



MINUTES
CITY COUNCIL MEETING
August 19, 2008

CALL TO ORDER

The meeting was called to order at 6:31 pm.

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

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

Absent: None

PLEDGE OF ALLEGIANCE

APPROVE AGENDA

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

CONSENT AGENDA

The Consent Agenda consisted of:

- A. Approve Minutes of August 4, 2008 City Council Work Session
- B. Approve Minutes of August 4, 2008 City Council Meeting
- C. Approve Minutes of August 12, 2008 City Council Work Session
- D. Receive Minutes of August 12, 2008 Joint City Council and Planning Commission Work Session
- E. Approve Vendor Claims and Payroll
- F. Receive the Five Months Ended July 31, 2008 Financial Report
- G. Adopt Resolution No. 2008-39 Approving Issuance of a Special Event Permit for the Twin Cities River Rats Barefoot Water Ski Tournament

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

OPEN CORRESPONDENCE

Tom Palmquist, CSM Corporation

Mr. Palmquist, representing CSM Corporation in Minneapolis, appeared to inform the Council that CSM has a sincere interest in developing the Virginia Avenue property. He had already had some conversations with City staff, and understood other parties were interested in the same property. Mr. Palmquist discussed the amount of land needed for the potential project, and provided some general information about the size of the building or buildings that would be proposed dependent upon the anchor tenant. He was unable to offer more information on the primary tenant at this time.

Stahmer indicated he would be scheduling an EDA meeting for further discussion with the developer.

BUSINESS ITEMS

Planning Case #08-04: City of Long Lake / Ordinance Amendment, Section 14A, 19 and 28A to Allow Limited Outdoor Display of Items for Sale

Abel reported that the Planning Commission held a public hearing at their August 12 meeting to hear comment on amending the zoning ordinance to allow outdoor display of items for sale in the "B-2A" Service Business District. During the hearing, three individuals were present and two spoke on the matter. Both individuals who spoke seemed to be in favor of the idea of an ordinance amendment however, neither individual would intend to utilize the amendment in the immediate future.

Given the discussion held at the joint work session prior to the public hear, the Planning Commission decided to not to make a recommendation on the ordinance amendment at this time. There was some uncertainty as to whether the business owner who had initially requested allowance of outdoor sales was going to operate his business in Long Lake in the future. Since that owner had made the original request to amend the ordinance, the Commission felt that an amendment was unnecessary at this time. The Commissioners stated that if there is support from the local business community and the Chamber, that they would gladly revisit the issue in the future.

Staff has begun work on drafting a policy or ordinance to use the special event permit process for retailers to have temporary outdoor display such as a tent sale or "crazy days" sale. Staff would be presenting more information for further discussion at an upcoming meeting.

Should the Council choose not to adopt Ordinance No. 2008-06 to allow limited outdoor display of items for sale, Abel asked that staff be given some direction as to whether or not to resume enforcement of the outdoor display ordinance.

Mayor Gilbert suggested directing staff to enforce the ordinance and to initiate an active discussion with the Chamber of Commerce regarding temporary outdoor sales.

Council member Rettinger stated he thought the issue should be addressed by early next spring so the City could be ready for any business owners wanting to have outdoor sales events next year.

Council member Henderson thought it would be a good idea to table the issue as well.

Council member Benson disagreed and felt that more immediate action should be taken, as there are still warm months ahead. He stated he thinks the City presents an unfriendly attitude to businesses.

Council members Henderson and Benson would not support charging businesses a special event permit fee for their sales.

Council members and staff held continued discussion on other area outdoor sales events, the special event permit process, and whether a fee should be charge for these types of events.

Mayor Gilbert directed that staff continue to not enforce the outdoor display ordinance, and to contact the Chamber of Commerce.

Stahmer also noted that staff would try to "rein in" outdoor display if in the right-of-way.

Planning Case #08-06: City of Long Lake / Ordinance Amendment, Section 27 Variances, and Section 28 Conditional Use Permits

Abel indicated that each year, staff identifies code related items which require review and consideration of the Planning Commission and City Council. These items are reviewed throughout the year as part of an annual work plan. One item in the work plan has been to add language to Section 27 and 28 of the Zoning Ordinance regarding recording of approved Variances and Conditional Use Permits on the title of the property. Recording these approvals with the county will allow future homeowners to be aware of past approvals. Currently, staff includes this requirement as a condition of approval as part of their project. Our current ordinance does not require this as written.

City Attorney Cindy Kirchoff clarified that planning state statutes do currently require these items to be recorded.

