



MINUTES
CITY COUNCIL MEETING
September 22, 2008

CALL TO ORDER

The meeting was called to order at 7:15 pm.

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

Staff Present: City Administrator: Steve Stahmer; Finance Director: Terry Post; Public Works Director: Marv Wurzer; City Attorney: Andrea McDowell Poehler; and City Clerk: Jeanette Moeller

Absent: Council: Sam Rettinger (with prior notice)

PLEDGE OF ALLEGIANCE

APPROVE AGENDA

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

CONSENT AGENDA

The Consent Agenda consisted of:

- A. Approve Minutes of September 2, 2008 City Council Work Session
- B. Approve Minutes of September 2, 2008 City Council Meeting
- C. Approve Vendor Claims and Payroll
- D. Adopt Resolution No. 2008-44 Appointing Election Judges for the November 4, 2008 State General Election
- E. Approve Application for Payment No. 3 From GMH Asphalt for the 2008 Street Improvement Project
- F. Adopt the City Council & Commissions Handbook
- G. Review the Proposed Lake Minnetonka Communications Commission 2009 Budget for Approval
- H. Adopt Resolution No. 2008-45 Approving a Side Yard Setback Variance to Construct a Garage Addition at 2130 Neilson Avenue, Planning Case #08-07
- I. Adopt Resolution No. 2008-46 Acknowledging the Administrator's Evaluation of the City Clerk and Approving a Salary Step Increase
- J. Accept Donation to the LLFD From Medina for the Liberty Triathlon
- K. Accept Donation to the LLFD From RMG "Refer a Friend, Build Your Community"™ Program and Jim Whitmas

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

OPEN CORRESPONDENCE

No one appeared to address the City Council during Open Correspondence.

BUSINESS ITEMS

Appointment of New Firefighters

Fire Chief reported that after an application process and interview by a panel representative of the Department, it is the recommendation of staff that conditional job offers for paid on call firefighters be made to Jason Maas, Reed Anderson, Andrew Hatori, Randy Bass, Edward Pekarik and Douglas Johnson. Employment would be contingent upon each firefighter passing their physical exams and agility tests. The physical exam is performed through North Memorial and the agility test is administered by the Long Lake Fire Department. Four of the firefighters would be posted at Station 1, and two for Station 2; bringing the Department to a total compliment of 29 firefighters at Station 1 and 19 at Station 2. However, with a few firefighters currently on a leave of absence, the Department will continue recruiting efforts.

Mayor Gilbert thanked the new firefighters for their application to the Department.

A motion was made by Benson, seconded by Goodwin, to adopt Resolution No. 2008-48 appointing candidates to the position of Paid-On Call Firefighter for the City of Long Lake. Ayes: all.

Station Captain and Fire Lieutenant Officer Appointments

Fire Chief Van Eyll stated that applications for officer positions had been received and through an interview process involving himself, the City Administrator, Assistant Chiefs, and a senior firefighter, it was recommended the following individuals be appointed to officer positions:

John Hall Captain 21, Brandon Stovern Lieutenant 21, Nathan Spring Lieutenant 11, Phil Steahl Lieutenant 22, David Nalls Lieutenant 12 and Jesse Chappell Lieutenant 13.

Van Eyll also reviewed the qualifications of the individuals proposed for appointment, and introduced them to the Council and audience.

A motion was made by Henderson, seconded by Benson, to appoint John Hall Captain 21, Brandon Stovern Lieutenant 21, Nathan Spring Lieutenant 11, Phil Steahl Lieutenant 22, David Nalls Lieutenant 12, and Jesse Chappell Lieutenant 13. Ayes: all.

Mayor Gilbert thanked the newly appointed officers for their commitment to the City and surrounding area, and for a job well done.

Donation From Fire Relief Association Second Call Fund for Equipment Purchase

Fire Chief Van Eyll said that the Long Lake Fire Department Relief Association Second Call has donated many items in the past to the Long Lake Fire Department. Most recently, the Relief Association offered to donate funds to outfit all members with new helmets, goggles and leather shields. Van Eyll recommended that the donation be accepted for deposit in the 110 Special Fire Fund for use toward the helmet purchase. The new helmets proposed are lighter and offer a longer bill in the back for more protection for the firefighter. The style is a more traditional look of helmet. The Department will then work them in with the gear rotation schedule. Staff will sell the existing helmets through the League of Minnesota Cities and deposit funds received for their sale into the 110 Special Fire Fund as well.

