



**MINUTES  
CITY COUNCIL MEETING  
May 20, 2008**

**CALL TO ORDER**

The meeting was called to order at 6:43 pm.

**Present:** Mayor: Randy Gilbert; Council: Sam Rettinger, Sharon Henderson, Ben Goodwin, and Jim Benson

**Staff Present:** City Administrator: Steve Stahmer; City Attorney: Joel Jamnik; Finance Director: Terry Post; City Planner: David Abel; Public Works Director: Marv Wurzer; and City Engineers: Dan Boxrud, Jay Murzyn, and Toby Muse

**Absent:** None

**PLEDGE OF ALLEGIANCE**

**APPROVE AGENDA**

Mayor Gilbert asked that Item No. 15 be deleted from the meeting agenda.

*A motion was made by Benson, seconded by Henderson, to approve the Agenda as amended.  
Ayes: all.*

**CONSENT AGENDA**

The Consent Agenda consisted of:

- A. Approve Minutes of May 6, 2008 City Council Meeting
- B. Approve Vendor Claims and Payroll
- C. Adopt Resolution No. 2008-23 Approving Special Event Permit for Buckhorn Days
- D. Authorize Billing Method for TEK Products Sewer and Water Fees

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

**OPEN CORRESPONDENCE**

**Bob Hardin, 238 Greenhill Lane**

Mr. Hardin updated the Council on the status of landscaping at the City's Veterans Memorial, and thanked Otten Bros. Nursery for their donation of flowers. He invited everyone to attend a service at the Memorial on Memorial Day. The VFW will begin at 11:45 am following their participation in ceremonies at two other cemeteries. The guest speaker for the Memorial service will be Mayor Gilbert, with refreshments to be provided courtesy of the Fire Department after flags are raised. Mayor Gilbert thanked Mr. Hardin for his leadership. Mayor Gilbert noted that the VFW would begin ceremonies at 9:30 am at Union Cemetery, with St George's Cemetery and the City Veterans Memorial to follow. He encouraged attendance at any or all services.

## **BUSINESS ITEMS**

### **Presentation Item: Update on Stormwater Ponding Project / Brad Wozniak, SEH**

Stahmer introduced Brad Wozniak, one of the lead water resource engineers at SEH, who was present to provide an update on the City's stormwater ponding project. Initially the project was intended to consist of an expansion of the ponds and ravine work. As SEH began work on the project, the MCWD changed their rules and requirements necessitating some changes in the scope of the City's project. The grant funds received for stormwater improvements need to be spent by the end of the year.

Brad Wozniak, SEH, stated that because the project has changed or morphed so much, he wanted to review how the changes had been arrived at. Originally the project was based on expansion of the pond at Nelson Lakeside Park. In discussions with the MCWD during April 2005, they gave the impression they would give water treatment credit if the City went forward with the expansion. After the City received grant funds in early 2007, SEH started the preliminary design. At that time after meeting with the MCWD it was requested that the City put its request into a formal memorandum of understanding (MOU). In that MOU request, it was suggested the City make a formal request of the treatment credits the City would like for completion of the project. In July 2007 the City submitted a draft MOU to the MCWD. Their response was received in October 2007, and indicated that if the project moved forward with just pond expansion, the City would receive little credit for downtown redevelopment. Additional discussions were had with the MCWD relative to how the City could meet their goals, and the MCWD also indicated they would be potentially making rule changes with regard to volume control. Stahmer instructed that SEH look forward and try to come up with a project that would meet some of the future requirements. Thus, a filtration system was now proposed for the park. A new draft MOU was recently received from the MCWD, and following review comments had been submitted on behalf of the City. Mr. Wozniak further described the filtration system, how it would function to benefit Long Lake, the construction process, and ongoing maintenance that would be required. He also stated that in the next few years there will be a phosphorous load reduction that the City will be required to meet and action to remove that will need to be reflected in the City's comprehensive plan. If progress on achieving credit for redevelopment from the MCWD doesn't move forward, the City could use the filtration system proposed to satisfy the phosphorous requirement.

Council and staff discussed how Orono may be working to satisfy these requirements as well.

Mr. Wozniak also described work that would be done in the ravine as part of the proposed project.

