

**BIG LAKE CITY COUNCIL  
REGULAR MEETING MINUTES  
NOVEMBER 9, 2005**

**1. CALL TO ORDER**

Mayor Don Orrock 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: Chuck Heitz, Lori Kampa, Duane Langsdorf, Patricia May, and Don Orrock. Also present: City Administrator Patrick Wussow, Assistant City Administrator Scott Johnson, Finance Director Corey Boyer, Community Economic Development Director Jim Thares, City Clerk Gina Wolbeck, Police Chief Sean Rifenberick, City Attorney Matthew Brokl of Campbell Knutson, City Engineer Brad DeWolf and Jared Voge of Bolton & Menk, Inc. and City Planner Nate Sparks of Northwest Associated Consultants, Inc. (NAC).

**4. OPEN FORUM**

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

Jim Feld; 290 Shoreview Estates – Informed Council about the water issues they are having with the pond flooding in their area.

Mayor Orrock closed the Open Forum at 7:03 p.m.

**5. PROPOSED AGENDA**

Council Member Langsdorf motioned to adopt the proposed Agenda with the addition of Item 10A - CLOSED SESSION for pending litigation. Seconded by Council Member Heitz, unanimous ayes, agenda adopted.

## **6. CONSENT AGENDA**

Council Member Heitz motioned to approve the Consent Agenda with the removal of items 6J, 6M, 6P, and 6T for separate consideration. Seconded by Council Member Kampa, unanimous ayes, Consent Agenda approved. The Consent Agenda consists of: 6A) Approve Regular Meeting Minutes of October 26, 2005; 6B) Approve List of Claims; 6C) Approve Resolution #2005-138 approving 2006 Tobacco License for Victory Sports Grill & Bar, Inc.; 6D) Approve Resolution #2005-139 approving a One-Day Exempt Raffle Permit and Authorize Public Works to Donate Snowplowing at Lakeside Park for the 4<sup>th</sup> Annual Little Hole on Big Lake Event Sponsored by the Big Lake Area Jaycee's; 6E) Approve Resolution #2005-140 Proclaiming November 7 - 11, 2005 to be Manufacturer's Week; 6F) Approve Resolution #2005-141 approving 2006 Tobacco License Renewal; 6G) Approve Resolution #2005-142 approving 2006 Therapeutic Massage License Renewal; 6H) Approve Resolution #2005-143 approving 2006 Trash Hauler License Renewal; 6I) Approve the Disposal of 1996 Chevrolet Lumina through the Anoka-Big Lake Auctions; 6K) Approve 2006 Ice Rink Lease with Our Lady of the Lady Catholic Church; 6L) Approve Family One Builders Variance Resolution #2005-144; 6N) Accept Notification of Excluded Raffle Sponsored by the Big Lake Chamber of Commerce on December 2, 2005 at the Carousell Works for their Annual Meeting/Christmas Bash Event; 6O) Approve Change Order No. 2 for the Water Treatment Improvements; 6Q) Approve the Purchase of Opticon Traffic Control Devices; 6R) Authorize City Engineer to Request City Controlled Speed Limits on County Roads Located within City Limits, and 6S) Set Council Workshop Dates on the First Wednesday of January – April 2006 to Discuss City Business.

6J) Approve Comprehensive Plan Amendment Implementing Extra-Territorial Land Uses and Changes to the Development Framework Text

Mayor Orrock motioned to approve Resolution #2005-145 approving amendments to the Big Lake Comprehensive Plan to change the Development Framework text and Concept Land Use Map to incorporate Extra-Territorial Land uses. Seconded by Council Member May, unanimous ayes, motion carried.

6M) Authorize City Engineer to Modify Improvements to the Esplanade Project to Comply with MNDOT Requirements

Council Member Heitz motioned to approve the modifications to the Esplanade project plans to include MNDOT requirements. Seconded by Council Member Kampa, unanimous ayes, motion carried.

6P) Approve Implementation of a Classification and Compensation System for City Employees

Effective December 11, 2005

Council Member Kampa stated her opposition to the range increases and asked for clarification why certain positions are proposed for substantial increases. Council Member Kampa also asked if the increases could be phased in over time.

Assistant City Administrator Johnson informed Council that the increases would bring the City into compliance with State Statutes, and that if some increases were to be phased in, the City would not be compliant unless pay decreases were given to other positions. Assistant City Administrator Johnson also identified that certain positions were substantially under market compared to surrounding and comparable communities.

Council Member Langsdorf motioned to approve the Position Classification and Compensation Study and to implement those adjustments with the December 11, 2005 pay scale. Seconded by Council Member Heitz, motion failed with a vote of 2:3 with Council Member Langsdorf, and Heitz voting aye, and Council Members Kampa, May, and Orrock voting nay. Motion failed.

6T) Approve Resolution Receiving Preliminary Report and Calling for a Public Hearing on December 14, 2005 at 7:00 p.m. in the Council Chambers for the 2006 Street & Utility Improvements.

Council Member May asked for clarification on Assessment Deferment. Brad DeWolf reviewed the City Assessment Policy requirements for Assessment Deferment.

