

**BIG LAKE CITY COUNCIL
REGULAR MEETING MINUTES
NOVEMBER 10, 2010**

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, Senior Planner Katie Larsen, Police Chief Sean Rifenerick, Fire Chief Tony Eisinger, and City Engineer Brad DeWolf of Bolton & Menk, Inc.

4. OPEN FORUM

Mayor Kampa opened the Open Forum at 7:01 p.m. No one came forward. Mayor Kampa closed the Open Forum at 7:02 p.m.

5. PROPOSED AGENDA

Council Member Danielowski motioned to adopt the proposed Agenda moving item 7E to the beginning of the Agenda. Seconded by Council Member Backlund, unanimous ayes, agenda adopted.

6. CONSENT AGENDA

Council Member Heitz motioned to approve the Consent Agenda as presented. Seconded by Council Member Langsdorf, unanimous ayes, consent agenda approved. The Consent Agenda consists of: 6A) Approve Regular Council Meeting Minutes of October 27, 2010, 6B) Approve Resolution No. 2010-80 approving the Snow and Ice Control Policy with Big

Lake Township, 6C) Authorize the Advertisement, Posting, and Testing for the Open Police Officer Position, 6D) Call for a Public Hearing at 7:00 p.m. on December 8, 2010 in the Big Lake City Council Chamber for the Adoption of the 2011 City of Big Lake Fee Schedule, 6E) Call for a Public Hearing at 7:00 p.m. on December 8, 2010 in the Big Lake City Council Chamber for the Consideration of a Rural Taxing District Ordinance, 6F) Set Special Council Gathering at 6:00 p.m. on Wednesday, December 8, 2010 in the Big Lake City Council Chambers for Out-Going Council Recognition Event, 6G) Approve Resolution No. 2010-81 approving the Implementation of an ICMA Retirement Corporation Loan Program, 6H) Approve Resolution No. 2010-82 authorizing the Cancellation of the Tax Abatement Agreement with Big Lake Marketplace Inn, LLC, 6I) Approve Patrol Subscription Agreement with the League of MN Cities Insurance Trust, 6J) Approve Resolution No. 2010-83 approving the 2011 Tobacco License Renewals, and 6K) Approve Resolution No. 2010-84 approving the 2011 Therapeutic Massage License Renewals.

7. BUSINESS

7E. Big Lake Fire Relief Association Update (item moved up by Council Action)

Big Lake Fire Relief Association Treasurer Randy Miller updated Council on recent discussions held at the Relief Association Board of Trustees meeting where it was proposed to increase retirement benefits by \$200. Council questioned if their funding is reflective of the market. Miller indicated that the Relief Association has been conservative with their fund, and have had limited market exposure. The Association has weathered the volatility of the market and has used a professional investor from the Monticello area. Miller also reviewed State Aid funds their Association receives which come from insurance premiums.

Council Member Backlund motioned to authorize a \$200 increase to the lump sum retirement benefit to be funded by the Fire Association Pension Trust Fund. Seconded by Council Member Heitz, unanimous ayes, motion carried.

7A. Canvassing Results of November 2, 2010 General Election and Recount Update

Scott Johnson presented the resolution identifying the local election results of the November 2, 2010 General Election. Council Candidate Mike Wallen received the top count at 1,039 votes, Council Candidate Richard "Dick" Backlund received the 2nd highest count at 900 votes, Chuck Heitz received 893 votes, Jason White received 679 votes, Gary "Doc" Snyder received 622 votes, and Marvin Rydberg received 465 votes. Mike Wallen and Richard "Dick" Backlund will begin their four-year terms in January 2011.

Council Member Langsdorf motioned to approve Resolution No. 2010-85 canvassing the results of the November 2, 2010 General Election. Seconded by Council Member Danielowski, unanimous ayes, motion carried.

Johnson also noted that City Council Candidate Chuck Heitz has requested a recount of votes cast for himself and Dick Backlund. Johnson informed Council that the recount will be held at the Sherburne County Government Center on Monday, November 15, 2010 beginning at 11:00 a.m.