### **Request to Amend Final Building Plan Approval for the Gear West Building Located at 1786 W Wayzata Boulevard**

Abel reported that as part of Resolution No. 2006-039, a condition had been included by the Planning Commission to incorporate awnings on the Gear West building. The Planning Commission included this requirement because they had concerns with building mass and color prior to construction of the building. Now that the building has been constructed, painted, and landscaped, owner Jan Guenther has requested that the awnings requirement be withdrawn as a condition of the issuance of the certificate of occupancy on her building. Ms. Guenther is currently operating under a temporary certificate of occupancy due to a couple of items which need to be completed on the site. Staff has been working with Ms. Guenther on these incomplete items with a completion date for the site being July 1, 2008. The Planning Commission had reviewed Ms. Guenther's request and recommended approval to the City Council.

Jan Guenther, Gear West, offered rationale for her request, an update with regard to satisfying conditions of the temporary certificate of occupancy, and her intent to use dollars allocated for awnings elsewhere to improve the site.

Since the Planning Commission's recommendation occurred during the Open Correspondence portion of their last meeting, Mayor Gilbert suggested tabling consideration of this to the July 1, 2008 City Council meeting, as he was concerned about whether rules of order had been formally met.

*A motion was made by Benson, seconded by Goodwin, to amend Resolution No. 2006-039 and remove requirement number 10 on page four where the applicant was to incorporate awnings on the building within the limits of the ordinance.*

Council member Goodwin questioned Ms. Guenther's plan for the Citgo site.

Ms. Guenther described her plans for cleanup of the site with the goal of renting it out in mind.

Stahmer stated that if the Council sees the request as a minor amendment, it was acceptable for the item to be reviewed by the Commission without being on an agenda.

Abel clarified that there was no actual motion, but that the Planning Commission had submitted their comments.

Council member Rettinger stated he felt the awnings should not have been a condition to begin with.

*Ayes: all.*

#### **Planning Case #08-04 / City of Long Lake, Ordinance Amendment Update**

Abel stated that at their meeting on May 14, the Planning Commission had moved to direct staff to study and provide more information on the proposed ordinance amendment to section 14A. Pending the Council's direction, the Planning Commission requested that more information be presented at their June meeting. The Commission indicated that they would like their comments and concerns forwarded on to the Council for consideration. Pending any new information presented at their June meeting, the Commission projected that they would hold a public hearing at their July meeting on this topic. They discussed Mr. LeTendre's concern about the timeline issue and his window of opportunity given the summer months are approaching. The Commission suggested that Mr. LeTendre consider a temporary or permanent sign design that would help promote his business as an alternative to outdoor display. They suggested incorporating one of the scooters into a permanent sign as the company logo so it would be visible from the Highway. The Planning Commission felt that there are many areas of concern with this proposal and it would require much more discussion in order for them to make an actual recommendation on this issue.

Some of the main concerns discussed at the meeting had to do with the idea of seeing yard sale or flea market type displays along Highway 12. They worried that if an amendment were to go forward that the City could potentially see businesses displaying their products outside on tables, shelves, or retail racks similar to what a yard sale or flea market would look like. All the Commissioners agreed that outdoor displays should not be allowed in the parking lot areas. They felt that the area in-between the back of the parking lot and the front property line would be a more appropriate location. They also suggested areas near the front entrance of a building on the sidewalks.

The Commissioners supported Mr. LeTendre's proposal of displaying his new motorized scooters outside and his business moving into the City, but they worry about what other products they may see displayed in that district. They suggested allowing enough space for one or possibly two scooters to be displayed to prevent larger items from being displayed. The Commission still had concerns that even if the space was limited, the yard sale or flea market atmosphere might take over the area.

Another area of concern was the enforcement involved. The Commissioners worried that this amendment could potentially be very difficult to monitor. They felt that in order to keep the displays under control it would be something that would need to be monitored on a daily basis.

Mayor Gilbert stated that the Planning Commission had made a lot of great points. He asked whether Abel had received indicated the Commission desired to change the ordinance.

Abel stated that the Commissioners were in support of the business owner's proposal, but fear what could potentially occur as a result of an ordinance amendment.

Council members discussed how the business could be marketed; that outdoor display was standard in the motor vehicle retail industry; whether a temporary permit for display could be an option; types of conditions that could be applied to any permit issuance; the timeline for review and any amendment of the ordinance; and the Council's overall desire not to discourage the business from locating in Long Lake.

Mayor Gilbert recommended the Planning Commission review the ordinance formally at their next meeting and requested an update at the Council's second meeting in June. He suggested staff discuss the matter further with the City Attorney prior to the Planning Commission meeting in order to have a thorough understanding of what conditions can be imposed.

