

**BIG LAKE CITY COUNCIL
REGULAR MEETING MINUTES
FEBRUARY 14, 2007**

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: Dick Backlund, Chuck Heitz, Lori Kampa, Patricia May, and Don Orrock. Also present: City Administrator Scott Johnson, Finance Director Corey Boyer, Community Economic Development Director Jim Thares, Public Works Director Mike Goebel, Police Chief Sean Rifenerick, City Clerk Gina Wolbeck, City Planners Annie Deckert and Ned Noel, EDA Intern Sam Woods, 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.

Amy Lucht; 21456 Lena Trail and representing Minks Custom Homes – Discussed the decks and porches ordinance guidelines relating to ledger boards issues. Ms. Lucht requested that the Ordinance be reviewed due to siding warranty concerns.

Sherburne County Commissioner Ewald Petersen updated Council on recent discussions/actions of the County Board.

Mayor Orrock closed the Open Forum at 7:12 p.m.

5. PROPOSED AGENDA

Council Member Kampa motioned to adopt the proposed Agenda. Seconded by Council Member Backlund, unanimous ayes, agenda adopted.

6. CONSENT AGENDA

Council Member Heitz motioned to approve the Consent Agenda with the removal of items 6E, 6L, and 6P. Seconded by Council Member Kampa, unanimous ayes, consent agenda approved. The Consent Agenda consists of: 6A) Approve Regular Council Meeting Minutes of January 24, 2007, 6B) Approve Workshop Meeting Minutes of February 7, 2007, 6C) Approve Highway 25 Improvement Support Resolution No. 2006-10, 6D) Approve Date of Board of Appeal and Equalization Hearing on Wednesday, April 11, 2007 at 5:00 p.m. 6F) Approve One-Day Exempt Permit Resolution No. 2006-11 to Sand Dunes Gobblers NWTf for a Raffle to be held on March 29, 2007 at the Carousell Works, 6G) Authorize Minnesota Housing Partnership Community Building Funds Program Resolution No. 2006-12, 6H) Approve Resolution No. 2006-13 Supporting a Tri-County Regional Forensic Crime Laboratory with Sherburne, Anoka, and Wright Counties, 6I) Approve the Sale of Old Police Department Equipment and Bikes, 6J) Approve the Purchase/Sale of Police Department Novelty Merchandise, 6K) Approve Business Retention & Expansion Strategies Program Contract, 6M) Authorize Utility Billing Contract with Opus21 and RMR Services, LLC, 6N) Accept Resignation and Approve Offer for Accounting Clerk Position, 6O) Authorize Disposal/Removal of Old Cooler System and Shelving, 6Q) Approve Resolution No. 2006-14 Calling for Public Hearing on the Martin Avenue Phase III Improvement Project, 6R) Approve Ordinance Amendment No. 2005-17 Amending 2007 Schedule of Fees and Summary Publication Resolution No. 2006-15, 6S) Rescind Resolution No. 2002-12 and Approve Claims Payment Procedure, and 6T) Approve Date Change for Joint Planning Meeting to February 28, 2007 and Call for a Joint Public Informational Meeting at 5:15 p.m. at Big Lake Town Hall for the Sanford Annexation

6E) Set Council Gathering for FEMA Training Dates for Council Members

Council questioned the requirements for this training. Chief Rifenberick reviewed the required FEMA training and indicated that Council Members, law enforcement, fire, and public works department personnel are required to complete either classroom or on-line Emergency Management Training.

Council Member Heitz motioned to set a Special Council Gathering on Tuesday, March 13, 2007 from 6:00 p.m. to 9:00 p.m., and Saturday, March 24, 2007 from 9:00 a.m. to 4:00 p.m. for FEMA required Emergency Management Training at the Big Lake Fire Hall. Seconded by Council Member Kampa, unanimous ayes, motion carried.

6L) Approve Pay Increase for Video Controller Contracted Position

Mayor Orrock discussed pay comparisons with comparable communities and recommended the video controller contracted position receive an hourly pay increase more in-line with those communities.

Council Member Heitz motioned to approve a pay increase for the Video Controller Contracted Position for 2007 in the amount of \$10.00/hour with a minimum payment of \$45.00 effective January 1, 2007, for 2008 in the amount of \$10.25 with a minimum payment of \$50.00 effective January 1, 2008, and for 2009 in the amount of \$10.50 with a minimum payment of \$55.00 effective January 1, 2009. Seconded by Council Member Backlund, unanimous ayes, motion carried.

6P) Approve Storm Water Pollution Prevention Plan

Council Member Heitz clarified that the Storm Water Pollution Prevention Plan will require additional staff time for public works department and that the costs are Unfunded Mandates.

Council Member Heitz motioned to approve the Storm Water Pollution Prevention Plan. Seconded by Council Member May, unanimous ayes, motion carried.