Mayor and Council complimented Chief Van Eyll on his efforts that are resulting in a more unified Fire Department.

Van Eyll in turn stated the credit was due to the entire Department, who worked hand in hand with him during the Department's recent transition.

A motion was made by Goodwin, seconded by Henderson, to accept the \$8,085.00 donation for new helmets, goggles and leather shields from Long Lake Fire Department Relief Association Second Call for transfer into the 110 Special Fire Fund. Ayes: all.

Fire Chief Six-Month Performance Review

Stahmer stated that all employees hired by the City of Long Lake are hired as probationary employees and serve a six-month probationary period. Upon completion of this probationary period, employee performance is evaluated by the City Administrator and a recommendation is made to the City Council as to whether or not the employee should become a regular employee and if any adjustments should be made to their compensation or other benefits.

James Van Eyll was appointed as the first full-time professional Fire Chief for the City of Long Lake beginning work on March 24, 2008. Chief Van Eyll has quickly grown in this important role.

Stahmer read the following statement into record:

"To date, I have found Chief Van Eyll's professionalism and his approach to the position very encouraging. He has quickly moved into the difficult position of being the first full-time Chief, and he has excelled to this point. While continuing to learn about the Department and the communities it serves, Chief Van Eyll very early on identified the strengths and weaknesses of the Department. He has designed and implemented an improved officer command structure and organizational chart. In addition, Chief Van Eyll has worked with his officers to conduct a needs assessment with regard to the Fire Department fleet. Multiple process improvements have already been put in place.

We have met to discuss the evaluation as well as job and training goals for the next year. A primary goal will be to convert the existing Department Bylaws into a City Departmental Handbook and to ensure compatibility with City Ordinances.

In summary, it is my opinion that the hiring of Chief Van Eyll was an excellent decision for the City. He has been an exemplary, productive and hard-working employee and should continue to be an asset to the City.

For these reasons, I recommend that the City Council appoint Fire Chief James Van Eyll as a regular employee and grant a salary step increase effective September 24, 2008."

A motion was made by Henderson, seconded by Benson, to adopt Resolution No. 2008-47 appointing James Van Eyll as a regular employee and awarding a salary step increase. Ayes: all.

District 4 Sanitary Sewer Manhole Repair Project

Wurzer indicated that the City Council had previously approved a contract with Midwest Trenchless Technologies Inc. to clean and televise sanitary sewer lines, and assess the conditions of manholes in District 4. Using a rating system it was determined that 20 sanitary sewer manholes would require injection sealing to prevent groundwater inflow.

A request for quotes was sent out to qualified contractors for the repair project. Four proposals were received ranging in cost from \$10,400 to \$30,000. The lowest quote was submitted by Midwest Trenchless Technologies Inc., the same company that completed the sewer line cleaning and televising.

Staff is requesting the City Council consider awarding the District 4 Sanitary Sewer Manhole Repair Project to Midwest Trenchless Technologies Inc. of Belle Plaine, MN, at a cost of \$520 per manhole for a total cost of \$10,400.

Wurzer said that the Public Works Department staff have been working on manhole repairs able to be completed in-house and would be continuing to do so.

Post clarified that the funding source for the work would be the sanitary sewer utility fund, as inflow and infiltration is an issue of clean water getting into the sewer system.

A motion was made by Henderson, seconded by Benson, to award the District 4 Sanitary Manhole Repair Project to Midwest Trenchless Technologies Inc. in the amount of \$10,400, and authorize the City Administrator to execute an agreement to complete the project. Ayes: all.

Charitable Gambling Ordinance Amendment

Stahmer reported that as previously discussed by the City Council, cities in Minnesota no longer have the ability to restrict eligible organizations to those located within the local trade area. The ordinance proposed would remove this restriction. The City has received formal requests from an organization outside of the trade area asking that the City Council allow them to apply for and conduct charitable gambling operations in Long Lake.

The draft ordinance also includes an amendment to City Code requiring that 50% of net profits be expended in the trade area, rather than 75% of lawful expenditures as currently required. The recommended ordinance would require that 40% of net profits be expended in the trade area, with an additional 10% of net profits being remitted to the City to be distributed as the City sees fit. Thus the total amount of net profits required to be either submitted to the City or spent in the trade area would be 50%.

Council and staff discussed reporting that would be required of a licensed charitable gambling operation.