7B. ASSESSMENT PUBLIC HEARING – Meadows of Big Lake Improvement Project

Brad DeWolf reviewed the status of the Meadows of Big Lake Improvement Project and assessment procedures defined in the City Assessment Policy. Corey Boyer clarified that the interest rate on assessments for this project will match the City's bonding interest rate of 3.29%.

Mayor Kampa opened the Public Hearing at 7:12 p.m.

Daris "Doc" Sonntag; 19148 Meadow Lane – Discussed three mistakes made by the City which include not completing the project in a timely manner, not getting the funding taken care of, and making the decision to complete the project in a poor economic climate. Brad DeWolf discussed the Letter of Credit that was terminated when the financial institution went out of business. DeWolf noted that the City consistently tried to contact the developer even after the developer also went out of business in hopes that they would complete their required improvements in the development. DeWolf also discussed why the City allows developers to wait to put the final wear course on the streets within new developments until the development is substantially complete so the large equipment used for new construction doesn't damage the new road. Sonntag also questioned if they would be responsible for street repairs when the development next to them gets completed. DeWolf noted that future developments will be monitored and any damaged areas will be the responsibility of the developer. Daris Sonntag submitted a written appeal for the property identified as 65-524-0310 prior to the close of the public hearing.

Todd Snyder; 18721 Traverse Lane – Questioned why the road needed to be improved as it seemed fine when he moved in last year. Mr. Snyder stated that he feels the road project was done just to employ people. Mr. Snyder also discussed his concern with possible drainage issues in the ponding area near his property. Brad DeWolf discussed the need for a final wear course to ensure the life of the street and indicated that he will investigate the drainage concern near the ponding area. Council questioned if the original Letter of Credit would have paid for the improvements to the development. DeWolf indicated that the original Letter of Credit was in excess of \$1,000,000 and would have been enough to complete the project had the financial institution stayed in business. DeWolf also noted that 90% of the development was completed by the developer. Todd Snyder submitted a written

appeal for the property identified as 65-524-0524 prior to the close of the public hearing.

Kim Nagorski; 18644 Traverse Lane – Stated that homeowner’s in new developments pay for streets as part of the purchase price of their homes and that it isn’t their responsibility to collect on the Letter of Credit. Corey Boyer indicated that the cost of the street is generally part of the purchase price paid to the developer/builder. Boyer also reviewed the payment process for the proposed assessment. Kim Nagorski did not submit a written appeal prior to the close of the public hearing.

Scott Diercks; 18713 Providence Drive - Staff identified that a written assessment appeal had been received from Scott Diercks for the property identified as 65-524-0446 and located at 18713 Providence Drive, prior to the close of the public hearing.

Council Member Danielowski stated that she understands the frustration of the residents who have to pay the assessment for this project and stated the developer left the City holding the bag on completing this development. Council Member Backlund stated his frustration that the developer continues to appear to be financially stable but refused to complete the project. Council Member Danielowski discussed the option of changing the assessment ratio to 40/60 instead of 60/40. Council Member Langsdorf and Heitz discussed their concern with setting precedence for future assessments and they feel an assessment at \$900 is a very good rate for a 30+ year road. Boyer reviewed the appeal process and noted that property owners who wish to appeal their assessment are required to submit their appeal in writing prior to the close of the public hearing.

Mayor Kampa closed the Public Hearing at 7:26 p.m.

Council Member Danielowski motioned to approve Resolution #2010-86 Adopting the Assessment for the Meadows of Big Lake Improvement Project with the breakdown of costs to be 40% to the property owner at an interest rate of 3.29% and 60% to the City, with the removal of all written appeals submitted prior to the close of the public hearing. Seconded by Council Member Backlund, motion passed with a vote of 3:2 with Council Members Backlund, Danielowski, and Kampa voting aye and Council Members Heitz and Langsdorf voting nay. Motion carried.

7C. ASSESSMENT PUBLIC HEARING – Delinquent Utility Charges

Corey Boyer reviewed the procedure for assessing past due utility charges and identified the final date the City would receive payments on these accounts prior to the assessment roll being delivered to the Sherburne County Auditor’s Office. Council questioned the City’s process for keeping these delinquencies at a minimum. Boyer reviewed the shut-off guidelines, previous owner final billings, and collection processes for delinquent utility accounts.