### **Accept Plans and Specifications for Wayzata Boulevard Landscaping Project with Final Changes**

At the April 29, 2008, City Council Work Session, Landscape Architect Brady Halverson presented the most recent draft of the concept plan for the Wayzata Boulevard Landscaping Plan. At that time the Council discussed many different options, and it was decided that Halverson would incorporate those changes and bring back the plan for final review and approval on May 20, 2008. Mr. Halverson has prepared what can be termed "80% Plans" which will be finalized into bid documents and advertised for bids following the May 20, 2008, City Council discussion and direction on the issue. Mr. Halverson will distribute the 80% Plans and to the Council and provide a presentation at the May 20 meeting.

Mayor Gilbert indicated that the James' had contacted him with their concern that the three transformer boxes had been located on their property.

Stahmer had spoken Lisa James a few weeks ago and returned her call. His response to her was that it was not likely Xcel Energy had mistakenly located the boxes on their property, but that he would review the matter. As it turns out, Xcel may indeed have made a mistake. Stahmer had spoken to Xcel Energy, and it does appear they were located on their land. Further survey work will be conducted.

Mayor Gilbert noted that if the transformer boxes are on the James' property as it appears, this may be an opportunity to have them moved off Highway 12 and further to the south.

Stahmer stated that in speaking with Xcel, there are two options – Xcel will try to work with the James' to have them on their property. If agreement cannot be reached, Xcel would try to relocate the boxes behind the James' property on the hillside by the trail. That would likely require construction of a retaining wall, and Xcel may approach the City and try to negotiate participation at that point.

Brady Halvorson, SEH landscape engineer, displayed the revised plan. One thing that changed since the last review was that at west end of the plan, a hatched piece of concrete sidewalk had been included that represents his estimate of the damaged portion of concrete. Based on the last discussion of the plan he had included a bid alternate (Add Alt 1), to have the concrete contractor field verify the exact location of the damaged concrete replaced and provide an estimate for replacement.

Mayor Gilbert questioned whether reimbursement of the cost for replacement of the damaged concrete should be pursued with Mn/DOT.

Mr. Halvorson also called attention to the east and west entry/exit plantings in the corridor. He also stated an entry wall sign could be included as a bid alternate.

Stahmer noted that there had been an assumption in the Highway 12 plan that an entry sign for Long Lake would be included near the Luce Line. He stated though that he thought Council member Rettinger had made a good point that the new City park signage was very attractive, and a similar "welcome to downtown Long Lake" sign in the same style could be purchased.

Mr. Halvorson proposed that the retaining wall for relocating the transformer boxes be included as a bid alternate in the project.

Council and staff discussed how removal of the electric poles and relocation of the transformer boxes would affect the timeline of the project; what would be the best time for plantings and landscaping; Xcel's plan and timeframe for completion of burying the lines; and bid add alternates to the landscaping project.

*A motion was made by Henderson, seconded by Goodwin, to approve plans and specifications for Wayzata Boulevard Landscaping Project with final changes and bid add alternate as directed at the May 20, 2008, regular City Council meeting, and authorize SEH and staff to advertise for bids. Ayes: all.*

#### **Award Contract for the 2008 Street Improvement Project to GMH Asphalt**

Stahmer reported that bids for this project were received and opened on May 6, with very favorable results. The low bidder, GMH Asphalt of Chaska, MN, is known to be a reputable contractor. Due to the unusually high amount of special assessments paid in advance, it appears bonding for the project may be lower than anticipated at about \$450,000. A preconstruction meeting is scheduled for Friday at 9:30 am, with work to begin the next week.

Stahmer and Post clarified additional costs above the hard project cost for construction administration.

*A motion was made by Goodwin, seconded by Benson, to award the construction contract for the 2008 Street Improvement Project to GMH Asphalt Corporation and to authorize the Mayor and City Administrator to enter into a contract for said services. Ayes: all.*

**Award Contract for the Watermain Loop / Gate Valve Project to Ellingson Companies**

Stahmer reported that bids for this project were received and opened on May 6, with very favorable results. The low bidder, Ellingson Corporation, had submitted a bid approximately 45% less than the original estimate. The project is scheduled to begin June 9 with completion in October.

*A motion was made by Henderson, seconded by Benson, to award the construction contract for the Glenmoor Lane Water Main Loop and Gate Valve Project to Ellingson Corporation and to authorize the Mayor and City Administrator to enter into a contract for said services. Ayes: all.*

**Approve Scope and Fee for Construction Phase Engineering Services for the 2008 Street Improvement Project**

Stahmer presented a revised memo / task hour budget, and stated that the City Council previously directed City Engineer SEH to prepare plans and specifications/bid documents for the 2008 Street Improvement Project. The total estimated and approved budget for those services was \$107,000.

