The disclosure of the sprinkler system requirement for the home was made through Green Mavericks' listing agent to the Elmtalabs real estate agent. The Developer's Agreement was supplied to them prior to closing, and there had been dealings with their attorney on the issue. Green Mavericks has a real estate agent that made disclosures to the Elmtalabs real estate agent/builder.

Mr. Koch stated it was important to set the record straight with facts about the slight delays. The Elmtalabs came into a closed builder site and asked to be allowed to buy in with their own builder who wished to build there. Green Mavericks had agreed to that. Unfortunately the partner with the builder's company they had begun working with had left that company, and they had worked with others from the company since the initial agreement. The Elmtalabs' builder came to Green Mavericks and wanted to purchase the adjoining lot. A purchase agreement was signed, Green Mavericks assumed they would close in good faith, and both the Elmtalabs and their builder had approached Green Mavericks a couple of times about buying other lots. The signed agreement was not fulfilled and after six to eight months of dealing with that, they backed out of the purchase agreement. When the builder excavated dirt from Lot 1, they pushed it all onto Lot 2 creating a burden for Green Mavericks as 1,200 yards of dirt were pushed to Lot 2 instead of offloaded. Green Mavericks has an ongoing dispute with them about that as Green Mavericks has removed 120 truck

loads with more to go. Green Mavericks acknowledged they've had significant delays, but they had believed there was a purchase of the lots pending, and had they known the agreement wouldn't have been executed they would have begun work last year.

Regarding subcontractors working on the property, he offered to provide a list to the City if desired.

He reiterated he took offense to the accusations made by the Elmtalabs, indicated this is a dispute between private properties that will be pursued as they see fit. Mr. Koch added that they are working with the City Engineer on City required improvements and are almost done. He closed in saying he is always available if anyone has questions from Council.

BUSINESS ITEMS

Accept Donation to the Long Lake Fire Department of KN95 Masks From Contract Service Options

Fire Chief Van Eyll reported that the the Long Lake Fire Department (LLFD) recently received a donation of 1,000 KN95 masks from Contract Service Options. Previously, Assistant Chief John Hall had informed Chief Van Eyll he knew of a company who would be willing to donate KN95 masks to the Fire Department and asked the Chief if the City would be interested in the donation. Chief Van Eyll replied that the City would absolutely be interested, as the Fire Department is always looking for PPE to satisfy requirements and to plan for a potential surge of COVID-19 cases in the fall. Van Eyll introduced Amy Hall Rettinger, attending the meeting representing Contract Service Options who made the donation.

Ms. Rettinger confirmed that after speaking with Chief Van Eyll and Assistant Chief Hall, on behalf of the Rettinger family they would like to donate 1,000 KN95 masks to the Long Lake Fire Relief Association and Long Lake Fire Department.

Mayor Miner thanked Ms. Rettinger and indicated the City and firefighters very much appreciate the donation.

A motion was made by Dyvik, seconded by Skjaret, to adopt Resolution No. 2020-22 accepting a donation to the Long Lake Fire Department of 1,000 KN95 masks from Contract Service Options. Ayes: all by roll call.

Mayor Miner stated that the KN95 masks are hard to come by and the City really appreciates Contract Service Options' generosity, as do the citizens of Long Lake. He also thanked Ms. Rettinger for staying through a longer Open Correspondence in order to share their donation in person.

Van Eyll also commended Ms. Rettinger on their donation, as the masks would have cost the department upwards of \$6,000 had they needed to purchase them.

Review and Discuss Franchise Fee Implementation Process and WSB Proposal for Franchise Fee Administration Process

Administrator Weske recalled that the Council had begun discussing implementing franchise fees as a funding source for road improvements in the work session prior to the regular meeting. Previous discussions of this concept took place with Council in December 2019 and April 2020. Tonight's conversation includes discussing potentially having WSB assist the City through the process of implementing franchise fees with public engagement.

