



**MINUTES
CITY COUNCIL MEETING
January 2, 2024**

CALL TO ORDER

The meeting was called to order at 6:32 pm.

Present: Mayor: Charlie Miner; Council: Jahn Dyvik, Mike Feldmann, Gina Joyce, and Deirdre Kvale

Staff Present: City Administrator: Scott Weske; City Clerk Moeller; City Attorney Thames; Public Works Director Diercks

Absent: None

PLEDGE OF ALLEGIANCE

MAYOR'S COMMENTS – LONG LAKE NEWS, MEETING REVIEW AND UPDATES

Mayor Miner stated that he hoped that everyone had a Merry Christmas and a Happy New Year. He explained that he learned, just prior to the meeting, that it does not look like there will be any ice rinks in the City this winter due to the warm temperatures. He stated that the Council had just held a Work Session meeting early tonight where they discussed a lease agreement for use of a portion of the Public Works building with the Lake Minnetonka Communications Commission.

APPROVE AGENDA

A motion was made by Feldmann, seconded by Dyvik, to approve the agenda as presented. Ayes: all.

CONSENT AGENDA

The Consent Agenda consisted of the following:

- A. Approve Minutes of December 12, 2023 Special City Council Meeting
- B. Approve Minutes of December 12, 2023 City Council Special Work Session
- C. Approve Draft Minutes of December 19, 2023 Economic Development Authority Meeting
- D. Approve Minutes of December 19, 2023 City Council Meeting
- E. Approve Vendor Claims and Payroll
- F. Adopt Resolution No. 2024-01 Approving Site improvements for the Aava Vetta Development

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

OPEN CORRESPONDENCE

Kelly Grady, 271 Greenhill Lane – Ms. Grady commented on the situation with the future of fire services and the Long Lake Fire Department. She stated that she is occasionally accused of being a person that only directs her questions and anger towards the Orono City Council about what is happening with the Department. She indicated that she wanted to make a public statement since she is frequently told that

she never speaks to Long Lake, doesn't really know what is going on, and should address 'her own' City Council. She clarified that she wanted to make known that she regularly speaks with the City Council and gave examples of when she had spoken with Council member Kvale, Council member Feldmann, Council member Joyce, and referenced frequent conversations with Mayor Miner. She noted that she had even met with City Administrator Weske and wanted to make it clear that she was, in fact, speaking with 'her own' Council and getting regular updates about the fire services situation. She added that the same is true for her Figure Out Fire co-founder, Krista Berbig. Ms. Grady reflected that she has spent a lot of time speaking at Orono City Council meetings about what is going on with the Fire Department and the reason why is because they are moving in a direction for the future of fire services that she does not believe is the best for the citizens, finances, or public safety. She explained that she believed that a shared services agreement would be the best way to move forward. She commented that the reason that she was not here banging her fist at the Long Lake Council every few weeks is because a form of shared services agreement is what they also are hopeful for and have been actively pursuing that course of action. She recalled she has heard the firefighters, at numerous meetings, say that they want to stay together as well and do not believe splitting the Department and creating a new department within such close proximity is in their best interests. She thanked the Council for continuing to pursue that option with Orono and expressed her happiness and support for their decision to continue moving forward with legal action against the City of Orono for their many flagrant violations related to the injunctive order, such as their recruiting attempts. She reiterated her support for the City Council and stated that she feels that the citizens want them to continue their efforts.

BUSINESS ITEMS

Presentation Recognizing Grace Berbig, 'Letters of Love' Organization

Mayor Miner read aloud some information found on the 'Letters of Love' website about the organization which was started by Long Lake resident, Grace Berbig. He indicated that there had been a recent story shown on WCCO a few weeks ago featuring the organization.

The segment that aired on WCCO was played for everyone present to view, which was followed by a round of applause for Ms. Berbig and 'Letters of Love'.

Mayor Miner commented that he felt it was important to honor Ms. Berbig as a Long Lake resident who has made a difference in the world. He also listed off some of the ways that the Berbig family is connected to the area.

Grace Berbig expressed her appreciation for the love she has felt from the community. She explained that since the WCCO segment aired, 'Letters of Love' has added new schools to the program and now has clubs in 220 schools. She thanked the City and the community for their support of her and the organization.

There was a round of applause for Ms. Berbig.

Mayor Miner presented a plaque to Ms. Berbig honoring her and her work through the Letters of Love organization.

City Clerk Moeller commented that she wanted to share a few things with Ms. Berbig, including that she has her mother's smile. She stated that she had not heard about the program until she had watched the news segment forwarded to her by Mayor Miner. She has a friend who has terminal lung cancer and after watching the segment, she and a group of friends started their own little campaign to make sure

that they send their friend messages and uplifting things that do not just focus on how bad she feels but on how loved she is and on making her smile. She added that they have been doing so daily and it was inspired by Ms. Berbig and the Letters of Love organization.