Mayor Kampa opened the Public Hearing at 7:47 p.m. No one came forward. Mayor

Kampa closed the public hearing at 7:48 p.m.

Council Member Danielowski motioned to approve Resolution No. 2010-87 placing delinquent charges against specified properties. Seconded by Council Member Backlund, unanimous ayes, motion carried.

7D. ASSESSMENT PUBLIC HEARING – Certification of Delinquent Weed and Grass Mowing Charges

Corey Boyer reviewed the procedure for assessing past due weed and grass mowing charges and identified the final date the City would receive payments on these accounts prior to the assessment roll being delivered to the Sherburne County Auditor's Office. Mayor Kampa opened the Public Hearing at 7:50 p.m. No one came forward. Mayor Kampa closed the public hearing at 7:51 p.m.

Council Member Heitz motioned to approve Resolution No. 2010-88 placing delinquent weed and grass mowing charges against specified properties. Seconded by Council Member Danielowski, unanimous ayes, motion carried.

7F. Big Lake Food Shelf Canopy Request

Scott Johnson discussed the request submitted by the Big Lake Food Shelf seeking Council authorization to allow them to install a canopy above their double delivery/pickup doors on the south side of the City Hall building. The purpose of the canopy is to protect food carts from the elements while their clients pick up their orders. The Food Shelf will be responsible for installation, maintenance and upkeep costs associated with the structure.

Council Member Danielowski motioned to authorize the installation of a canopy at no cost to the City on the south side of the City Hall Building which is to be purchased, installed and maintained by the Big Lake Food Shelf. Seconded by Council Member Backlund, unanimous ayes, motion carried.

8. LIST OF CLAIMS

Council Member Danielowski motioned to approve the List of Claims ranging from Check No. 59650 through Check No. 59727 with the removal of Check No. 59659 for consideration at a future meeting, and Electronic Payments #1217E to #1222E. Seconded by Council Member Langsdorf, unanimous ayes, motion carried.

9. ADMINISTRATOR'S REPORT

Scott Johnson asked Council to Call for a public hearing to consider the 2011 General Fund Budget and Final Property Tax Levy on December 8, 2010.

Council Member Heitz motioned to Call for a Public Hearing to consider the 2011 General

Fund Budget and Final Property Tax Levy at 7:00 p.m. on Wednesday, December 8, 2010 in the City Council Chambers. Seconded by Council Member Danielowski, unanimous ayes, motion carried.

Johnson also updated Council on the Dynamic's Letter of Credit review and indicated that staff along with the subcommittee members, continue to work with the developer on finalizing the signed purchase agreement for the proposed Rail Park project. Johnson also discussed the Cherrywood tour in Richmond that he attended with Council Member Danielowski, and informed Council that the State of MN has Quit Claim Deeded the old Park n' Ride lot to Sherburne County and noted that any future development on the parcel will require the State's approval.

10. MAYOR & COUNCIL REPORTS and QUESTIONS/COMMENTS

Council Member Danielowski: Reviewed the November EDA Meeting and the BR&E visits to local businesses. Council Member Danielowski also recognized local veterans and active military personnel in the community and discussed the veteran's dinner being hosted by the Big Lake American Legion Auxiliary. Sean Rifenerick discussed the Salvation Army Bell Ringer Program that will be conducted at Coborn's Grocery Store through the holiday season. Council Member Danielowski also informed the public of the Fire Department Chili Feed on December 11th that will benefit the Big Lake Food Shelf.

Council Member Heitz: Reviewed the Northstar free ride program being held on November 16th and 17th and informed Council that the Phase II route to St. Cloud has been placed on hold and the planning for the NLX route to Duluth has been cancelled.

11. OTHER

Jim Thares introduced Community Economic Development Intern Sophiya Singh who is a Senior at St. Cloud State University.

12. ADJOURN

Council Member Heitz motioned to adjourn at 8:09 p.m. Seconded by Council Member Langsdorf, unanimous ayes, motion carried.

Gina Wolbeck
Clerk

12/08/10
Date Approved by Council