SEH submitted a revised Scope and Fee for Engineering Construction Phase Services (construction administration). The total estimated fees for construction administration is proposed as a maximum fee of \$86,500, or 12% of construction costs plus contingency. City staff has been negotiating with SEH, and SEH has been looking at areas where this fee may be decreased through combining work trips for both the street project and watermain project. Those discussions have already resulted in a \$7,000 reduction from the \$93,500 referenced in the report. The final recommended fee will be a maximum of \$86,500.

Based upon the \$86,500 figure, total engineering costs (all SEH costs and soils work by American Engineering and Testing) are expected to come in at \$197,130, or 24% below the original Engineer's Estimate of \$259,022.

Mayor Gilbert requested that in the future engineering memos be distributed to Council members at least a day in advance of a meeting.

Dan Boxrud, SEH, clarified costs and line items listed in the task hour budget; provided a comparison to the last street project in 2005; discussed cost savings as a result of conducting the projects simultaneously; and clarified how engineering fees were arrived at.

*A motion was made by Benson, seconded by Goodwin, to approve the amended Scope and Fee for SEH for construction phase engineering services for the 2008 Street Improvement Project in an amount not to exceed \$84,500 and to authorize its execution by the City Administrator. Ayes: all.*

**Approve Amended Scope and Fee for Construction Phase Engineering Services for the Glenmoor Lane Watermain Loop and TH 12 Gate Valve Replacement Project**

Stahmer stated Council previously approved the Scope and Fee for SEH relating to the Glenmoor Lane Watermain Loop and Gate Valve project in the amount of \$54,500. An amended engineering fee was distributed to the Council for consideration and approval.

*A motion was made by Benson, seconded by Henderson, to approve the amended Scope and Fee for SEH for construction phase engineering services for the 2008 Glenmoor Lane Water Main Loop and Gate Valve in an amount not to exceed \$45,811 and to authorize its execution by the City Administrator. Ayes: all.*

### **Request for Proposals, City Assessor Services**

Stahmer reported that at its last meeting, the City Council approved the City of Long Lake Policy on Periodic Review of Consulting Services whereby the City will solicit proposals on a five-year cycle for each of its respective consultants. Per policy, Year 1 of the cycle (2008) calls for the services of Building Official and City Assessor to go out to proposals via a formal Request for Proposals (RFP).

The City's current Building Official has previously been selected and began work in January of 2008. Therefore, the next service scheduled for evaluation and proposals is the City Assessor function. To that end, the City Council directed staff to send notice to City Assessor Mike Schachterle indicating that the City will be terminating the current Assessor's Agreement effective July 8, 2008, and will be soliciting requests for proposals for assessing services. That notice has been delivered. Staff recommends approval of the attached Request for Proposals for Assessor Services. Proposals will be accepted through Friday, June 20, 2008, to be reviewed immediately thereafter. Any finalist interviews should be conducted prior to the July 1, 2008, regular City Council meeting so that a consultant can be chosen by the Council at that meeting.

*A motion was made by Henderson, seconded by Benson, to approve the Request for Proposals for Assessor Services and to direct staff to advertise said RFP. Ayes: all.*

### **OTHER BUSINESS**

**Landscaping Details on South Sound Wall Along Orchard Lane** – Council member Goodwin asked that this area be landscaped to plan, as it currently is unsatisfactory.

**Planters at City Hall** – Mayor Gilbert thanked April Wysocki of the Country Cake Cupboard for donating flowers and labor to the City Hall planters.

**Mayor's Picnic** – Mayor Gilbert announced he would be hosting a picnic outside City Hall on Tuesday, May 27, 2008 from 5:30 pm to 7:30 pm.

**Memorial Day Activities** – Mayor Gilbert encouraged everyone to attend the Memorial Day celebrations as announced earlier in the meeting.

**Legislative Session** – Post reported that the legislative session had ended on time, and one of the items before the legislature was an expansion of local government aid. The League of Minnesota Cities has run an analysis based on the adopted legislation and Long Lake will be receiving approximately \$141,000 for 2009.

**Public Works Update** – Wurzer reported that sewer cleaning and televising in the southwest section of the City would begin and be occurring over the next ten days. The potholes on Orchard Circle potholes have been repaired; however, Public Works will be getting an estimate for asphalt to overlay the roadway in the future.

### **ADJOURN**

Hearing no objection, Mayor Gilbert adjourned the meeting by general consent at 8:45 pm.

Respectfully submitted,

Jeanette Moeller  
City Clerk