



**MINUTES**  
**CITY COUNCIL MEETING**  
**October 20, 2009**

**CALL TO ORDER**

The meeting was called to order at 6:42 pm.

**Present:** Mayor: Randy Gilbert; Council: Sam Rettinger, Sharon Henderson, Brian Carpenter, and Liz Olson

**Staff Present:** City Administrator: Terrance Post; Public Works Director: Marv Wurzer; City Engineer: Toby Muse; and City Clerk: Jeanette Moeller

**Absent:** None

**PLEDGE OF ALLEGIANCE**

**APPROVE AGENDA**

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

**CONSENT AGENDA**

The Consent Agenda consisted of:

- A. Approve Minutes of October 6, 2009 City Council Work Session
- B. Approve Minutes of October 6, 2009 City Council Meeting
- C. Approve Vendor Claims and Payroll
- D. Approve Communication of City Approval for Highway 12 Directional Signs to Minnesota Logos, Inc. for those Businesses with TH 12 Logo Signage

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

**OPEN CORRESPONDENCE**

**LMCC Award to City of Long Lake** – Mayor Gilbert thanked the Lake Minnetonka Communications Commission (LMCC) for the award they presented to the City of Long Lake in recognition of televising meetings. He thanked the LMCC for being present at meetings and for their work.

**BUSINESS ITEMS**

**Planning Case #09-003 Front Yard Setback Variance for Property Located at 2069 Orchard Lane**

Post reported that applicant John Patch is requesting a front yard setback variance from 25 feet to 18 feet for a planned 24 foot by 8 foot front porch addition for property located at 2069 Orchard Lane.

The Planning Commission reviewed the applicant's petition at their meeting on October 13 and adopted a resolution recommending the City Council approve the requested front yard setback

variance at this property by a unanimous 5-0 vote. In addition to the hardship findings documented in planning consultant Ann Perry's October 13, 2009 report, Commission Chair Jon Crump also noted that the unusual lot dimensions are also a hardship in this instance.

Post presented the hardship findings supporting variance approval and reviewed the primary list of issues to be considered as noted in the planning consultant's report.

Staff recommends approval of Resolution No. 2009-30 based upon the planning consultant report findings as well as the unanimous concurrence of the Planning Commission.

Council member Rettinger questioned why the planning consultant had been contacted for this application and encouraged staff to utilize the consultant's services conservatively.

Post responded with his rationale for having contacted the planning consultant to assist in the application.

Council and staff discussed responsible use of the planning consultant's services.

*A motion was made by Henderson, seconded by Olson, to adopt Resolution No. 2009-30 approving a front yard setback variance for John Patch from 25 feet to 18 Feet for a front porch addition on the property located at 2069 Orchard Lane. Ayes: all.*

#### **Application for Payment No. 6 (Final) for GMH Asphalt Corporation, 2008 Street Improvement Project**

Post stated that this item appeared on the September 15, 2009 Council meeting agenda; however action at that meeting was to table the item pending resolution of a resident-identified project defect. Since that meeting, Public Works Director Wurzer and Project Engineer Toby Muse have made onsite evaluations of the noted defect at driveway curb at 2074 Neilson Avenue. Their conclusion is that ½" depression approximately four feet in length is 3/16" out of tolerance per the technical specification of the project. They have communicated this conclusion back to the contractor who is willing to return to the project site to perform warranty repairs as needed. Staff has been unable schedule a meeting with the resident to discuss this issue.

Staff has received Application for Payment No. 6 from GMH Asphalt Corporation for the 2008 Street Reconstruction Project in the amount of \$69,676.14 for the period ended May 31, 2009. Application for Payment No. 6 represents both contract period earnings of \$39,430.25 for the period from November 8, 2008 to May 31, 2009 as well as the release of \$30,245.89 in remaining 5% retainage being withheld on this contract and will allow the job to final. It should be noted that the contract amount of \$662,332.13 is being finalized at a final contract amount of \$644,348.05, a reduction of \$17,984.08 or 2.7%, primarily due to reduced job item quantities.

Staff recommends approval of the payment request in the amount of \$69,676.14. This payment has \$39,430.25 in 2009 PIR Fund No. 401 expenditures impact as the remaining retainage was accrued as a liability at December 31, 2008. It should also be noted that the City is holding a one year warranty bond for this project in the event that the 2074 Neilson Avenue issue is not satisfactorily resolved.

City Engineer Muse discussed options for repair at the site, potential costs, and the need to review options with the resident as aesthetics will be impacted by the repair. He confirmed the project is under warranty.

Council member Carpenter recommended the City withhold the approximate dollar value of the correction needed from the payment application.

Council members discussed withholding either \$10,000 or \$15,000 from the payment to assure correction of the project defect.

*A motion was made by Carpenter, seconded by Henderson, to approve Application for Payment No. 6 from GMH Asphalt Corporation in the amount of \$54,676.14 for the 2008 Street Reconstruction Project. Ayes: all.*

**Application for Payment No. 1 to G.L. Contracting Inc. for 2009 TH 12 Watermain Repair Project**

Post indicated staff received Application for Payment No. 1 from G.L. Contracting Inc. for the 2009 TH 12 Watermain Repair Project in the amount of \$108,808.93. Application for Payment No.1 represents total contract earnings through September 30, 2009 of \$114,535.72, less 5% contract retainage of \$5,726.79. Application for Payment No. 1 does not reflect Change Order No. 1 in the amount of \$13,480.00 which was approved by the Long Lake City Council at the October 6, 2009 regular meeting. However, the total amount earned does reflect the additional costs incurred in accomplishing the work approved by Change Order No. 1. Remaining tasks to complete the project primarily revolve around street restoration work in the Wolf Pointe Woods neighborhood. Staff recommends approval of the payment request in the amount of \$108,808.93.