Shelly Hanson, WSB, confirmed that the City's updated Pavement Management Plan (PMP) was approved at tonight's meeting during the Consent Agenda. The PMP represents a living document

with changes to be made as needed. Hanson reviewed a potential schedule for a proposed franchise fee implementation process, beginning with tonight's conversation, followed by public education and engagement opportunities, and preparing for a public hearing to be held by City Council on September 1 at which Council would be hearing public comment and considering ordinance adoption. She pointed out that one item on the schedule included a possible August 19 virtual open house that could be offered by WSB for the public through Zoom or Webex. The virtual open house differs from the public hearing and would include a short presentation made by WSB in a virtual environment where electronic attendees could raise their hand and speak.

Council member Dyvik noted that since the public hearing afforded the opportunity for public comment, he questioned whether an open house would be needed.

Weske confirmed the open house would not be a needed item if Council feels the public hearing would offer enough public comment opportunity. The additional open house would create opportunity for those who would prefer to share input but do not want to attend a formal public hearing.

Mayor Miner stated that the line item in WSB's proposal for a virtual open house included two open house meetings.

City Engineer Miller replied that the logic behind the two meeting times was to offer something during daytime hours when business owners may want to attend.

Mayor and staff discussed the proposed open house meetings, the \$2,000 cost, reducing the cost by offering only one open house meeting time, and perhaps holding off on making a decision about the open house until the public engagement process is underway. Ms. Hanson confirmed that part of the engagement would include talking about the PMP and its importance, talking about franchise fees to fund PMP improvements, some example scenarios specific to Long Long Lake, and posting links to the PMP and a Powerpoint information. Ms. Hanson stated that if the City were to request only one virtual open house meeting, that would indeed reduce the proposal cost, and she could provide an updated number for the City Administrator in the next day or two.

A motion was made by Dyvik, seconded by Skjaret, to authorize staff to work with WSB based on the implementation schedule and approve the do not exceed amount in the WSB Proposal for aiding in the Franchise Fee Administration Process, addressing whether or not to include holding a virtual open house at a later date. Ayes: all by roll call.

Special Event Permit Request for "Corn Days to Go"

City Clerk Moeller recalled that this year would have marked the Church of St. George's 50th Corn Days festival and fundraiser, which will hopefully occur next year. Due to the COVID-19 health pandemic ongoing in 2020, the Church of St. George Parish Council considered alternatives for this year's Corn Days and ultimately decided to scale back the event to a drive-through format.

Moeller reported that the Church has made an application requesting to hold "Corn Days to Go" on Saturday, August 8 from 11:00 am to 6:00 pm with a rain date of Sunday, August 9. "Corn Days to Go" will offer roasted or fresh corn for curbside pickup on a drive-through attendance basis in the Church parking lot, and volunteers working the event will be observing COVID-19 safety protocols.

Staff recommends approval of a Special Event Permit for "Corn Days to Go" with conditions as specified in the permit included in Council members' meeting packets. Recognizing that the COVID-19 pandemic has had a significantly negative impact on the City's businesses and annual community

festivals, Moeller stated that staff is also recommending the City Council consider waiving the \$75.00 Special Event Permit fee for the event.

A motion was made by Skjaret, seconded by Dyvik, to adopt Resolution No. 2020-23 approving issuance of Special Event Permit #S2020-02 for "Corn Days to Go" to be held August 8, 2020 (rain date August 9, 2020); and to authorize City staff to waive the Special Event Permit application fee for this event. Ayes: all by roll call.

Verbal Updates From Fire Chief / Emergency Manager

Fire Chief Van Eyll provided updates and responded to Council questions, discussing the following:

CARES funding will be distributed out to cities, and Van Eyll will work with staff on how to utilize that money consistent with funding guidelines. The Fire Department had also previously completed a supplemental grant application for FEMA funding for PPE purchases, and he is uncertain whether a grant award will be received.

Birthday party drive-by parades were suspended at the end of June now that guidelines allow up to 25 individuals at social gatherings.

Weekly area Fire Chiefs meetings have now been rescheduled to take place on the first and third Tuesdays of each month. Unless circumstances change in the fall, the new meeting schedule will continue. The group had discussed how beneficial these regular meetings were for COVID-19 as well as other items such as joint communications about road closures and fireworks displays on lakes.