Request by Bucks Pub (Katherine Stephens) for a Reduction in Project City SAC and WAC Charges

Moeller reviewed the request by Bucks Pub for a reduction in water and sewer charges and explained that staff had recommended the applicant apply for a reduction of the City's portion of corresponding SAC and WAC charges, recognizing that the City has no influence over the Metropolitan Council's SAC charge determinations. Metropolitan Council had determined that three SAC units would be due for the project. She recalled that the City Council had granted this same type of reduction for other businesses such as Birch's on the Lake and Carbone's and reviewed the details related to those situations. She observed that it appears very clear that despite the Metropolitan Council's three SAC unit finding, Bucks Pub would not be tripling business capacity over the prior restaurant in the space and the determination was based on the square footage increase.

Council member Dyvik questioned what would have happened with the SAC charge if the square footage had remained exactly the same.

Moeller responded that the charges are based entirely on the square footage area and noted that Bucks is expanding the previously occupied restaurant space into an adjacent vacant space to allow for an increase in the kitchen area, floor space, and the addition of a seated bar area. Reducing the City's corresponding SAC and WAC unit charges is also a way to work with a new business and foster economic development for the City. She clarified that while the square footage is expanding, the actual seating capacity and the number of people being served would not be tripled.

Councilmember Kvale asked what the seating capacity will be for the new space.

Reven Stephens, Bucks Pub, answered that it would be around 75 seats.

Moeller noted that she believed Lotus Garden had a seating capacity of between 50-60 seats.

Council member Dyvik stated that the City had approved reductions for Birch's on the Lake and for Carbone's, and questioned why the City had this ordinance if they were going to take this action so frequently.

Moeller replied that they have the ordinance because in the event of there being a true change in use and system impact, it is advisable to have the ability to start high and make the reduction they felt was appropriate specific to the circumstances of a project.

Council member Dyvik voiced concern that everyone coming in could make the case that the Council had given reductions to Birch's, Carbone's, and Bucks, and he was afraid that this action was just going to set a precedent.

Moeller commented that she understood that concern but emphasized that was why they document this information and the staff report essentially sets out findings of fact. Those findings are essentially saying, from a City perspective, that the benefit of this particular project is not tripling in service over the prior existing restaurant use.

Council member Kvale indicated that she felt that the metrics being used may feel arbitrary.

Moeller clarified that the Carbone's reduction had occurred recently following Metropolitan Council changing their SAC determination policy for restaurant uses, which had previously taken into account seating and other factors. At the time the Carbone's City SAC and WAC reduction was requested, the City had done a calculation based on Metropolitan Council's former policy on how they assessed SAC units to projects. Those metrics have been out of play for years though, and staff did not feel it would be appropriate to continually refer to them as the standard since they have not been used for years. She observed that moving forward, the City may want to take a closer look at how SAC and WAC units are assessed and noted that this circumstance is rare. She reiterated that staff did not find that the proposed use would triple the impact of the previous restaurant use, but would have some level of an increase due to an increase in seating.

Council member Kvale asked if Bucks would have the same level of takeout usage as Lotus Garden.

Mr. Stephens confirmed that they will have takeout available but they are planning for most of their business to take place in the actual restaurant.

Council member Feldmann gave the example of another business coming into this space in 20 years and doubling the seating capacity. He asked if anything would be triggered in a determination by the Metropolitan Council or City if the future project were in the same square footage area.

Moeller reflected on Council member Feldmann's example as being a great way of illustrating why Metropolitan Council's determination method can be tricky.

City Administrator Weske noted that there is a lot of information from the Metropolitan Council that does not make sense but they will never do a recalculation.

Council member Dyvik commented that the Metropolitan Council tends to be aggressive in this type of situation and he believed that the charges should be less than three times the previous amount.

Council member Kvale asked if they could charge them for one and a half units rather than three units.

Moeller responded that a half unit is not an option, and a full number has to be selected.

Weske added that Metropolitan Council will be getting their three units regardless of what the City decides.

Moeller noted that the City will receive a portion of what the Metropolitan Council charges when reporting the SAC paid, in addition to whatever the City's SAC and WAC determination may be.

Mr. Stephens stated that he felt City Clerk Moeller had done a good job explaining the situation and thanked the Council for considering their request for a reduction.

Council member Dyvik asked when Bucks was planning to open.

Mr. Stephens indicated that they are hoping to open on May 1, 2024 and would be changing from their original focus on barbeque to pub style with the hope that it will bring in more people. He reviewed some of the items planned for the menu.

Moeller clarified that the applicant had not immediately asked for a reduction down to one unit and explained that the recommendation had come from her.

Mr. Stephens expressed appreciation to City Clerk Moeller and communicated that she had been helpful throughout this process.

The Council discussed details of a possible reduction in City SAC and WAC unit charges.

