



MINUTES
CITY COUNCIL MEETING
June 17, 2008

CALL TO ORDER

The meeting was called to order at 6:41 pm.

Present: Mayor Pro-Tempore: Ben Goodwin; Council: Sam Rettinger, Sharon Henderson, and Jim Benson

Staff Present: City Administrator: Steve Stahmer; Finance Director: Terry Post; Public Works Director: Marv Wurzer; City Planner: David Abel; City Engineer: Toby Muse; City Attorney: Joel Jamnik; and City Clerk: Jeanette Moeller

Absent: Mayor: Randy Gilbert (with prior notice)

PLEDGE OF ALLEGIANCE

APPROVE AGENDA

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

CONSENT AGENDA

The Consent Agenda consisted of:

- A. Approve Minutes of June 3, 2008 City Council Work Session
- B. Approve Minutes of June 3, 2008 City Council Meeting
- C. Approve Vendor Claims and Payroll
- D. Receive Five Months Ended May 21, 2008 Financial Report
- E. Adopt Resolution No. 2008-29 and Continue All Active Conditional Use Permits Through June 2009
- F. Adopt Resolution No. 2008-28 Approving a Contribution for Buckhorn Days for City Park Sanitation Services

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

OPEN CORRESPONDENCE

No one was in attendance to address the City Council during Open Correspondence.

BUSINESS ITEMS

Receive 2007 City Financial Audit Report

The City previously contracted with the Abdo Eick & Meyers CPA firm to conduct an external audit of 2007 financial activities, prepare financial statements in a GASB format, render an opinion on the audit results, and prepare an assessment of the system of internal controls.

Steve McDonald, an engagement partner with Abdo Eick & Meyers, provided the City Council with a detailed overview of the audit report; including an explanation of suggested internal controls and ideas for segregation of duties relative to the handling of deposits and processing payroll.

Mayor Pro-Tempore Goodwin thanked Finance Director Post for his work throughout the year leading up to the audit.

Stahmer and Post confirmed that new internal control measures had already been implemented assuring a "second set of eyes" is involved in transactions and payroll processing.

A motion was made by Benson, seconded by Henderson, to receive and accept the 2007 City Financial Report. Ayes: all.

Public Meeting: Annual Review of NPDES Stormwater Pollution Prevention Program

Stahmer reported that as part of the Minnesota Pollution Control Agency's National Pollutant Discharge Elimination System (NPDES) requirements, the City must annually report on the status of its Stormwater Pollution Prevention Program and compliance with permit conditions. A public meeting is required as part of this report. The purpose of this agenda item is to hold the required public meeting, after which the annual report can be submitted to the MPCA by the June 30 due date.

Wurzer stated that basically City staff is required to implement best management practices, maintain structures such as manholes and drains, and monitor construction sites and hazardous waste disposal. The purpose of the report is to confirm the City has replied with requirements and is in compliance.

Mayor Pro-Tempore Goodwin opened the public meeting at 6:52 pm.

Hearing no comment, Mayor Pro-Tempore Goodwin closed the public meeting at 6:54 pm.

A motion was made by Henderson, seconded by Benson, to direct staff to complete and submit the 2007 annual report for Municipal Separate Storm Sewer Systems to the Minnesota Pollution Control Agency. Ayes: all.

Planning Case #08-04: City of Long Lake Ordinance Amendment / Section 14A and Section 19

Abel reported that in response to a request received by the Council for consideration of amending Section 14A to allow outside display of motorized scooters as an allowable Conditional Use, the Planning Commission had discussed the proposal further at their June 10 meeting. Copies of draft minutes from the meeting were distributed to the Council as a bench handout.

After a long discussion it seemed that three of the Commissioners were not in favor of moving forward with an ordinance amendment. The general feeling from the Commission was that they do not feel that amending the ordinance to allow businesses outdoor display or storage is in the best interest of the community. Two of the Commissioners seemed amenable to discussing the idea further; however, it was stated that the Commission as a whole is unsure if they will ever be able to come to an agreement for a recommendation. Generally, the Commissioners felt that there are many issues to be discussed with this proposal and suggested that the potential business owner figure out a way to incorporate a scooter into his sign. Some of the Commissioners would be willing to discuss the issue more if the Council should direct them to do so.