7. BUSINESS

7A. Shores of Lake Mitchell 10th Addition Final Plat

Ned Noel reviewed the planners report for the final plat application submitted by Robert McDowall for final plat of one lot and two outlots located along Hiawatha Avenue and adjacent to Lake Mitchell and McDowall Lake. Mr. McDowall previously received administrative subdivision approval on this parcel which was refused by the Sherburne County Records Office. Mr. McDowall is also requesting a refund of the final plat application fee/escrow due to the recording issue.

Council Member Heitz motioned to approve Resolution No. 2006-16 approving the Final Plat of Shores of Lake Mitchell Tenth Addition. Seconded by Council Member Backlund, unanimous ayes, motion carried.

Council Member May motioned to approve a refund of final plat fee/escrow to Robert McDowall for the Shores of Lake Mitchell 10th Addition final plat application. Seconded by Council Member Heitz, unanimous ayes, motion carried.

7B. Prairie Meadows 3rd Addition Concept Plan Review

Nate Sparks reviewed the planners report for the Prairie Meadows 3rd Addition concept application submitted by Miles Development for a Planned Unit Development for Outlot C,

Prairie Meadows. Miles Development is proposing to divide the site into 47 single family residential units and 20 attached townhome units. Mr. Sparks clarified that the applicant refers to this application as a detached townhome development which is incorrect as city standards require that detached townhomes have townhome associations that have full grounds and exterior maintenance. The subject site is part of a larger 325 acre PUD known as Prairie Meadows which received preliminary plat approval in June 2003. Mr. Sparks indicated that this application will require a Comprehensive Plan Amendment, Rezoning, PUD flexibility, and a Conceptual Site Plan.

Mark Egren, representing Miles Development, discussed potential housing styles and designs and stated that he feels by allowing the PUD, it would improve the standards currently in place.

Council indicated that they are not in favor of the 52` lot size. Council also discussed requiring fencing on the eastern boarder of the development, that they like the transition to the south, and that they would be in favor larger lots on the outside ring with the smaller lots located further into the development. No Council action was taken.

7C. Eagle Lake Road North Commercial Rezoning

Ned Noel reviewed the planners report for the rezone of specific properties located along the east side of Eagle Lake Road North and south of Minnesota Avenue. The properties included in the rezone from R-1 to B-2 are 65-401-0021, 65-401-0025, 65-401-0015, 65-401-0020, 65-401-0030, and properties included in a rezone from B-3 to B-2 are 65-420-0052, 65-420-0053, and 65-420-0050. Mr. Noel discussed the reasons for the rezoning which include making the current sites consistent with their commercial designation on the Comprehensive Land Use Plan, to facilitate transportation improvements to Eagle Lake Road and its intersection with Highway 10, and to provide an opportunity for commercial redevelopment of the remaining land after the road improvements are completed. Mr. Noel explained that the public hearing notice included all the original parcels, but only the parcels identified in the Council packet are included in the final rezoning.

Council Member Heitz motioned to approve Ordinance No. 2006-01 amending section 1042.03 (zoning map) of the Big Lake Municipal Code to provide for a change in zoning classification for the project known as Eagle Lake Road North Commercial Rezoning. Seconded by Mayor Orrock, unanimous ayes, motion carried.

Council Member Heitz motioned to approve Resolution No. 2006-17 approving summary publication of Ordinance No. 2006-01. Seconded by Council Member Backlund, unanimous ayes, motion carried.

7D. Berndt Pond Estates 3rd Addition – Development Contract

Matt Brokl reviewed the final draft of the Development Contract for the Berndt Pond Estates 3rd Addition project and explained that staff is proposing a reduced park dedication fee in the amount of \$2,500.00 per unit due to the timing of the original application for preliminary plat.

Jim Neilson reviewed his opinion of statute relating to new development fees pertaining to park dedication, storm sewer, over sizing of collector road credits, and 10% land value.

Council reviewed the developer's original request for a Planned Unit Development requesting smaller lot sizes which increased the number of lots within the development.

Matt Brokl discussed the previously adopted park plan and the process followed when the City adopted the Park Dedication fee amounts within the last four years. Mr. Brokl also reviewed discussions held between staff and Council Member Heitz to determine a negotiated park dedication fee. Mr. Brokl also discussed the developer's rights to contest city fees and the procedures that must be followed.

Council Member Heitz motioned to approve the Development Contract for the Berndt Pond Estates 3rd Addition project as presented. Seconded by Council Member May, vote passed with a vote of 4:1 with Council Members Heitz, Kampa, May, and Orrock voting aye and Council Member Backlund voting nay. Motion carried.

7E. Request to Waive Interest on Assessment

Corey Boyer discussed the request from Virginia Harris who owns the property at 149 Hill Street. Ms. Harris has requested the City waive the interest on her assessment from the 2006 Street Improvement Project. Mr. Boyer indicated that Ms. Harris feels this request is warranted because she feels that she was not given notice that the Assessment was adopted, and that there were no instructions as to where to send payment if a resident wanted to pre-pay the assessment. Mr. Boyer reviewed the procedures followed for all assessments and that the notice does indicate adoption of the assessment may occur at the public hearing and that there is information in the letter as to where pre-payment could be made. Staff is looking for direction from Council on whether a refund of Ms. Harris' \$300.03 in interest is warranted.

