



**MINUTES
CITY COUNCIL MEETING
July 1, 2008**

CALL TO ORDER

The meeting was called to order at 6:46 pm.

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

Staff Present: City Administrator: Steve Stahmer; Finance Director: Terry Post; City Planner: David Abel; City Attorney: Cindy Kirchoff; and City Clerk: Jeanette Moeller

Absent: Council: Ben Goodwin (with prior notice)

PLEDGE OF ALLEGIANCE

APPROVE AGENDA

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

CONSENT AGENDA

The Consent Agenda consisted of:

- A. Approve Minutes of June 17, 2008 City Council Executive Session
- B. Approve Minutes of June 17, 2008 City Council Meeting
- C. Approve Vendor Claims and Payroll
- D. Adopt Resolution No. 2008-34 Approving a Special Event Permit for Corn Days 2008; Approve a Noise Variance Permit; Approve Temporary Liquor Licenses; and Approve an Application for Exempt Permit to the Minnesota Gambling Control Board for Gambling Activities (Bingo/Raffles)
- E. Adopt Resolution No. 2008-33 Approving the Joint Cooperation Agreement for the Urban Hennepin County Community Development Block Grant Program

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

OPEN CORRESPONDENCE

Bob LeTendre, National Sales & Leasing

Mr. LeTendre is currently selling scooters temporarily out of 2365 W Wayzata Boulevard. He asked that the City Council reconsider their decision made at the last Council meeting and allow him to display his scooters outside. He had been in the space since Thursday and had put a sign out, but had been unable to incorporate a scooter into the sign and is not getting customers thus far. He said he does have a good product to sell, he thinks his upcoming television ads will bring people to town, but feels he has to have his scooters outside so people can see what he has to offer. He asked that the Council come up with an idea that would qualify him to keep three or four scooters outside his storefront so he can merchandise them.

Council member Benson sympathized with the business owner, as did Mayor Gilbert. Mayor Gilbert said he would like to see staff directed to move forward with amending the ordinance.

Council member Henderson supported the business owner being able to see his product, but reflected there is concern about the effects of a change allowing outdoor display. She would be amenable to reviewing the issue again.

Council member Rettinger asked if there would be a way to look at adding this type of outdoor display as a condition use or a temporary permit.

Council members and staff discussed past suggestions offered by the City Attorney regarding allowing display if it was apparent a change would be made in the immediate future; concerns raised by the Planning Commission; the timeline for when a public hearing could be published and held on a proposed ordinance amendment; and the need for further direction in terms of what the Council would like to see allowed. Mayor Gilbert asked that the topic be included on the agenda for the July 8 Council work session meeting.

Council member Benson questioned whether there was anything the Council could do to allow Mr. LeTendre to begin displaying his scooters the following day. Council member Rettinger also felt the business owner should be allowed to display his product while discussion remains ongoing.

City Attorney Kirchoff clarified that a legal nonconforming use is created when a use is legal at the time it begins, but then an ordinance change is passed which prohibits that use.

Mayor Gilbert directed that staff not enforce the ordinance requirements and allow the business owner to display scooters in one parking stall. Council members did not oppose this direction.

Stahmer stated staff would enforce the ordinance if display exceeded one parking stall, and that in the future, the City reserves the right to begin enforcing the ordinance at the Council's direction.

BUSINESS ITEMS

Planning Case #08-05: West Hennepin County Pioneer Association, Master/Final PUD Reviews, Lot Consolidation, and Final Plat Approval, 1953 W Wayzata Boulevard

Abel reported that the West Hennepin County Pioneer Association is proposing a a one story, 4,256 square foot addition to the existing Pioneer Museum building at 1953 W Wayzata Boulevard. The addition would replace storage buildings that were taken from the Museum by Mn/DOT as part of the Brown Road extension project. A Concept PUD review was conducted back in March of 2005 by the City Council and the Planning Commission on this proposal. The general footprint of the addition has not changed since the last review in 2005. However, one alteration has been made to the proposal. The revised plan proposes a one story addition instead of the partial two stories proposed in 2005.

The project requires the following:

- 1) a master development plan, and a re-zone to PUD;
- 2) a final site and building plan review; and
- 3) a lot consolidation with a preliminary and final plat review.

The development will not affect the surrounding area or neighborhood, and will not create additional roadways. The addition has been designed to fit in with the architectural look of the existing Museum structure. Set up to the street setbacks (0' setbacks) could not be achieved on the site

given the existing location of the structure; however, the proposed addition does meet the intent of the downtown design guidelines. Maximum allowable building height is 35 feet. The highest point from the ground measures at 28 feet. The proposed plans show a board on board wood siding, a stone base veneer stone with stone sill, aluminum frame windows, and shingles to match the existing structure on the site.

There are currently two access points on Highway 12 for the properties between the Brown Road intersection and the drainage ravine. One access is located on the property to the west of the Museum which may be shared through an access easement with the property owner. A new access is proposed to the Museum property, removing the previous access point on the property. Permits will be required from Mn/DOT to reconstruct the access. The Museum plan also allows for construction of a driveway extension through the parking area to the property to the west for shared access. When the property to the west is redeveloped in the future, a cross access agreement will be required and only one access may be allowed by Hennepin County or a possible right-in/right-out only on the western most access. The Museum's board has passed a resolution of understanding agreeing to work with neighboring property owner on a cross access agreement.

A public sidewalk is proposed to the west of the existing drainage ditch. This sidewalk is proposed to be public, connecting to the sidewalk along Highway 12 and the new Mn/DOT trail system along Brown Road. The Museum will provide an easement for the trail connection and grade the site for the trail. They are proposing that the City of Long Lake construct the trail if the Park Board and City Council deem it proper.