Council Member Heitz motioned to approve Resolution #2005-146 receiving the Preliminary Report and calling for a public hearing on the 2006 Street & Utility Improvements, and approving an Open House be held for affected property owners on November 29, 2005 from 5:30 p.m. to 8:00 p.m. Seconded by Council Member Langsdorf, unanimous ayes, motion carried.

## **7. BUSINESS**

Mayor Orrock motioned to move item 7E to the beginning of item 7 discussion. Seconded by Council Member Langsdorf, unanimous ayes, motion carried.

### **7E. Consider Accepting Land Donation**

Patrick Wussow reviewed the donation offer staff received from the McDowall Family Partnership for approximately 300 feet of lakeshore property. The McDowall Family has identified that the site can never be sold, that only one dock would be allowed on the property, that no parking would be allowed on either side of the street, and that all transfer fees would be at the expense of the City. Administrator Wussow discussed taxes and outstanding assessments on the parcel and that the City would be responsible for these

costs.

Matt Brokl discussed possible repercussions of the City accepting land as a gift, and that if the Council wishes to obtain this property, staff should be directed to proceed with negotiating the terms of accepting this type of offer.

Council Member Kampa motioned to direct staff to proceed with negotiating the terms of the land offer from the McDowall Family Partnership identified as Outlot H. Seconded by Council Member Langsdorf, unanimous ayes, motion carried.

#### **7A. ASSESSMENT PUBLIC HEARING – Glenwood Avenue Improvement Project**

Brad DeWolf reviewed the status of the Glenwood Avenue Improvement Project and assessment procedures defined in the City Assessment Policy.

Mayor Orrock opened the Public Hearing at 7:37 p.m.

Beverly Stewart and Tom Stewart; 231 Crescent Street – Read their appeal letter previously submitted to staff and stated their concern with the alignment of the road as it has caused vehicle headlights to shine directly into the house.

Jodi Thompson; 119 Crescent Street – Addressed Council with project specific questions. Ms. Thompson was referred to the City Engineer.

Stephan Knaeble; 461 Crescent Street – Questioned why they are being charged for storm sewer costs when the project was altered in their area to put in rain gardens.

Stephen Heath; 430 Crescent Street – Discussed the petition that was presented by the residents on the 400 block of Crescent Street and stated that some of their concerns were addressed. Mr. Heath reviewed breakdowns of specific property assessments and felt that those residents should be assessed based on their specific issues.

Greg Hovde; 440 Crescent Street – Questioned the accuracy of his assessment as his property is a seasonal cabin and doesn't have a driveway.

Brittney Birch; 43 Glenwood Avenue - Addressed Council with project specific questions. Ms. Birch was referred to the City Engineer.

Josine Peters; 443 Crescent Street – Felt that there are discrepancies in how the assessments are calculated and informed Council that her family has already given up part

of their property to enhance the movement of traffic on this dead-end street.

Staff identified that written assessment appeals had been received from the following individuals prior to the close of the public hearing: Mary Jane Peters; 443 Crescent Street, Bernie and Stephan Knaeble; 461 Crescent Street, Dick Erickson; 219 Mount Curve Avenue, Hugh Lampert; 221 Mount Curve Avenue, Julie Davids; 1091 CR 43, Helen T. Swanson; Eagle Lake Road, Paul and Judy Pearson; 280 Crescent Street, Kimberly and Edward Boroski; 68 Glenwood Avenue, Philip and Shannon Knaeble; 431 Crescent Street, Mary, Greg, and John Hovde; 440 Crescent Street, James and Brenda Knaeble; 425 Crescent Street, James and Beverly Stewart; 231 Crescent Street, Stephen and Phyllis Heath; 430 Crescent Street, Olive "Ann" Schroeder; 28 Crescent Street, Gerald Bohren; 134 Mount Curve Avenue, John and Crystal Mely; 260 Crescent Street, Audra Vogel; 296 Crescent Street, Betty Wheeler; 243 Mount Curve Avenue, James Hale; 154 Hudson Street, and Ronald Schultz; 507 Glenwood Avenue.

Council Member Langsdorf motioned to close the Public Hearing at 8:00 p.m. Seconded by Council Member Kampa, unanimous ayes, motion carried.

Council Member Heitz motioned to approve Resolution #2005-147 Adopting Assessment for the Glenwood Avenue Improvement Project. Seconded by Council Member Langsdorf, unanimous ayes, motion carried.

#### **7B. ASSESSMENT PUBLIC HEARING – South Highway 10 Frontage Road Improvement Project**

Brad DeWolf reviewed the status of the South Highway 10 Frontage Road Improvement Project and assessment procedures defined in the City Assessment Policy.

Mayor Orrock opened the Public Hearing at 8:07 p.m.

No one came forward and no written assessment appeals were submitted prior to the close of the public hearing.

Council Member Langsdorf motioned to close the Public Hearing at 8:08 p.m. Seconded by Council Member Kampa, unanimous ayes, motion carried.