Over the 4th of July holiday, crews were out assisting Water Patrol and dealing with medical calls on the water over the weekend. He complimented Assistant Chief John Hall for doing a great job coordinating LLFD efforts over the holiday. There was one fire call that had been cancelled shortly after it was paged.

Van Eyll is continuing to work with Long Lake and Orono staff on preparations for elections.

Mayor Miner stated that the number of boats gathered at Big Island on Lake Minnetonka had made national news and he wondered whether any COVID-19 cases may result. Chief Van Eyll confirmed he had seen the footage and noted that COVID-19 does not seem to frighten a lot of people.

Verbal Updates From Public Works Director

Public Works Director Diercks provided updates and responded to Council questions, discussing the following:

A watermain break had taken place at 2315 W Wayzata Boulevard in the middle of the Elite Auto junkyard, and the repair had been a bit of a challenge.

The locator unit Public Works has used for 20 years finally died, and a new one had to be purchased at a cost of approximately \$4,500. Public Works staff use the locator nearly every day.

Staff received confirmation yesterday that the water tower will be cleaned on July 20 and 21.

Public Works had begun working on the Orchard Circle/Meadow Lane drainage issue. A camera was run into pipe but could only travel 12 feet before hitting mud. After jetting the pipe, staff again ran the camera and could only get 75 feet in before hitting resistance. Staff will refresh locate marks and do some digging later this week or the first part of next week.

Water production has nearly doubled from winter months, which should be good for water sales revenue.

A significant tree was lost in Dexter Park following high winds about 10 days ago.

The 4th of July holiday was one of the busiest in Nelson Lakeside Park that Diercks had ever observed. About a whole week's worth of trash was accumulated over three days.

Spray patching has taken place on Grand Avenue, Glendale Drive, areas of Daniels Street, and a bit of Bollum Lane on the cul-de-sac. The contractor has yet to complete patching on Bollum Lane, Orchard Circle, and Apple Glen Road, with Meadow Lane to be added depending on where funds are at. Diercks confirmed the finished product seems to be very nice so far.

Regarding goose management, Diercks stated he has not received reports of any geese in the lake park since goose management discussions began. Council member Skjaret noted that he believes the geese are hanging out by the holding pond near Stoneridge Circle, and Diercks agreed.

Two of the hanging flower baskets have been a struggle to keep alive, and Diercks had contacted the nursery today to see if they may be able to help with advice. Diercks added that they have been watering the plants with a fertilizing solution each time, and they may need to back off on that. Regarding the Long Lake Garden Club, Diercks indicated volunteer Anita Secord had reached out and asked to meet with him prior to the Garden Club having their first meeting.

Mayor Miner noted that the town is looking good, and thanked Diercks for coming in to keep everything maintained over the holiday.

Council member Dyvik thanked Diercks for assisting with removing a large submerged log that had showed up on the shoreline a few houses down from his home. Diercks in turn expressed appreciation to Council member Dyvik for towing it by boat to the Nelson Lakeside Park landing for staff to dispose of.

OTHER BUSINESS

2040 Comprehensive Plan Update – Council member Kvale had observed a number of line items in the City's recent invoice from WSB pertaining to the 2040 Comprehensive Plan update and questioned the progress on the project. Weske commented on some of the items WSB may have been recently working on related to the plan update, specifically the water plan component, and indicated he would check in with WSB on the status of the 2040 Comprehensive Plan project and send a follow-up update to Council.

City Hall Updates – Weske informed Council that staff will be working on preparing utility bills to send out this week or early the following week. He also noted that staff will be implementing a different module with the City's electronic billpay vendor to enable staff to accept credit card payments for permits by phone or at the front desk.

EDA Meeting and Updates – Responding to inquiries by Mayor Miner, Weske confirmed the EDA will be meeting in two weeks on July 21; no recent calls have been received expressing interest in the City owned former BP station site; and Weske is anticipating updates regarding TIF studies of the Virginia Avenue redevelopment area will be available at the July 21 EDA meeting.

ADJOURN

Hearing no objection, Mayor Miner adjourned the meeting by general consent at 8:11 pm.

Respectfully submitted,

Jeanette Moeller
City Clerk