

**BIG LAKE CITY COUNCIL
REGULAR MEETING MINUTES**

APRIL 22, 2009

1. CALL TO ORDER

Mayor Lori Kampa called the meeting to order at 7:00 p.m.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

3. ROLL CALL

Council Members present: Dick Backlund, Raeanne Danielowski, Chuck Heitz, Lori Kampa, and Duane Langsdorf. Also present: City Administrator Scott Johnson, Finance Director Corey Boyer, Community Economic Development Director Jim Thares, City Clerk Gina Wolbeck, Public Works Director Mike Goebel, Police Chief Sean Rifenberick, City Attorney Soren Mattick of Campbell Knutson, City Engineer Brad DeWolf and Jared Voge of Bolton & Menk, Inc.

4. OPEN FORUM

Mayor Kampa opened the Open Forum at 7:01 p.m.

John Tomlinson from Woodside Homes asked to discuss the Snow Removal Assessment that is pending on his properties. Staff clarified that the Public Hearing for this Assessment will be held during item no. 7D.

Mayor Kampa closed the Open Forum at 7:02 p.m.

5. PROPOSED AGENDA

Council Member Danielowski motioned to adopt the proposed Agenda with the addition of item 7L - Approve Purchase of Fire Department Skid Unit. Seconded by Council Member Backlund, unanimous ayes, agenda adopted.

6. CONSENT AGENDA

Council Member Danielowski motioned to approve the Consent Agenda with the removal of items 6F and 6P for separate consideration. Seconded by Council Member Langsdorf, unanimous ayes, consent agenda approved. The Consent Agenda consists of: 6A) Approve Council Workshop Meeting Minutes of March 18, 2009, 6B) Approve Regular Council Meeting Minutes of March 25, 2009, 6C) Approve Board of Appeal and Equalization Meeting Minutes of April 8, 2009, 6D) Approve Council Workshop Meeting Minutes of April 15, 2009, 6E) Approve Final Pay Application and Change Order No. 2 for the 2007 Street and Utility Improvement Project, 6G) Approve Council By-Laws Amendments, 6H) Approve Resolution No. 2009-29 Approving Transfer of Connections, Etc. Cable Franchise to Lakedale Communications, 6I) Approve holding SB22, LLC & AL1, LLC (Krutzig) Annexation Hearing on May 27, 2009, 6J) Approve Resolution No. 2009-30 Calling for a Public Hearing on June 24, 2009 for TIF District 1-5, 6K) Approve Parks Advisory Board Recommendations, 6L) Approve Drawing on Letters of Credit for Outstanding Punch List Items, 6M) Authorize Advertisement of Phase I of the Waste Water Treatment Facility Improvements, 6N) Approve Waiving Lakeside Park Parking Fees for the BLCLA Environmental Education Seminar Participants, 6O) Approve Resolution No. 2009-31 Establishing Municipal State Aid Highways and Resolution No. 2009-32 Revoking Municipal State Aid Streets, and 6Q) Approve Joint Powers Agreement with the St. Cloud HRA for Administration Services for the Neighborhood Stabilization Program Grant.

6P) Approve Congressional Letters of Support for City Projects

Council Member Danielowski discussed her concern with starting the Hwy 10/25 intersection improvements with the current economic times. Brad DeWolf updated Council on the purpose of the support letters which are for Congressional Consideration for 80/20 funding of the project. DeWolf noted that the City's 20% could come from State Aid Funds that the City has available. Staff also clarified that the letters of support do not commit the City to accept the funding if it is awarded or to complete the project. Danielowski stated that the intersection adjoins two State highways and that the State should be responsible to fix their own problem instead of City taxpayers picking up the cost, and that she doesn't want to get to the point that the City can't back out of the project. Danielowski also stated that if the City is awarded the federal grant, we would still be responsible for acquisition costs to purchase the gas station. Council Member Heitz noted that if we don't send the letter of support in, we are guaranteed to receive zero federal funding. Heitz also discussed the poor condition of the intersection and the need for it to be fixed. Danielowski stated that she is an advocate for safety, but feels that the proposed improvements won't substantially fix the problems at the intersection. Council Member Backlund stated that he 100% supports Danielowski's comments. Council Member Langsdorf stated that he understands Danielowski's comments on the condition of the economy, but that at minimally, the City should at least apply for the funding opportunity.

DeWolf indicated that the application process would be the same information that was sent out when the City applied for State funding so there shouldn't be any additional costs to the City to apply for the Federal funds. Backlund questioned why surveying work was done without Council approval. DeWolf noted that staff was authorized to apply for the State funding and that he made the decision to send out his survey crew during a slow time at their office. DeWolf clarified that this is the general practice of Bolton & Menk and that the City will not be billed for the survey work if the project is not approved.