Council Member Heitz motioned to approve Resolution #2005-148 adopting assessment for the South Highway 10 Frontage Road Improvement Project. Seconded by Council Member Langsdorf, unanimous ayes, motion carried.

#### **7C. PUBLIC HEARING – Certification of Past-Due Utilities**

Corey Boyer reviewed the procedure for assessing past due utility bills and identified the final date the City would receive payments on these accounts prior to the assessment roll being delivered to Sherburne County Auditor's Office. Mr. Boyer reviewed measures that are in place to ensure properties that are sold identify outstanding utility bills.

Council discussed the option of shutting water service off if a user's bill is excessive. Council requested to revisit the option of shutting off water service at a future meeting.

Mayor Orrock opened the Public Hearing at 8:15 p.m.

No one came forward.

Council Member Langsdorf motioned to close the public hearing at 8:16 p.m. Seconded by Council Member Kampa, unanimous ayes, motion carried.

Council Member Langsdorf motioned to approve Resolution #2005-149 placing delinquent charges against specified properties. Seconded by Council Member Heitz, unanimous ayes, motion carried.

#### **7D. PUBLIC HEARING – Victory Sports Grill & Bar Liquor License Application**

Gina Wolbeck reviewed the On-sale and Sunday liquor license application submitted by Ronald and Mark Ulven for the bar/restaurant facility located at 16792 – 198<sup>th</sup> Avenue NW in the Marketplace Development. Ms. Wolbeck identified that background investigations have been returned satisfactorily and that all required fees have been paid.

Mayor Orrock opened the public hearing at 8:17 p.m.

No one came forward.

Council Member Heitz motioned to close the public hearing at 8:18 p.m. Seconded by Council Member Langsdorf, unanimous ayes, motion carried.

Council Member Kampa motioned to approve Resolution #2005-150 approving new On-sale and Sunday Liquor Licenses for Victory Sports Grill & Bar, Inc. located at 16792 – 198<sup>th</sup> Avenue NW pending submittal of all required documentation and fees effective January 1, 2006 through March 31, 2006. Seconded by Council Member Heitz, unanimous ayes, motion carried.

#### **7F. Smile Center Parking Lot CUP/Variance**

Nate Sparks reviewed the Planner's report for the CUP/Variance application from Ed Silker and Jim Zwilling to construct a parking lot that crosses from the property at 207 Jefferson Blvd to 271 Jefferson Blvd. The site is located on the northside of Hwy 10 and south of the current Big Lake Police Station. Mr. Sparks also identified shared parking lot specifics, snow storage, paver stones, and the possible need for additional lighting. Brad DeWolf reviewed the storm water management requirements regarding the proposed pond alterations. Chief Rifenerick expressed his concern with the lack of lighting in this area and requested that if the parking lot is approved, that additional lighting be installed.

Council discussed the parking issue at the Smile Center and clarified that while this additional parking lot may alleviate some of the issues, it will not solve them. Council also stated their concern that if additional parking is created, that the applicant may increase its business which would cause additional parking issues.

Council Member Heitz motioned to deny Resolution #2005-151 denying Variance, Conditional Use Permit, and Site Plan for the Smile Center Parking Lot Expansion Project. Seconded by Council Member Kampa, unanimous ayes, motion carried.

## **8. ADMINISTRATOR'S REPORT**

Administrator Wussow asked for Council feedback on items they would like discussed at the November 30, 2005 Joint Meeting, and discussed a Council Members request to reduce the amount of items listed on the Consent Agenda in the future. Administrator Wussow also discussed the procedures for opening and closing public hearings.

Administrator Wussow also asked for Council direction on how they would like staff to proceed with the Classification and Compensation System. Council directed staff to provide an alternative solution.

Corey Boyer discussed the Dynamics Design & Land Company 429 Assessment Agreement and the status of their property tax payments.

## **9. MAYOR & COUNCIL REPORTS and QUESTIONS/COMMENTS**

Council Member Heitz: Directed staff to discuss and identify the issue discussed at Open Forum.

Council Member Kampa: Updated Council on an EDA Conference she attended.

Mayor Orrock: Discussed a notice he had received in regard to proposed legislation limiting the City's ability to collect cable franchise fees.

Council Member Langsdorf: Would like to see quarterly reports done in a weekly staff update form given to Council as an FYI.

Mayor Orrock closed the regular session at 9:19 p.m.

**10. OTHER**

Mayor Orrock opened the Closed Session at 9:25 p.m.

**10A. CLOSED SESSION – Pending Litigation**

Brad DeWolf and Matt Brokl informed Council that a suit has been filed against the City pertaining to a 2003 improvement project, and indicated that Council will be provided information as it becomes available.

Council Member Heitz motioned to close the Closed Session and reopen the regular meeting at 9:38 p.m. Seconded by Council Member Langsdorf, unanimous ayes, motion carried.

**11. ADJOURN**

Council Member Langsdorf motioned to adjourn at 9:39 p.m. Seconded by Council Member May, unanimous ayes, motion carried.

\_\_\_\_\_  
Gina Wolbeck

Clerk

Date Approved By Council \_\_\_\_\_ 12/14/05