Mr. Bob LeTendre, of National Sales and Leasing, indicated that he has already had 11 scooters delivered and plans on occupying the space next to NAPA on a month to month lease basis. Currently staff is working with Mr. LeTendre on temporary and permanent signage for the site to promote his business.

Abel indicated that the Council could consider the following options:

- Direct the Planning Commission to hold a public hearing at their July 8 meeting. If this is the decision of the Council, clear direction with regard to what restrictions/allowances should be included for staff to prepare a draft ordinance.
- The Council could take the issue on and hold a public hearing at the Council level without a Planning Commission recommendation. The soonest the Council could hold a public hearing would be at the July 15 meeting due to posting requirements.
- The Council could decide that the ordinance language should stay as written and end any further discussions on this matter for the time being.

Council members and staff discussed examples of legal nonconforming businesses who have outdoor displays; the need for new businesses or buildings to conform with current zoning; the general desire of the Council to encourage and support business owners; and the need to consider future impacts of this particular ordinance change.

City Attorney Jamnik provided some clarification on what restrictions could or could not be imposed with regard to outdoor business displays.

The history behind the current ordinance restrictions was also discussed.

A motion was made by Rettinger, seconded by Henderson, to take no further action and leave the ordinance language as currently written. Ayes: Rettinger, Goodwin, Henderson. Nays: Benson. Motion carried.

Bob LeTendre, the requester, asked if he could still make his signage application and whether he could perhaps display scooters outside for a short term.

Council members and staff reviewed temporary and permanent sign options with Mr. LeTendre, and confirmed that outdoor display would unfortunately remain unallowable for the present time.

Contract for 2008 Street Improvement Project Materials Testing with American Engineering and Testing

Stahmer stated that as part of the 2008 Street Improvement Project, the testing of construction materials is necessary to ensure specifications are met in order to achieve high quality improvements. This work has been historically been contracted out to specialty firms such as American Engineering and Testing. A proposal was solicited from AET to provide this quality control. AET submitted an estimated fee for these services totaling \$3,280, dependent on the number of required tests and site visits. The City Engineer will be staying aware of the number of visits made in an effort to keep the proposed dollar figure accurate.

Toby Muse, SEH, indicated SEH is comfortable with the number of tests included in the scope.

Stahmer also confirmed that this cost had been considered in the overall budget for the project.

Jamnik noted that he observed a provision in the contract limiting AET's liability to the City. In the future with contracts for professional services, he would not recommend adopting any contract with a similar liability clause.

A motion was made by Benson, seconded by Henderson, to approve the contract for Materials Testing with American Engineering and Testing related to the 2008 Street Improvement Project and to authorize its execution by the City Administrator. Ayes: all.

Administrator Annual Performance Review

Stahmer indicated that the purpose of this agenda item is for the City Council to take action consistent with the outcome of the closed executive session meeting held immediately prior to the regular City Council meeting. During that meeting, the City Council had conducted his annual performance evaluation and discussed goals and expectations.

City Attorney Jamnik noted that ratings ranged from satisfactory to excellent, and it was up for the Council to determine whether to adopt the resolution reflecting the ratings or only a portion of that.

In summary of the full discussion and debate held on the matter:

- Benson stated that having thought about the discussion in the executive session, he believes action taken should be independent of any discussion of the 2009 budget, and recommended approval of a 2% salary step increase. Halfway through 2008, other staff members had already been treated consistent with the current pay procedure, and to penalize Stahmer because his review had been delayed by six months was totally inappropriate in his mind.
- Council member Rettinger said that he had questions on the budget issue and would like to table action. He felt another work session should be scheduled for further discussion.
- Mayor Pro-Tempore Goodwin commented that the Council's aggregate review of Stahmer's performance was between satisfactory and excellent; however he had concern about the Mayor not being present, and was also concerned with the 2009 budget. In response to fellow Council member questions as to why the review hadn't been conducted in a timely manner, Goodwin said that was a question for the Mayor and that frankly, the person who had the biggest involvement was not present at the meeting; therefore, Goodwin supported tabling action. He maintained he would like to have a greater understanding of future budget impact.
- Council member Henderson said she would like to see the motion for approval move ahead. She wanted to make known that the performance review was for 2007 and behind by six months, and felt it is inappropriate for the Council not to reward their employee. She stated it is bad enough that the review was behind, and that it was inexcusable for any manager not to follow through. She felt this would not look good for the Council and that if reported, the Council would be reprimanded for their performance in that genre. She asked Council members to consider putting themselves in Stahmer's place and asked how they would feel if they had received a rating in the area he did, but their employer did not show their fiduciary responsibility by applying your raise to your paycheck.

A motion was made by Henderson, seconded by Benson, to adopt Resolution No. 2008-30 approving a 2% salary step increase retroactive to January 5, 2008 for City Administrator Steven J. Stahmer, with his performance acknowledged as satisfactory to excellent. Ayes: Henderson, Benson. Nays: Rettinger, Goodwin. Motion failed for lack of a majority.

A motion was made by Rettinger, seconded by Goodwin, to table the agenda item for further discussion in a work session. Ayes: Rettinger, Goodwin. Nays: Henderson, Benson. Motion failed for lack of a majority.

After lengthy discussion with comments summarized above, Jamnik suggested that either another motion be made, or the agenda move on to Other Business.

As it was the consensus of the Council that further action or discussion should be taken on the matter of the proposed salary step increase, alternate dates for another work session or special meeting were posed. Mayor Pro-Tempore Goodwin suggested that this item be added to the Council's already scheduled budget work session to be held July 9.

Stahmer noted the Council did have the option to accept his evaluation, with the wording in the resolution being amended to remove the salary step increase reference.

Mayor Pro-Tempore Goodwin fully supported that idea. Although Rettinger questioned why the evaluation and salary step could not just be kept together, Goodwin stated he wanted to recognize Stahmer's performance and at least get that portion done and resolved to acknowledge Stahmer has done a satisfactory to exemplary job.

A motion was made by Goodwin, seconded by Benson, to recognize the City Administrator's performance as satisfactory to excellent. Ayes: all.

OTHER BUSINESS

Feedback From Resident in Street Project Area – Council member Henderson had received a positive e-mail from a resident on Neilson Avenue impacted by the 2008 Street Improvement Project, and read the following into record:

"Sharon,

I wanted to express to you as a Long Lake City Council member, my appreciation for the workers of the road construction project on Neilson Ave. and Inglewood Ave. They have been very courteous and seem to be empathetic to the difficulties of living in the mess that comes with road work. I have been pleased with the effort they have put forth to give us access to our homes at the end of each day. Unlike the adults of the neighborhood my boys love the mess and have enjoyed watching the heavy machines move dirt and waving at the workers who will actually wave back and even honk sometimes. I would appreciate if you could forward my compliments to the appropriate party at the construction company.

Thank you,
Adam J. Holmes"

Henderson thanked Public Works Director Wurzer and Toby Muse of SEH for their efforts to date.

Buckhorn Day – Mayor Pro-Tempore Goodwin noted for all who watched the meeting that the upcoming Saturday would be Buckhorn Day at Nelson Lakeside Park. He encouraged attendance and stated it promised to be a wonderful fun-filled event for families.

TEK Products – Post reported that the first installment payment of hookup charges owed by TEK Products had been received earlier in the day.

I and I Report – Wurzer had received the results report of the recent sewer televising project and significant infiltration had been found, a lot from manholes themselves. Wurzer would be bringing forth a work order to proceed with manhole repairs. Between manholes and home services, fairly significant infiltration had been observed.

ADJOURN

Hearing no objection, Mayor Pro-Tempore Goodwin adjourned the meeting by general consent at 7:42 pm.

Respectfully submitted,

Jeanette Moeller
City Clerk