Council Member Heitz motioned to authorize the Mayor to sign Congressional Letters of Support and authorize submittal of Surface Transportation Legislation applications for completion of Marketplace Drive, a new rail spur and the Highway 10/25 intersection improvements. Seconded by Council Member Langsdorf. Motion was passed with a vote of 3:2 with Council Members Heitz, Kampa, and Langsdorf voting aye, and Council Members Backlund and Danielowski voting nay. Motion carried.

6F) Approve Lighting Agreement for the Big Lake Industrial Park East Plat 5 Project

Council Member Langsdorf questioned if it is necessary to install the BLIPE 5 lighting when there are no potential projects in the near future. Brad DeWolf reviewed discussions with Connexus Energy relating to a \$10,000 cost savings if the Primary and Secondary lighting is installed at the same time. The lighting would service the Industrial Park expansion area and Well No. 7.

Council Member Langsdorf motioned to authorize staff to execute a Street Lighting and installation Agreement with Connexus Energy for the Big Lake Industrial Park East Plat 5 Project. Seconded by Council Member Heitz, unanimous ayes, motion carried.

7. BUSINESS

7A. PRESENTATION – Northstar Commuter Rail Big Lake Station Public Art

Monticello Artist Parker McDonald introduced himself to council and described the design of the future public artwork project at the Big Lake Station Site. Joy Miciano, from the Northstar Project reviewed the artist selection process and noted that McDonald was selected by the public art selection committee formed by the NCDCA. Miciano also discussed the upcoming Service Launch ceremony that will be held in Big Lake and the Full Funding Grant Agreement that requires the placement of the public art.

7B. Recap of April 15th Council Workshop Discussion

Scott Johnson reviewed discussions held at the April 18, 2009 Council Workshop.

7C. ASSESSMENT PUBLIC HEARING – Delinquent Utility Charges

Corey Boyer reviewed past-due utility charges that will be certified to the Sherburne County Auditor for collection with the 2010 property taxes. Letters were mailed out on March 16th to property owners with past due balances giving them until April 13, 2009 to bring their accounts current.

Mayor Kampa opened the public hearing at 7:28 p.m. No one came forward. Mayor Kampa closed the public hearing at 7:29 p.m.

Council Member Langsdorf motioned to approve Resolution No. 2009-33 placing delinquent utility charges against specified properties. Seconded by Council Member Danielowski, unanimous ayes, motion carried.

7D. ASSESSMENT PUBLIC HEARING – Past Due Weed/Grass and Snow Removal Charges

Corey Boyer reviewed unpaid weed/grass mowing Charges, snow removal charges, and other miscellaneous unpaid charges that will be certified to the Sherburne County Auditor for collection with the 2010 property taxes. Letters were mailed out on March 16th to property owners with past due balances giving them until April 13, 2009 to bring their accounts current. Council questioned the large assessment for 65-535-0156. Boyer indicated that the property possibly sustained a water leak and the charges are for the water, public works staff time, and other miscellaneous charges that the resident has not paid.

Mayor Kampa opened the public hearing at 7:30 p.m.

John Tomlinson from Woodside Homes discussed the snow removal charges that he incurred from the snow event that occurred on January 7, 2009. Woodside Homes has 15 vacant parcels in the Wrights Crossing Development that they have been diligently maintaining. They did not plow at this snow event as according to his calculations there was not a 2" snow fall. In his discussions with Mike Goebel, there had been drifting conditions which constituted a "snow event". They were charged \$1,800 for this occurrence which he feels is excessive. Corey Boyer informed Council that staff is trying to be as flexible as possible, but still being consistent between property owners which is why all parcels received the same amount of assessment per parcel for snow removal. Goebel discussed the past maintenance history of Woodside Homes and indicated that they have never noticed a problem with their properties not being properly maintained in the past. Council directed staff to work with the developer and calculate the snow plowing fees on an hourly basis to see if that will lower the cost.

Council Member Langsdorf motioned to authorize staff to review billings for Woodside Homes. Seconded by Council Member Heitz, unanimous ayes, motion carried.

Council further questioned the large assessment for parcel no. 65-535-0156. Goebel indicated that the large water use was more than likely due to a water line break caused by freezing and that this type of occurrence is generally covered by a property owner's homeowner's insurance policy.

Mayor Kampa closed the public hearing at 7:54 p.m.

Council Member Heitz motioned to approve Resolution No. 2009-34 placing delinquent charges against specified properties for weed/grass, snow removal, and unpaid utility charges. Seconded by Council Member Danielowski, unanimous ayes, motion carried.

7E. Duffy Development Letter of Support

Katie Larsen reviewed the previous development application for the Big Lake Homes proposed project submitted by Duffy Development. The site is located in the Wrights Crossing Third Addition Development and would consist of construction of 33 townhomes in four buildings with underground parking and private entrances.