A motion was made by Henderson, seconded by Rettinger, to adopt Ordinance No. 08-05 amending Sections 27 and 28 of the Zoning Ordinance to add language that requires that all approved variances and conditional use permits be recorded with the Hennepin County recorder. Ayes: all.

Application for Payment No. 2 From GMH Asphalt for the 2008 Street Improvement Project

Stahmer said that Application for Payment No. 2 had been received from GMH Asphalt for the 2008 Street Improvement Project, in the amount of \$218,857.44. Project manager/engineer Toby Muse of SEH reviewed the application and found it to be in order. With approval of Payment No. 2, the contractor will have earned approximately 86% of the total amount due under the contract. Stahmer credited City Engineer Toby Muse for doing an excellent job in handling resident concerns at the onset of the project.

Mayor Gilbert had walked the project area and commented that he has been impressed with the progression of the project thus far.

Toby Muse provided an update on the project and responded to Council member questions regarding sod versus hydroseeding, sod maintenance, manholes, and curb installation.

A motion was made by Henderson, seconded by Goodwin, to approve Application for Payment No. 2 from GMH Asphalt Corporation in the amount of \$218,857.44 for the 2008 Street Improvement Project. Ayes: all.

Discussion of Water Meter Replacement Closeout

Stahmer reported that the contractor hired to replace residential water meters had completed the vast majority of residential replacements, with the City Public Works staff continuing to work on the remaining properties as they slowly complied with scheduling appointments for change out. To date, staff has been successful in securing cooperation from all but four properties. Numerous attempts have been made to contact these remaining property owners through various methods, but those four meters remain unchanged and sump pump inspections must still be completed for the properties.

Given limitations to the City's ability to mandate a physical site visit by staff, other options must be considered. In an attempt to achieve 100% compliance, staff suggests that the most practical method to deal with the situation would be to implement a surcharge fee to be applied to utility bills of non-conforming properties. The purpose would not be to collect revenue, but rather to achieve compliance and see phone calls be returned. Homeowners who are not comfortable with City staff

entering their property could also have a City-approved private plumbing contractor complete the work. If the Council was in agreement that the surcharge idea would be acceptable, staff would bring back the item for formal action at the Council's next meeting. He noted that the new fee could have implications beyond this particular circumstance, for example, if a faulty meter needed to be replaced and a homeowner was uncooperative.

Council member Rettinger asked if registered letters had been sent to the four property owners.

Stahmer responded that registered letters were sent, receipts were returned from some, but at least one of the properties might not be occupied currently.

Council members viewed the surcharge proposal favorably, and staff was given direction to bring a fee schedule amendment before the Council.

OTHER BUSINESS

Birch's Restaurant – Mayor Gilbert welcomed a new restaurant, Birch's, to town. Birch's is now located in the space formerly occupied by Ravello.

Stormwater Improvement Project – Mayor Gilbert questioned the status of the planned stormwater improvement project. Stahmer responded that the revised plans had met with some difficulties from the MnDNR and LAWCON. Progress had since been made and staff is awaiting approval from LAWCON staff. The Minnehaha Creek Watershed District has approved the memorandum of understanding and will allocate stormwater credits upon completion of the project. A grant extension request has been sent to the Metropolitan Council, as the project engineers are concerned that even if digging begins in 2008, final restoration could not be completed until 2009. A response had not yet been received.

Public Works Update – Public Works Director Wurzer updated the Council on the status of the Glenmoor Lane watermain loop project, and on the replacement of gate valves in the downtown area. Wurzer noted that in speaking to a resident while giving them a project notice, the resident asked that the City reconsider the access to Trail B from Wolf Pointe Woods. Wurzer commented that the slope is really steep and creates a safety issue for the people he sees with baby strollers navigating the access. He suggested taking measures to reduce the slope at the trail connection and would be reviewing the issue with the Park Board for future discussion by the Council. Wurzer also updated the Council on the status of manhole inspections conducted. Estimates will be solicited for repair work beyond what the Public Works crew can repair internally. Lastly, Wurzer commended part time Public Works employee Ryan Anderson for his work over the summer months.

National Night Out – Council member Henderson thanked the Police and Fire Departments for coming out to the neighborhoods for National Night Out events. They participated in a party she had been at and the children absolutely loved their visit.

ADJOURN

Hearing no objection, Mayor Gilbert adjourned the meeting by general consent at 7:27 pm.

Respectfully submitted,

Jeanette Moeller
City Clerk