



**MINUTES
CITY COUNCIL MEETING
October 21, 2008**

CALL TO ORDER

The meeting was called to order at 6:56 pm.

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

Staff Present: Interim Administrator / Finance Director: Terry Post; City Planner: David Abel; City Engineer: Toby Muse; City Attorney: Andrea McDowell Poehler; and City Clerk: Jeanette Moeller

Absent: Council: Sharon Henderson (with prior notice)

PLEDGE OF ALLEGIANCE

APPROVE AGENDA

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

CONSENT AGENDA

The Consent Agenda consisted of:

- A. Approve Minutes of October 7, 2008 City Council Meeting
- B. Approve Vendor Claims and Payroll
- C. Adopt Ordinance No. 2008-09 Amending Section 2, Definitions: Subd. 113 and 116 of the Zoning Ordinance
- D. Adopt Resolution No. 2008-54 Approving a Minnesota Lawful Gambling Premises Permit Application for the Northwest Tonka Lions Club at the Red Rooster

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

OPEN CORRESPONDENCE

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

BUSINESS ITEMS

Planning Case #08-09 / Western Hennepin County Pioneers Association, PUD Amendment, 1953 W Wayzata Boulevard

Abel reported that the Western Hennepin County Pioneer Association (WHCPA) is requesting an amendment to the PUD Master Plan previously approved by the City Council on July 1. The applicants are proposing to reconfigure the entrance and existing parking lot for the museum. The current access road off Highway 12 would be slightly moved and the paved parking lot would be lowered, with parking spaces reconfigured and paved with concrete curb. The grass area in front of the museum will become an all season green parking lot. WHCPA is not moving forward with the proposed addition to the existing museum building at this time. The current proposal consists of site work only on the site. At their meeting on October 14, 2008, the Planning Commission voted 3-0 to

recommend that the City Council approve this request. A public hearing was held and no one was present to speak in favor or in opposition of the request.

Jim Dillman, representing the WHCPA, said that the plan for the Museum expansion had to be put on hold until fundraising efforts could meet the financial need. At this time the Board is unsure whether they will be able to secure the funds to build the addition. The lot improvements were being proposed at this time to improve the appearance of the entry, as the existing lot is in tough shape.

A motion was made by Goodwin, seconded by Rettinger, to adopt Resolution No. 08-53 and approve a PUD Amendment for the property located at 1953 West Wayzata Boulevard, with the findings of fact and after mentioned conditions in the Resolution. Ayes: all.

2030 Comprehensive Plan Update

Abel stated that the City's Comprehensive Plan update was officially reviewed and adopted by the Metropolitan Council on August 27. The Council found that the plan as submitted meets all requirements and conforms to all regional system plans. Upon City Council adoption of the updated plan, staff will submit a copy of the Resolution adopting the update to the Metropolitan Council along with two copies of the completed plan. Abel noted an electronic copy of the plan had been included in meeting packets to save on paper.

Mayor Gilbert noted that City Planner Abel had accepted a position with the City of Minnetrista and would be leaving at the end of the month. Mayor Gilbert and Council members thanked Abel for his work.

A motion was made by Benson, seconded by Goodwin, to adopt Resolution No. 2008-52 and adopt the 2030 Comprehensive Plan. Ayes: all.

Verizon Wireless Grant of Easement

Post reported that this item had been tabled at the regular City Council meeting of September 22 for additional information. Council requested staff to attempt to verify, and quantify if possible, the impact of having the backup generator near the water tower for future maintenance activities. Staff has been unable to obtain such information aside from the obvious observation that it would be a physical hindrance that does not currently exist. Also since the September 22, 2008 meeting, Verizon has come back with a different form of legal agreement – a Grant of Easement versus the previous Consent to Lease Waiver. Post noted that the easement grant is over property owned by Gronberg Associates, not the City of Long Lake. Another significant change is that Verizon was offering \$1,000 to the City as a one-time payment in the previous proposal and is now offering a \$5,000 one-time payment in exchange for the Grant of Easement.

A photo aerial map had been included in Council meeting packets showing the proposed placement of the generator and the immediate area site congestion. While Verizon has worked with Public Works Wurzer to minimize impacts of the new generator with regards to city utilities in the easement area, the potential for future maintenance activities to be negatively impacted in terms of access and storage requirements exists.

While the possible future maintenance impacts may not turn out to be significant, they are unknown at this point and the issue remains whether \$5,000 is adequate consideration for the City to enter into such an agreement. If approved, the Grant of Easement would cover an area of approximately 200 square feet.

Doug Brown, agent for Verizon Wireless, responded to Council member questions relative to alternate locations for generator placement; and clarified the purpose for the change in the type of agreement proposed.