John Duffy from Duffy Development reviewed their company's history and the potential for the Big Lake project. Discussion was held on the competitive State financing that Duffy Development is applying for this year. Duffy also reviewed potential waivers they would attempt to obtain from the City which could include a donation or waiver of local government development fees, reduction of infrastructure costs, density bonus, flexibility in zoning code requirements, cooperation with WAC/SAC fees, and fast tracking the permitting and approval process. Council Member Heitz discussed the need for the City Fee Schedule to be re-evaluated to make it viable for these types of projects to succeed. Jim Thares discussed the EDA's support of the project.

Council Member Heitz motioned to table the request until the May Council Meeting for further evaluation. Seconded by Council Member Danielowski, unanimous ayes, motion carried.

7F. PUBLIC HEARING – Wrights Crossing Third Addition Drainage and Utility Easement Vacation

Katie Larsen reviewed the planners report for the Vacation application submitted by Duffy Development on behalf of Heritage Development of MN, LLC to vacate a portion of a drainage and utility easement within the Plat of Wrights Crossing Third Addition. His project is in conjunction with the proposed Big Lake Townhomes development. Larsen also noted that the May 22nd date should be changed to April 22nd and to include the addition of the Technical Evaluation Panel requirement wording in the Resolution.

Mayor Kampa opened the public hearing at 8:13 p.m.

Brian Burke, 640 Susan Street – Questioned the type of housing this project would consist of. John Duffy clarified that this project will not be Section 8 Housing, but is slated to be Section 42 Housing which would house working families with income limits between \$22,000 - \$52,000. Larsen noted that the R3 zoning has not changed on the parcel since platting occurred.

Dave Mismash, 648 Susan Street – Questioned the type of construction the developer is proposing for the project. Duffy indicated that the homes will be 2-level back to back townhomes with underground parking. Mismash also stated that the Easement has helped with water accumulation in the area. Larsen noted that the proposed development will have a new storm water pond that will address water accumulation concerns. Brad DeWolf stated that the project will reconfigure the pond area to better fit into the development.

Arturo Ramirez, 481 Karen Lane – Informed Council that the neighboring properties are concerned with the amount of tenants that will be housed in this project. Council discussed the upcoming hearing that will be held where residents will have an opportunity to voice their concerns with the actual project.

Mayor Kampa closed the public hearing at 8:25 p.m.

Council Member Heitz motioned to approve Resolution No. 2009-35 providing for the Vacation of part of a Drainage and Utility Easement within the Plat of Wrights Crossing Third Addition effective April 22, 2009 with the addition of Technical Evaluation Panel requirements. Seconded by Council Member Langsdorf, unanimous ayes, motion carried.

7G. LGL Real Estate Investments Assessment Request

Corey Boyer reviewed the request submitted by LGL Real Estate Investments, LLC requesting the City consider relief or deferral of existing special assessments against their property. Boyer reviewed the Assessment Agreement that was signed by the property owners in June 2007. The site is identified as Outlots F & G in the Big Lake Marketplace Third Addition. Boyer noted that the Agreement the property owner signed in 2007 stipulates that 2009 was the first year payments are due on the assessment. The total amount of the assessment is for \$346,864, which is the property owner's proportionate share of the street project adjacent to their property in the Marketplace South development.

Lloyd Drilling from LGL Real Estate Investments, LLC addressed the Board with their request for assessment relief or deferral due to the current economic climate and the hardships associated with the valuation, taxes, marketing, and sales obligations they are facing.

Staff noted that the City has not historically deferred on Commercial Assessments, but that we have abated water and sewer charges. Discussion was held on the bond payment that will be due and that if the developer does not pay their assessment, the City will need to cash flow the amount not paid.

Larry Palm from LGL Real Estate Investments, LLC discussed their diligent marketing efforts on the parcel and informed Council that they were also hit with a Plat Tax this year. Palm noted that they are not asking for Abatement, only a 1-year deferral of the Assessment.

Boyer noted that the only alternative would be for the City to restructure the debt, which most likely would not be a viable option. Council discussed the need for the City to obtain security if a deferment is approved. Staff noted that a one-year deferment would be approximately \$38,000. Council discussed the concern of potentially setting precedence with allowing the deferment.

Council Member Danielowski motioned to table this request until a future meeting. Seconded by Council Member Langsdorf, unanimous ayes, motion carried.

7H. City Badging System Presentation

Sean Rifenberick reviewed the need and benefits of purchasing a badging system for City employee identification and emergencies. Angie Lueschen from IdentiSys, Inc. provided an informational presentation on the products that are available. Rifenberick reviewed potential costs of the system and indicated that funding would come from the emergency preparedness budget. Council discussed the potential for applying for grant funds for this type of project, and clarified that the purchase of this equipment would not increase the police department budget. Council directed staff to obtain price quotes and to report back with findings.

