



**MINUTES
CITY COUNCIL MEETING
August 4, 2020**

CALL TO ORDER

The meeting was called to order at 6:35 pm.

Present: Mayor: Charlie Miner; Council: Deirdre Kvale, Michelle Jerde, Jahn Dyvik, and Tom Skjaret

Due to the COVID-19 health pandemic, the Long Lake City Council attended this meeting telephonically pursuant to Minn. Stat. 13D.021.

Staff Present: City Administrator: Scott Weske (in person); Public Works Director: Sean Diercks (telephonic); Fire Chief: James Van Eyll (telephonic); Engineering Consultant: Shelly Hanson (telephonic); and City Clerk: Jeanette Moeller (in person)

Absent: None

PLEDGE OF ALLEGIANCE

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

Mayor Miner offered the following comments and updates:

The City Council met in a work session prior to the regular meeting to discuss preliminary 2021 City budget and levy considerations, with a few minutes also spent on discussing franchise fees.

On Saturday, August 8, the Church of St. George will be holding "Corn Days to Go" during which event participants will be able to drive through and pick up fresh or roasted corn. This year's event would have marked the 50th anniversary of the Corn Days summer festival.

The Wayzata Police Department issued a crime alert advising that they had taken several reports of thefts from vehicles in Long Lake the previous Friday morning. The alert reminded everyone to make sure to remove valuables from vehicles and keep vehicles locked.

APPROVE AGENDA

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

CONSENT AGENDA

The Consent Agenda consisted of:

- A. Approve Minutes of July 21, 2020 City Council Meeting
- B. Approve Vendor Claims and Payroll
- C. Authorize Pay Request #3 to Hoffman & McNamara Co. in the Amount of \$12,386.57 for the Wayzata Boulevard (CSAH 112) Phase 1 – Landscape Project

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

Responding to questions asked by Council member Dyvik regarding Agenda Item 5C, Weske confirmed that as mentioned in the cover memo, 5% retainage is still being withheld through the end of the two-year contract period and the payment request does not represent full and final payment of the contract. Weske also indicated that he believed both the City of Orono and Hennepin County had reimbursed the City for their share of the project, but stated he would confirm both parties had paid.

Ayes: all by roll call.

OPEN CORRESPONDENCE

Chris Fernandez, 187 Orchard Circle – Mr. Fernandez spoke regarding an item on the agenda pertaining to a drainage project in the Orchard Circle/Meadow Lane area. He provided background on the history of the drainage issues being experienced by a group of neighbors particularly over the past 17 years, discussed past interactions with previous Councils who had found the matter to be a resident issue, and described measures taken each year to address the drainage problem by running sump pumps and hoses across multiple people's yards to route water to the roadway and storm sewer system. Bids have been obtained for a project that will resolve the drainage problem, and on behalf of the neighbors, Mr. Fernandez asked that the Council consider financially contributing to the project which would be largely funded by the impacted property owners, and indicated he appreciated the Council's consideration.

BUSINESS ITEMS

Review and Discuss Franchise Fee Documents and Proposed Fee Structure

Engineering Consultant Shelly Hansen of WSB reviewed the draft franchise fee ordinances, rates and rate classes as currently negotiated with Xcel Energy and Centerpoint Energy. She noted that both utilities had requested the City consider discontinuing collecting right-of-way permit fees from them when they apply for permits; however, as the fee amount paid by the utilities is so small and represents City costs associated with utility permitting, in discussions WSB has held the position that the City would not waive these fees. A number of other cities with franchise fees are continuing to collect their more significant permit fees from the utilities.

Hansen's presentation also depicted estimated fee revenue under the current franchise fee rate schedules proposed; reviewed where the City is at in the overall schedule; reviewed changes made to draft FAQs and website content following up on direction from Council at the last meeting; and indicated that if the Council decides that a virtual open house in addition to the public hearing would be of benefit, then a motion would be needed to approve the fee proposal for WSB to provide that service.

Mayor, Council and staff discussed the virtual open house process and timing versus the public hearing; the timing of the public hearing to consider implementation versus preliminary levy adoption; and how word of the open house and hearing will be disseminated to the public.

A motion was made by Skjaret, seconded by Jerde, to approve the addition of one virtual open house meeting to the WSB fee proposal related to the implementation of franchise fees at a cost of \$1,776.

Council member Dyvik referenced the FAQs handout and asked if language could be added to better clarify what percentage of a road project is funded by assessments. Weske confirmed that the City's

Special Assessment Policy documents the percentage and he believed assessments fund approximately 20% of a project's cost. Council member Dyvik mentioned that some people think they are being assessed for 100% of a road project's cost, and some education may help to show that there is a big gap in project funding to be filled beyond what assessments may collect.

Council member Kvale indicated she was not in favor of holding an open house, and questioned whether WSB would be at the open house if held. Weske confirmed WSB would be present at both the open house and the public hearing.

Ayes by roll call: Jerde, Dyvik, Miner and Skjaret. Nay by roll call: Kvale. Motion carried.

Council member Dyvik referred to the franchise fee rate structures proposed and questioned whether they could be changed, for example, should the Council desire to only apply franchise fees to commercial and not to residential.