Council and staff discussed different ideas for how the generator could be accommodated on site without further limiting space; and whether the agreement could be modified to provide more of a long-term benefit to the City.

Mayor Gilbert stated he would recommend denial at this time and if Verizon would like to bring forth another proposal, they will be welcome to do so.

A motion was made by Goodwin, seconded by Rettinger, to deny the Grant of Easement Agreement brought forward by Verizon Wireless for siting an emergency backup generator near the City's Willow Drive water tower. Ayes: all.

Application for Payment No. 1 From Ellingson Companies for the Glenmoor Lane Watermain Loop Connection and Gate Valve Replacement Project

Post stated staff has received Application for Payment No. 1 in the amount of \$153,889.42 from Ellingson Companies for the Glenmoor Lane Water Main Loop Connection and Lake Street / Highway 12 Gate Valve Replacement Project. Project manager/engineer Toby Muse of SEH has reviewed this application and has found it to be in order. Application for Payment No. 1. represents an earned amount of \$161,988.86 with five percent being withheld as contract retainage. Thus, the contractor has earned approximately 90% of the total amount due under the contract.

Staff recommends approval of the payment request in the amount of \$153,889.42.

A motion was made by Benson, seconded by Rettinger, to approve Application for Payment No. 1 from Ellingson Companies in the amount of \$153,889.42 for the Glenmoor Lane Water Main Loop Connection and Lake Street / Highway 12 Gate Valve Replacement Project. Ayes: all.

Application for Payment No. 4 From GMH Asphalt Corporation for the 2008 Street Improvement Project

Post indicated staff had received Application for Payment No. 4 from GMH Asphalt for the 2008 Street Improvement Project in the amount of \$12,294.80. Project manager/engineer Toby Muse of SEH reviewed the application and has found it to be in order. Payment No. 4 would represent total amount earned on the contract of \$601,464.75, less five percent contract retainage. Thus, the contractor has earned approximately 91% of the total amount due under the contract.

Staff recommends approval of the payment request in the amount of \$12,294.80.

City Engineer Toby Muse provided an update on the status of the project.

A motion was made by Benson, seconded by Goodwin, to approve Application for Payment No. 4 from GMH Asphalt Corporation in the amount of \$12,294.80 for the 2008 Street Improvement Project. Ayes: all.

Approve Letter of Understanding With CSM Equities LLC Concerning Virginia Avenue Redevelopment

Post reported that earlier in the evening, the Long Lake EDA met to discuss this matter and to make a recommendation to the City Council. The EDA unanimously recommended the proposed

agreement for approval. The agreement will be between the developer and the EDA, but requires additional approval by the City Council to ratify.

Staff recommends that the City Council approve a Letter of Understanding with CSM Equities LLC for the Virginia Avenue redevelopment area.

Council and staff discussed the language in the agreement requesting a grocery store tenant be pursued.

A motion was made by Goodwin, seconded by Benson, to approve the Letter of Understanding with CSM Equities L.L.C. for the Virginia Avenue Redevelopment Area and to authorize its execution by the President and Executive Director of the Long Lake Economic Development Authority. Ayes: all.

Reschedule November 5 Canvassing Board and City Council Meetings

Discussion of moving the November 5 Canvassing Board and City Council meetings had been held at the previous work session.

A motion was made by Benson, seconded by Rettinger, to reschedule the November 5 regular City Council meeting to November 6 at 7:00 pm; and to reschedule the November 5 Canvassing Board meeting to November 6 at 6:45 pm. Ayes: all.

Reschedule First Meeting in December

Post inquired whether the City Council would prefer to reschedule their regular Tuesday, December 2 meeting to follow the Monday, December 1 Truth in Taxation public hearing.

A motion was made by Benson, seconded by Rettinger, to reschedule the Tuesday, December 2 City Council meeting to Monday, December 1 at 7:00 pm following the Truth in Taxation public hearing. Ayes: all.

OTHER BUSINESS

Removal of Electric Poles – Council member Goodwin requested an update on the timeline for removal of the electric poles along Wayzata Boulevard. Post said that the trenching work on the John James property had been completed, which was the necessary event that had to occur before Xcel would schedule the removal. Post will check in with Xcel Energy and follow up in correspondence to the Council. He also indicated that installation of no mow grass around the poles will be held up until the poles can be removed.

Extension of Grant – Post informed the Council that the City had received approval from Metropolitan Council to temporarily extend the Livable Communities grant received, subject to approval from the Minnehaha Creek Watershed District.

ADJOURN

Hearing no objection, Mayor Gilbert adjourned the meeting by general consent at 7:42 pm.

Respectfully submitted,

Jeanette Moeller
City Clerk