Council may note that these project construction costs, along with legal and engineering fees comprise the general liability and bond warranty claims against 2002 installation contractor Barbarossa and Sons, Inc. and their insurer Travelers. Travelers has initially denied our claim, but the City's position continues to be advanced by the City Attorney with Travelers.

Council and staff discussed the restoration work and a chip-sealing project to take place in the Wolf Pointe Woods neighborhood in spring, and Council members solicited an update on the Travelers insurance claim. Post responded that he would contact the City Attorney for an update to be provided to the Council.

Muse responded to Council member Henderson's questions regarding assuring a resident's sprinkler system is in working condition and the type of seed mix used in the wetland area.

Wurzer indicated the system is operational and working fine, and described the testing process applied to the repaired watermain.

*A motion was made by Carpenter, seconded by Olson, to approve Application for Payment No. 1 from G.L. Contracting Inc. in the amount of \$108,808.93 for the 2009 TH 12 Watermain Repair Project. Ayes: all.*

**Application for Payment No. 1 to Hennen Construction Co. for 2009 TH 12 Watermain Replacement Project**

Post stated staff received Application for Payment No. 1 from Hennen Construction Co. for the 2009 TH 12 Watermain Replacement Project in the amount of \$83,598.10. Application for Payment No.1 represents total contract earnings through September 30, 2009 of \$87,998.00, less 5% contract retainage of \$4,399.90. Application for Payment No. 1 represents an approximate 54% completion of the entire \$164,225.40 contract amount.

The completion of the project has been delayed in recent weeks by weather delays causing the asphaltting of the TH 12 road shoulder to be postponed several times soft due to the heavy rainfall

and the resulting soft soil conditions. The final wear course was installed in the project area earlier in the day however; and it was likely a final application for payment would be received in November.

City Engineer Muse discussed when striping would be complete.

Mayor Gilbert and Council members thanked Muse and Wurzer for their work on the two watermain projects.

*A motion was made by Henderson, seconded by Olson, to approve Application for Payment No. 1 from Hennen Construction Co. in the amount of \$83,598.10 for the 2009 TH 12 Watermain Replacement Project. Ayes: all.*

### **Reschedule November 3, 2009 City Council Meeting**

Post indicated that due to November 3 being an election day in Minnesota, the regular Council meeting scheduled for that evening must be rescheduled.

It was the consensus of the Council that the November 3 meeting should be rescheduled to an alternate date of Monday, November 2.

*A motion was made by Carpenter, seconded by Henderson, to reschedule the November 3 City Council meeting to take place on Monday, November 2, 2009 at 6:30 pm. Ayes: all.*

### **OTHER BUSINESS**

**Northwest Cities Association Meeting** – Council member Henderson reported that the Northwest Cities association had met the previous Wednesday and the guest speaker was a representative of the Home Free battered women's shelter. The shelter does not serve Long Lake directly but serves the local area. The speaker highlighted the shelter's Clothesline Project program creating t-shirts of women and children who have been murdered by spouses or significant others; and discussed the shelter's concerns about loss of funding from the County and other sources. Council member Henderson indicated the speaker's presentation had made an impression on the group and since they would not be meeting the following month, it was decided to donate funds reserved for the next meeting dinner to the shelter instead.

**Long Lake Waters Association** – Council member Carpenter indicated the lake group recently formed for Long Lake had met a second time and chose the name Long Lake Waters Association for the organization. Their next meeting will be held Wednesday, October 28 beginning at 6:00 pm at Long Lake City Hall. The group welcomes anyone who cares about Long Lake and does not require residency on the lake to participate.

**Safe Trick or Treating in Long Lake** – Council member Carpenter thanked the Chamber of Commerce for sponsoring the Safe Trick or Treating in Long Lake event on Halloween Day. Mayor Gilbert added that the event would begin at 10:00 am at the Long Lake Fire Station.

**Highway 12 Mill and Overlay Project** - Council member Carpenter commented on it being great to have old Highway 12 resurfaced; however wanted to be on record as stating that Mn/DOT is trying to avoid having to deal with the glaring issue of the roadway eroding by Martha Lane. Stakes for the newly installed guardrails in that area did not have much land to be driven into. He suggested the issue should be discussed in an upcoming meeting with County representatives to be sure they know the problem they're inheriting as they will need to allocate funds to remediate the erosion issue.

**Police Advisory Meeting** – Mayor Gilbert had recently attended a Police Advisory subcommittee meeting and reported that at this point it appears the group will have an arduous task ahead in preparation for how the Police services contract will look in the future, and there are many questions that will need to be answered.

**Administrator Out of Office** – Post stated he would be out of the office Thursday and Friday of that week vacationing in Cleveland.

**Fall Leaf Pickup Dates** – Moeller advised that fall leaf pickup dates were scheduled for Tuesdays, October 27 and November 3. Bagged leaves would need to be set out curbside early on those days to be picked up by refuse haulers. Should anyone miss the leaf pickup dates or need to dispose of additional yard waste, the Plymouth Yard Waste site is open to Long Lake residents. Contact information and a link to the yard waste site's web page is located on the home page of the City website.

**Thank You to Orono Lions Club** – Wurzer thanked the Orono Lions Club and especially Orono Lions member Donny Chillstrom for redoing the roof on the shelter at Nelson Lakeside Park.

**Fall Sweeping** – Wurzer reported fall sweeping should be taking place some time during the next two weeks. This year Public Works will be trying a vacuum type sweeper instead of the traditional broom sweeper. The vacuum style sweeper supposedly picks up finer material.

**ADJOURN**

Hearing no objection, Mayor Gilbert adjourned the meeting by general consent at 7:30 pm.

Respectfully submitted,

Jeanette Moeller  
City Clerk