Hansen explained that the City could reduce fees, but would not be able to increase rates without renegotiating with Xcel and Centerpoint. She cautioned that staff has worked very carefully on the rate proposal in order to arrive at a certain dollar amount that will help get projects done. If the funding is too low, it will not be as effective. She pointed out that whether you live in a lower priced house, median, or higher valued home, everyone drives. Under the franchise fee rate scenario, every household is paying the same amount of money because they're all using streets, whether driving, having kids on school buses – households may use a different type of vehicle but they are all using the infrastructure. Some of a community's larger businesses use heavier equipment and have employees and traffic coming in, therefore are using roads more heavily.

Discuss Orchard Circle / Meadow Lane Drainage Project

Public Works Director Diercks referenced comments made by Mr. Fernandez under Open Correspondence and confirmed their drainage concerns spanned a multi-decade history. Past Council members had previously voted against City involvement in a project in the area; however, the scope of the drainage issue has changed now compared to previous understanding of the situation. Staff's exploration of the area found that there was some infrastructure buried in the ground that no one knew was there and which had failed. Diercks displayed a photo of the uncovered culvert. A connection fitting could be installed to accept piping from the neighborhood to route drainage to the culvert. The total project cost as quoted by Widmer Construction would be about \$16,000, with the City's portion of the project being approximately \$3,500, and the remainder to be the responsibility of the affected residents.

Mayor Miner thanked Diercks and staff for literally digging into the matter and finding the drainage pipe, as everyone was relieved that it would provide somewhat of a solution to the drainage issue. He stated that it was hard to understand what is going on without seeing it, but an area of about five to six houses have excessive drainage backup in their yards, and the project would allow them to drain into the drainage pipe instead of pumping water to Orchard Circle. Drainage to the uncovered infrastructure would travel underneath Orchard Road and go to the holding ponds on the other side of the road. Mr. Fernandez has indicated that residents have come together and have a way to cover their portion of the project – all they need is the City to be a partner in the project. Mayor Miner shared that he was in favor of spending the \$3,500.

Council member Kvale questioned whether previous road construction had interfered with the drainage of the area.

Diercks stated that as houses were built over the years, natural grading of the area changed. The natural grading would suggest flow would be to the southwest and to Long Lake Creek. Over the

last 25 to 30 years, the natural gravity flow has disappeared which has pretty much created a pond in people's backyards. Luckily the missing culvert was found, offering the easiest way to remediate the situation. Responding to further Council discussion, Diercks confirmed the residents are indeed willing to fund their share of the project; and that though drain tile will be run about 300 feet from the homes, there is about three feet of fall to encourage proper drainage to the infrastructure. He also noted that the water pumped to Orchard Circle has been staining the curb and area.

A motion was made by Skjaret, seconded by Jerde, to approve payment to Widmer Construction in an amount not to exceed \$3,500 for repairs to drainage infrastructure in the Meadow Lane/Orchard Circle area.

Diercks and Weske confirmed that the City has also incurred expenses to date in investigating the site conditions.

Ayes: all by roll call.

OTHER BUSINESS

Fire Department Updates – Fire Chief Van Eyll indicated he had been working with City Clerk Moeller on some election preparation related items, and she will be trying out some different layout options for the Primary. Van Eyll thanked Public Works for the amount of work they had put in at Fire Station 1 – they had pulled out all of the overgrown shrubbery, Van Eyll will be working with a landscaper to install landscaping that requires less maintenance, and hopefully grass will be able to grow on the south side of the building.

Public Works Updates – Diercks reported that staff will be digging up an area at Grand Avenue and Harrington Drive to repair a watermain break tomorrow. Diercks suspected that bolts may have rotted off a valve. About 70 residents will have to be shut off from water service while repairs are made, and fliers were distributed door to door to notify impacted residents. Mayor Miner recalled that the Council had seen the area of Grand Avenue and Harrington Drive highlighted as an issue by Public Works before.

The water tower has been cleaned and looks fantastic.

A water loss audit has been conducted for the City's water distribution system, and there are a couple hot spots they had returned to look at earlier today. He had no further information on outcomes as of the meeting.

City parks are continuing to see very heavy use.

Public Works has started conventional patching of potholes and crack sealing of every street that had not been spray patched, and has been working very heavily on doing so for the last four to five days.

Mayor Miner thanked Public Works for taking care of some of the weeds coming up on the former BP station site.

Copier Purchase – Weske indicated that the City had purchased a slightly used copier/printer that would allow staff to print color items as needed in the future. City Hall's former copier was transferred to Public Works to replace their old unit.

Elections Update – City Clerk Moeller provided an update on Primary elections preparations, absentee voting, and indicated her appreciation to her co-workers for their support and assistance with election preparation activities. She particularly thanked Public Works for working to construct plexiglass shields that will be used to protect election judges working on election day.

East Long Lake Trail Project – Council member Dyvik stated that Orono has begun the reconstruction of East Long Lake Road which will become East Long Lake Trail. He was uncertain whether they were constructing the trail consistent with their original concept, but confirmed progress on the project is underway.

Long Lake Rowing Crew Boathouse Concept Update – Council member Dyvik reported that the Long Lake Rowing Crew had met with the Orono City Council last week to review their latest concept of a boathouse building in Summit Park to house their club. People there at the meeting represented differing opinions with some finding that it would be a good thing for the club to move on from the Birch's site, and others concerned about private use of Summit Park.

ADJOURN

Hearing no objection, Mayor Miner adjourned the meeting by general consent at 7:46 pm.

Respectfully submitted,

Jeanette Moeller
City Clerk