A motion was made by Benson, seconded by Henderson, to adopt Ordinance No. 2008-08 amending Article IV. Gambling, of the Long Lake Code of Ordinances, modifying Section 10-222 License Restrictions and Section 10-223 Distribution of Proceeds. Ayes: all.

Verizon Consent to Lease Agreement

Stahmer reported that Verizon Wireless has approached staff requesting a Consent to Lease Waiver that would allow them to install a new backup generator on the water tower site. The property is currently owned by Mark Gronberg of Gronberg Associates, not by the City. However, the City does have an easement over the area in question. The company has attempted to locate the generator on Gronberg's property outside of the City easement area, but it appears as if that is not a possibility. Verizon has worked with Public Works Director Wurzer to minimize any impacts. While the new generator would not interfere with City utilities in the easement, there is a chance that it could add some amount of difficulty to future maintenance operations in terms of slightly impacting access and in reducing the amount of available area for storage. A primary example of potential negative impact would be a future water tower repainting or reconditioning project.

Verizon has offered a one time payment of \$1,000 to the City in exchange for the Consent to Lease Waiver. Staff further negotiated this number and Verizon indicated they would agree to a one-time up front payment of \$5,000 for the waiver. The City Attorney has reviewed an initial draft

agreement and had no recommended changes with regard to legal terms. Only logistical and monetary issues remain to be determined.

While the possible impacts may not turn out to be significant, they are unknown at this point. The Council would need to decide the value of the waiver if agreed to, not knowing what the financial impact to the City could be in future.

Doug Brown, representing Verizon Wireless, responded to Council member questions regarding the term of the waiver, the consequences of not having a backup generator, the need for a permanent generator versus a temporary generator, future uses of the technology that would be supported by the backup generator if approved, and whether Verizon could partner with the other hosts on the tower to build one backup generator to serve all.

Council and staff discussed particularly the import agreeing to the waiver could have on a future water tower project, as the already limited site access would be limited even further. It was agreed this topic should be further researched.

A motion was made by Goodwin, seconded by Henderson, to table action on the Consent to Lease Waiver agreement until October pending research on the potential financial impact to the City with regard to future water tower projects. Ayes: all.

Interim Administrator Appointment

Mayor Gilbert stated that in a work session prior to the regular meeting, the Council members present agreed to offer the position of Interim Administrator to Finance Director Terry Post. Mr. Post accepted, and will serve as both Interim Administrator and Finance Director combined for a period of three months, at which time the arrangement would be reviewed.

Staff also discussed some internal control measures that would be necessary for financial purposes.

A motion was made by Benson, seconded by Goodwin to appoint Terrance Post as Interim City Administrator and Executive Director of the EDA beginning on October 6, 2008, and to authorize an additional monthly salary stipend of \$1,500 during the time of the appointment. Ayes: all.

A motion was made by Henderson, seconded by Benson, to adopt Resolution No. 2008-49 authorizing signatories for the City Financial Account at Lake Community Bank. Ayes: all.

Post stated he looks forward to working with the Council in the months ahead and noted he would like to sit down with the Council to prioritize the Administrator projects he should focus on during the interim.

Mayor Gilbert suggested that would be a good topic for a work session in mid-October.

OTHER BUSINESS

Thanking Election Judges – City Clerk Moeller thanked Sherrill Michel, Phyllis Meyer, Anita Secord, Kenny Duke, Rue Michahelles, Tim Szeliga, Janet McMillan, and Lori Hecomovich for their excellent service as election judges during the State Primary Election, and stated she looks forward to working with them at the General Election. Mayor Gilbert complimented Moeller on her behind-the-scenes efforts to assure a smooth-running election day.

Investments in Money Markets – Post noted he had received a letter from Jim Miller, Executive Director of the League of Minnesota Cities, assuring the cities that their investments in the money market fund were not tied to the companies recently discussed in the news.

Local Mayors Breakfast – Mayor Gilbert would be attending a breakfast meeting with other local Mayors in the area on September 24.

Meeting with Jim Miller – Mayor Gilbert, as secretary of the Minnesota Mayors Association, will be meeting with League of Minnesota Cities Executive Director Jim Miller on September 30 to discuss LGA and other items.

ADJOURN

Hearing no objection, Mayor Gilbert adjourned the meeting by general consent at 8:17 pm.

Respectfully submitted,

Jeanette Moeller
City Clerk