



**MINUTES
CITY COUNCIL MEETING
May 6, 2025**

CALL TO ORDER

The meeting was called to order at 6:30 pm by Mayor Pro-Tempore Dyvik.

Present: Mayor Pro-Tempore: Jahn Dyvik; Council: Mike Feldmann, Deirdre Kvale, and Todd Newcomer

Staff Present: City Administrator: Scott Weske; and City Engineer: Jeff Oliver

Absent: Mayor: Charlie Miner (with prior notice)

PLEDGE OF ALLEGIANCE

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

Mayor Pro-Tempore Dyvik indicated that Mayor Miner had asked him to share a few 'Mayor's Comments' on his behalf.

He reported that the Long Lake Fire Department's pancake breakfast went well and expressed his appreciation to Chief Heiland, the firefighters, and other volunteers for their work to make it a success. City Administrator Weske mentioned that Chief Heiland's initial attendance count was around 1,000, which was a bit less than last year.

Mayor Pro-Tempore Dyvik stated that on May 8, 2025, beginning at 7:00 pm at Trinity Lutheran Church, there will be a joint fire services open forum meeting between Orono and Long Lake. The intent was to review what had been discussed over the last few months between the cities' negotiating teams and what had been agreed to in the first amendment to the agreement for fire protection services. He encouraged residents to attend to find out more information and noted that they would also have the opportunity to ask questions or give input as well. Councilmember Feldmann asked if the forum had been noticed for a quorum. Weske confirmed that a quorum notice had been posted. Councilmember Kvale asked if the meeting would be videotaped for people to watch later. Weske replied that the LMCC would be there to record the meeting.

APPROVE AGENDA

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

CONSENT AGENDA

The Consent Agenda consisted of the following:

- A. Approve Minutes of April 15, 2025, City Council Work Session Meeting
- B. Approve Minutes of April 15, 2025 City Council Meeting
- C. Approve Vendor Claims and Payroll

- D. Approve the Joint Powers Agreement with the State of Minnesota Bureau of Criminal Apprehension to Conduct Fire Department Pre-Employment Federal Background Checks
- E. Approve Issuance of a 1 to 4 day Temporary On-Sale Liquor License for the PEO Chapter BW MN Organization to host a 'Summer Social' Event at Zvago Long Lake on June 3, 2025

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

OPEN CORRESPONDENCE

No one was in attendance to address the City Council during Open Correspondence.

BUSINESS ITEMS

A. Award Contract for the Lindawood Lane 2025 Street Improvement Project

Rachel Scheu, WSB, briefly reviewed the scope of the Lindawood Lane project and indicated that they were asking the City to award the construction contract to Asphalt Service Technologies Corporation. She shared that the City had received good competitive bids that had come in lower than the engineer's estimated cost.

Mayor Pro-Tempore Dyvik questioned whether the City had worked with Asphalt Service Technologies Corporation before.

Ms. Scheu was unsure if Long Lake had worked with the company before, but they had worked in other communities also served by WSB, and WSB had a good relationship with them. She believed that Asphalt Service Technologies Corporation was based in St Cloud.

Weske asked if the City had included put parameters in the bid package for things like start and completion dates.

Ms. Scheu responded that the contractor will begin work in June after school is out, and substantial completion is anticipated to be in August, with final status in September.

Weske inquired if Asphalt Service Technologies Corporation would have a continuous workflow versus leaving for a time and then coming back to the City for completion.

Ms. Scheu replied that they would not be leaving the job for a period of time.

Weske recalled that contractors working on a street project for the City previously had ended up leaving for a period of time in the middle of the job, so the project took all summer. He mentioned that there had been some concerns about traffic for graduations and parties in the area and suggested that they may need to do some shift work around those types of things, if necessary.

City Engineer Oliver explained that he had communicated with the concerned property owners on Lindawood Lane regarding their graduation party. He noted that a preconstruction conference had not been scheduled yet, which was when they would find out what the contractor was thinking about starting the job, and he was aware that they were intending to fit the City's project in amongst their other jobs. While it may not happen right away, the contractor would have a window of time in which to get everything done. He and staff were anticipating the project to take six to eight weeks and added that with regard to Weske's concerns about continuous project flow, they have to be aware that rain

delays could occur, but he assured the Council that WSB will try to do the best they can in keeping the contractors working at a steady pace.