A motion was made by Dyvik, seconded by Feldmann, to adopt Resolution No. 2024-02 approving a reduction in City Sewer Availability Charges and Water Availability Charges for Bucks Pub to be located at 2067 Wayzata Boulevard W. Ayes: all.

2024 City Appointments

Moeller mentioned that most of the appointments were the same from year to year; however, there were a few new ones for 2024 including positions on the Long Lake Fire Relief Board of Trustees and as the Long Lake Garden Club Liaison.

The Council discussed the various time commitments necessary for the various appointments.

A motion was made by Dyvik, seconded by Miner, to adopt the City of Long Lake 2024 Appointments Worksheet, including the following appointments:

- Council member Dyvik to the position of Mayor Pro-Tempore;
- Mayor Miner and Council member Dyvik to the Fire Advisory Committee, with Council member Feldmann as alternate;
- Council member Feldmann and City Administrator Weske to the Long Lake Fire Relief Board of Trustees;
- Council member Kvale and Council member Feldmann to the Utility Agreements Subcommittee;
- Council member Joyce as the Park Board Liaison;
- Council member Feldmann as the Planning Commission Liaison;
- Council member Kvale as the Chamber of Commerce Liaison, with Council member Joyce as alternate;
- Council member Joyce as the Long Lake Waters Association Liaison;
- Council member Kvale as the Long Lake Garden Club Liaison;
- Council member Kvale to the Lake Minnetonka Communications Commission;
- Council member Feldmann (Primary) and Mayor Miner (Secondary) to the Highway 12 Safety Coalition;
- Mayor Miner as the Wayzata Crime Prevention Coalition Liaison.

Ayes: all.

Moeller also explained that appointments to the City's Boards and Commission follows a separate process than the annual positions for the Council. She was aware there were some questions raised at a previous meeting about that process and clarified that the way the code and bylaws are written is that at the end of a term, the person in that position can request reappointment in writing, at which time the Council makes a decision on whether to make the reappointment or to advertise for other applicants. She emphasized that the way the process is written right now is that the choice to reappoint or open a position up for additional applicants is up to the Council.

Council member Dyvik commented that he feels when a term is up anybody should be able to jump in and apply for the position, just like what happens with the City Council positions.

Moeller added that she encourages interested parties to submit their application for a Board or Commission at any time and she does hang onto them for when an opening may arise. She reiterated that the current policy is that the incumbent can request reappointment in writing, and then it is up to the Council to make a decision.

Council member Dyvik reflected that he had no problem with the recent reappointments that have been made, but would like to see an option for other applications if people are interested. He recalled that he thinks most of these reappointments are put on the Consent Agenda.

Moeller replied that moving forward, she can place them on the Regular Agenda and not the Consent Agenda so they can have further discussion and review on whether they want to open the position up for other applicants.

The Council discussed various changes in language that could be made in order to allow others to apply for openings, and highlighted a few other topics and goals that they felt were worthy of consideration for future action.

Updates and Discussion Regarding Fire Department Matters

Mayor Miner reported that the Long Lake Fire Department had a record number of calls in 2023 and noted that Chief Heiland would be giving an update to the Council to present that data at a future meeting.

Chief Heiland confirmed that there were 507 calls in 2023 which was an increase from 431 in 2022, and 401 in 2021. He indicated that he would bring back more specifics on the types of calls and any trends he finds. In other Fire Department news, he informed Council that there is a new firefighter class with two Long Lake recruits starting on January 4, 2024, and the Department has also completed elections for the leadership team. He noted that there will be a pinning ceremony on January 8, 2024, invited the Council to attend, and shared a few highlights of what happens at a pinning ceremony.

Mayor Miner stated that the January Future Fire Services meeting had been postponed until March.

Mayor Miner also advised that there was a court filing put in last week that was a declaration of the attorneys' fees that were a result of Orono's violation of the July 14, 2023 injunction order, of which they were found in contempt. So far, those fees are at \$42,000 and the City of Orono is required to pay those fees. The next mediation date has been set for January 30, 2024 and the next court hearing is scheduled for February 1, 2024.

Council member Kvale asked if a quorum notice could be published to allow the Council to sit in the galley during the hearing.

Moeller responded that she could add the court hearing to the quorum notice list she was already planning.

Council member Dyvik asked that Chief Heiland compile the results of the duty crew program from 2023 and have it ready in time for discussion at the next Fire Advisory Board meeting. He added that he was

pleased the Orono City Council had approved the proposed Fire Department budget for 2024 which means they can move forward with an operating budget since it had been approved by all the cities involved.

OTHER BUSINESS

Partnership Opportunities With Orono Youth Hockey Association - Council member Dyvik informed Council that the Orono Youth Hockey Association board is interested in actively partnering with the City at Holbrook Park to help maintain ice and potentially consider future facility improvements.

ADJOURN

Hearing no objection, Mayor Miner adjourned the meeting by general consent at 8:11 pm.

Respectfully submitted,

Scott Weske
City Administrator