7I. MN DNR Grant Agreement for Lake Treatments

Mike Goebel reviewed the grant agreements with the Minnesota Department of Natural Resources totaling \$22,604.00. The funding will be applied towards the treatment of curly-leaf pond weeds and Eurasian Water Milfoil in Big and Mitchell Lakes with an approved herbicide. Goebel noted that the City will be required to pay for the services and will get reimbursed by the MN-DNR.

Council Member Heitz motioned to approve a grant agreement with the MN-DNR for herbicide treatments in Big and Mitchell Lakes. Seconded by Council Member Danielowski,

unanimous ayes, motion carried.

7J. 2009 Street and Utility Improvement Project Feasibility Report

Brad DeWolf reviewed the Preliminary Engineering Report for the 2009 Street and Utility Improvement Project. The project includes the reconstruction of Rose Drive between Fern Street and County Road 43 and is projected to cost approximately \$621,700. The City cost could potentially be paid through Municipal State Aid funds. Council discussed the assessment cost impact this project could have on adjacent properties and that public comment can be taken at the open house and public hearing.

Council Member Heitz motioned to approve 2009-36 receiving the Preliminary Report and Calling for a Public Hearing on the 2009 Street and Utility Improvement Project. Seconded by Council Member Langsdorf, unanimous ayes, motion carried.

7K. Project Status Report – City Engineer

Brad DeWolf reviewed the Project Status Report dated April 13, 2009.

7L. Skid for Grass Rig Purchase

Daren Hardies from the Big Lake Fire Department discussed the Fire Boards recommendation to purchase a skid unit for the fire Department's Grass Rig. The purchase of the skid unit is not to exceed \$10,000. Discussion was also held on using funds from the Fire Department Reserve Donation Fund to cover the costs of the purchase of the skid unit.

Council Member Backlund motioned to approve the purchase of a skid unit for the Fire Department's Grass Rig at a cost not to exceed \$10,000 with funds coming from the Fire Department Reserve Donation Fund. Seconded by Council Member Danielowski, unanimous ayes, motion carried.

8. LIST OF CLAIMS

8A. Consider List of Claims

Council Member Danielowski motioned to approve the List of Claims Check Payments ranging from Check No. 55847 through Check No. 55994 with the exception of Check #55940 and #55939, and Electronic Payments #728E to #744E. Seconded by Council Member Langsdorf, unanimous ayes, motion carried.

8B. Consider Audio Communications Payment in the Amount of \$95.69

Council Member Heitz motioned to approve payment of Check No. 55939 in amount of

\$95.69 payable to Audio Communications. Seconded by Council Member Danielowski, vote passed with a vote of 4 to 0 with 1 abstention with Council Members Danielowski, Heitz, Kampa, and Langsdorf voting aye and Council Member Backlund abstaining. Motion carried.

8C. Consider AutoStop Payment in the Amount of \$1,143.87

Council Member Backlund motioned to approve payment of Check No. 55940 in the amount of \$1,143.87 payable to AutoStop, Inc. Seconded by Council Member Danielowski, vote passed with a vote of 4 to 0 with 1 abstention with Council Members Heitz, Kampa, Danielowski, and Backlund voting aye and Council Member Langsdorf abstaining. Motion carried.

9. **ADMINISTRATOR'S REPORT** – No report given.

10. **MAYOR & COUNCIL REPORTS and QUESTIONS/COMMENTS**

Council Member Backlund: Reviewed the April Parks Advisory Meeting and the 2nd Quarter Fire Board Meeting.

Council Member Danielowski: Discussed the April EDA Meeting, and the Community Ed Advisory Meeting.

Council Member Heitz: Discussed the April TOD Meeting. Council Member Heitz also reviewed discussions held at the Metropolitan Council Northstar Fare Hearing held on April 8th at the Sherburne County Government Center.

Mayor Kampa: Updated the public on Tornado Awareness Day, the Clean-Up Day events, and the upcoming Ice Association Wine Tasting Fundraiser. Mayor Kampa also read aloud a Proclamation proclaiming May 4th – 10th, 2009 as Public Service Recognition Week in the City of Big Lake.

Council Member Danielowski motioned to approve Resolution No. 2009-37 proclaiming May 4th – 10th, 2009 as Public Service Recognition Week in the City of Big Lake. Seconded by Council Member Langsdorf, unanimous ayes, motion carried.

Mayor Kampa also asked about the status of the temporary sign placement at Trails. Staff noted that the sign ordinance is being reviewed.

11. **OTHER** – No other.

12. **ADJOURN**

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Council Member Heitz motioned to adjourn at 9:45 p.m. Seconded by Council Member Langsdorf, unanimous ayes, motion carried.

Gina Wolbeck
Clerk

Date Approved By Council 05/13/09