A motion was made by Kvale, seconded by Feldmann, to adopt Resolution 2025-10 awarding the construction contract for the Lindwood Lane 2025 Street Improvement Project to Asphalt Service Technologies Corporation, and to authorize the Mayor and City Administrator to enter into the contract for said services. Ayes: all.

B. Adoption of Code of Conduct Policy for City Council and City Advisory Boards

Weske reminded the Council that City Clerk Moeller had presented a draft of a Code of Conduct Policy for the City Council at their April 15, 2025 meeting. Following their discussion, the Council's thought and direction was that the policy should be extended to include boards and commissions. The suggestions made by the Council were passed along to City Attorney Thames, and he had completed the necessary edits to ensure that everything was on par with what the Council was looking for based on their discussion. He noted that what was included in the packet was the final draft put together by City staff and City Attorney Thames.

Council member Kvale pointed out that she felt some of the points seemed a bit subjective and gave examples of the term 'misbehavior' and 'fair treatment of people'. She read aloud a portion that stated that the City 'may hold a hearing within 90 days of a written complaint' where the member would have the opportunity to be heard. She highlighted that the portion of this section she was worried about was related to 'the standard' and what other actions may be 'deemed appropriate'. She expressed concern that the policy language may be able to be used for politicking, and if someone doesn't agree with someone, they could just say that they had violated the subjective code. She asked if there would be an appeal process to this or if the Council's decision would be final.

Weske replied that the way he interpreted this was almost the same as if this were an employee of the City, and gave an example of the process in that situation.

Council member Kvale referenced things that would be considered decorum, observed that many of the terms used in the Code of Conduct were very subjective, and reiterated that she could see this being a way that people could abuse someone who disagreed with them. She reiterated that she would like to know what the process would be for an appeal, what kind of power the Council had, and emphasized that her main issue was with the things she felt were subjective.

Mayor Pro-Tempore Dyvik asked if Councilmember Kvale wanted to see some additional language added regarding an appeals process.

Council member Kvale responded that they could ask City Attorney Thames what the mechanism would be to appeal and noted that it may already be part of a state statute.

Mayor Pro-Tempore Dyvik commented that he wasn't sure it needed to be included in this document, because he felt that everybody would have the opportunity to appeal.

Council member Kvale stated that she would like staff to ask City Attorney Thames.

Weske indicated that staff could ask City Attorney Thames what the appeal process would look like.

The Council discussed various scenarios related to some of the concerns raised by Council member Kvale, and the possibility of approving the policy tonight and following up by asking City Attorney Thames some of the questions that have been raised.

Weske indicated that the Council could approve the Code of Conduct tonight, and staff could submit their questions to City Attorney Thames and email his answers to them.

Council member Kvale asked if the Council would be able to modify the Code of Conduct at a future meeting if they felt it was necessary, based on the answers the City Attorney gave.

Weske did confirm that the Council could modify the policy at a future meeting if needed.

Council member Newcomer questioned why the Council wouldn't just table the item until the next meeting so they had time to ask some of their questions and find out if there were still things that needed to be addressed.

Weske agreed that the Council could table this item to allow time for staff to verify some of the issues that have been raised.

A motion was made by Kvale, seconded by Newcomer, to table adoption of the Code of Conduct Policy in order to review the compliance and enforcement section with respect to any sort of appeal or review process beyond the City Council. Ayes: all.

OTHER BUSINESS

LLFD Pancake Breakfast - Council member Newcomer shared that he had met a lot of nice people at the LLFD's pancake breakfast and felt that it was a well run event. Mayor Pro-Tempore Dyvik observed that it had been good to see some Orono equipment on display at the pancake breakfast as well.

Joint Fire Forum - Council member Kvale stated that she would be unable to attend the fire services forum meeting because she would be attending an LMCC meeting at the same time. Mayor Pro-Tempore Dyvik reminded residents about the upcoming fire services open forum meeting on Thursday, May 8 at 7:00 pm at Trinity Lutheran Church and encouraged attendance.

ADJOURN

Hearing no objection, Mayor Miner adjourned the meeting by general consent at 7:06 pm.

Respectfully submitted,

Scott Weske
City Administrator