Jim Dillman, representing the West Hennepin County Pioneer Association, responded to questions about the appearance of the building addition; intended uses of the space; the anticipated construction start date; the Museum Board's willingness to enter into a cross access agreement; and clarified that the Museum was not asking the City to complete the proposed trail segment, but rather would make the trail segment available for construction should the City desire to do so and accept maintenance responsibility.

Stahmer noted the trail segment issue would be brought before the Park Board for their discussion and if it was the Park Board's desire to see the trail included in the capital improvement program, their recommendation would come back to the City Council.

A motion was made by Benson, seconded by Rettinger, to adopt Resolution No. 2008-31 approving the Master Development Plan, a re-zone to PUD, and a final plat for the property located at 1953 W. Wayzata Blvd., with the findings of fact and after mentioned conditions. Ayes: all.

A motion was made by Henderson, seconded by Benson, to adopt Resolution No. 2008-32 approving the Final Site and Building Plan with the findings of fact and after mentioned conditions. Ayes: all.

Finance Director Annual Performance Evaluation

Stahmer said that in his position as City Administrator, he annually evaluates the performance of each employee with the exception of Public Works employees who are evaluated by the Public Works Director. Terry Post was hired as the City Finance Officer on June 21, 2004. Stahmer had conducted his 2008 evaluation of Mr. Post and they had met to discuss his review as well as Post's perceptions of his performance and goals for the next year. Post continues to monitor the City's money and budgets with great care while constantly working to improve the finance function for the City of Long Lake. Stahmer said he has found Mr. Post to be an excellent employee and an asset to the City of Long Lake.

City Council members thanked Post for his work.

A motion was made by Henderson, seconded by Benson, to accept the City Administrator's 2008 performance evaluation of Finance Director Terry Post. Ayes: all.

Virginia Avenue Mn/DOT Property Acquisition

Stahmer stated this item would be presented at the following EDA meeting in more detail, but he wanted to update the full Council as well. Staff received notice of conditional approval with regard to the Mn/DOT Virginia Avenue property reconveyance or sale to the City of Long Lake. This parcel had been acquired by Mn/DOT as right-of-way for the TH12 Bypass Project, and with the completion of new Brown Road, the property has now become excess right-of-way.

Long Lake secured a commitment from Mn/DOT to provide the City with the "right of first refusal" as it pertains to purchasing this property. Earlier this year, staff requested Mn/DOT begin the reconveyance process, based upon the City's intent to purchase the property for redevelopment purposes in 2008. The conditional approval reflects a price of \$355,000, as determined by an independent but Mn/DOT approved property appraiser. Although this figure generally falls within the upper end of the price range expected by staff, environmental concerns do exist, which may normally be expected to lower the value of a given property. Some amount of petroleum contamination has been identified due to the historical presence of an auto service station on the property.

Mn/DOT's conditional approval for reconveyance requires that the City acknowledge the presence of petroleum contamination. The letter further assumes that the City will possibly be eligible for Petrofund reimbursement. The primary risk to the City in acquiring the subject property rests squarely on the extent of contamination, the cost of remediation and whether or not such remediation will be paid through the Petrofund program. Staff has been in contact with the Minnesota Pollution Control Agency regarding the property and the Petrofund. Under the terms of the reconveyance, the City must purchase the property by August 10, 2008. If the purchase does not occur by the date, the City's right to purchase would be considered null and void and the property will be placed on the open market. Funding sources for this purchase include the City's TIF 2-1 fund, and the Economic Development Fund.

Mayor Gilbert expressed his disappointment in Mn/DOT's 30-day deadline in light of the environmental issues involved.

As he is not an EDA member, Council member Rettinger stated for the record that he would like to see a right-in/right-out access to Highway 12 at the end of Virginia Avenue. He felt that without access to Highway 12 the site would not be a good one for retail uses.

Stahmer responded that the initial reaction from Mn/DOT and the County to an access for Virginia Avenue was negative – the previous right-in/right-out that had existed at the end of Virginia Avenue was eliminated through the Highway 12 project.

City Assessor Proposals

Stahmer indicated this item had been included on the agenda in the event the Council desired to take immediate action on the City Assessor proposals received following their earlier work session meeting. It had been decided in that meeting though that the Council would like to see three of the six applicants for interviews to be held in a work session prior to the next regular City Council meeting on July 15.

A motion was made by Benson, seconded by Henderson, to interview the three candidates for City Assessor as agreed by the City Council during the July 1 work session. Ayes: all.

OTHER BUSINESS

Highway 12 Resurfacing Project – Mayor Gilbert informed the viewing audience that Mn/DOT would be beginning a resurfacing project on July 7 for Highway 12 between Wayzata Boulevard just east of the current construction zone to I-494. Traffic will be down to one lane in each direction for a two month period.

Citizens Police Academy – Mayor Gilbert stated the Orono Police Department will be hosting their fifth annual Citizens Police Academy, and encouraged viewers to visit the City of Orono or Police Department websites for more information.

New Chamber of Commerce Map – Mayor Gilbert highlighted the new map of local businesses that was put together by the Long Lake Area Chamber of Commerce and noted it is now available at area businesses and Long Lake City Hall.

Mayor's Picnic – Mayor Gilbert announced he would be hosting a picnic at Hardin Park on Wednesday, July 9, 2008 from 5:30 pm to 7:30 pm.

Work Session Meeting – Mayor Gilbert verified that a budget work session had been scheduled for the following Tuesday, July 8.

ADJOURN

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

Respectfully submitted,

Jeanette Moeller
City Clerk