Council Member Heitz motioned to deny the request submitted from Virginia Harris for the waiving of assessment interest. Seconded by Council Member Backlund, unanimous ayes, motion carried.

7F. Public Works Building Expansion Project – Plans and Specifications and Authorization to Bid

Fred Patch reviewed the plans and specifications for the Public Works Building Expansion project. Mr. Patch indicated that upon final approval, the project is anticipated to begin in early April 2007.

Council Member Kampa motioned to approve the Plans and Specifications and authorize advertisement for bid for the 2007 Public Works Building Addition. Seconded by Council Member Backlund, unanimous ayes, motion carried.

7G. Public Works Salt Storage Building – Plans and Specifications and Authorization to Bid

Fred Patch reviewed the plans and specifications for the Public Works Salt Storage Building project. Mr. Patch indicated that upon final approval, the project is anticipated to begin in early April 2007.

Council Member Backlund motioned to approve the Plans and Specifications and authorize advertisement for bid for the 2007 Public Works Salt Storage Building. Seconded by Council Member May, unanimous ayes, motion carried.

7H. Award Quote for Purchase

Mike Goebel reviewed the quotes submitted for the purchase and installation of surveillance cameras at Lakeside Park. Two quotes were received, one from Wellington Security Systems in the amount of \$13,351.58 and the other from Audio Communications in the amount of \$13,253.92. Staff is recommending Council accept the low quote from Audio Communications.

Council Member Heitz motioned to accept the quote from Audio Communications in the amount of \$13,253.92 for the purchase and installation of surveillance cameras at Lakeside Park. Seconded by Council Member Kampa, vote passed with a vote of 4 to 0 with 1 abstention with Council Members Heitz, Kampa, May, and Orrock voting aye and Council Member Backlund abstaining. Motion carried.

7I. Procedure for Abatement of Regulated Waste

Fred Patch discussed the procedures and options for the investigation and clean-up of regulated waste from redevelopment properties. Mr. Patch explained that the purpose of this discussion stems from Council's concern with the unexpected costs for change orders

for asbestos abatement at various properties purchased by the City for demolition. Mr. Patch discussed the BLEDA recommendation to include a contingency in all future purchase agreements for real property that will allow the BLEDA/City, at its own cost, to conduct a Physical Inspection and Environmental Sampling and Assessment for regulated waste materials, and for the properties presently owned by the BLEDA/City, make no change to the existing procedure to include regulated waste investigation in the base bid demolition contract, and consider abatement of regulated waste only by change order.

Council Member Heitz motioned to approve the recommendations of the BLEDA relating to investigation for Abatement of Regulated Waste. Seconded by Council Member Kampa, unanimous ayes, motion carried.

7J. Demolition of 65-401-0060 and 65-401-0040

Fred Patch discussed the bids received for demolition of properties along Eagle Lake Road North. Mr. Patch indicated that both properties contain structures that are substandard and dilapidated. Council questioned the low bid amount submitted by Carlson Companies. Mr. Patch indicated that he has worked with this company previously and has not had any issues with their level of service.

Council Member Heitz motioned to authorize the Mayor and Administrator to enter into a contract and approve the quote from Carlson Companies, Inc. in the amount of \$13,480.00 for the demolition and removal of buildings and disposal of junk, refuse, and debris from 140 Eagle Lake Road and 200 Eagle Lake Road and choose Option 1 for abatement of regulated waste. Seconded by Council Member Kampa, unanimous ayes, motion carried.

7K. 2007 Big Lake Chamber of Commerce Expo Booth Discussion

Jim Thares discussed the City and EDA sharing a booth for the Big Lake Chamber of Commerce Business Expo on March 11, 2007.

Council Member Kampa motioned to authorize the Council's participation in jointly funding and staffing a booth with the BLEDA at the 2007 Chamber of Commerce Business Expo at a cost of \$85.00 for the City's portion of the booth. Seconded by Council Member Backlund, unanimous ayes, motion carried.

Council Member Kampa motioned to set a Special Council Gathering on March 11, 2007 from 11:00 a.m. to 3:00 p.m. for the Big Lake Chamber of Commerce Business Expo at the Big Lake High School. Seconded by Council Member Backlund, unanimous ayes, motion carried.

Jim Thares also discussed a request submitted by the Chamber of Commerce requesting the fee be waived for two temporary sign permits for this event. Amy Lucht from the Chamber of Commerce Board explained that they are a non-profit organization and that the signage would be used to advertise for the Business Expo.

Council Member Kampa motioned to waive the sign permit fee for two temporary signs in the amount of \$100.00 for signage for the Big Lake Chamber of Commerce Business Expo and directed staff to incorporate changes into the sign ordinance waiving sign permit fees for non-profit organizations but still requiring the submittal of the required escrows to ensure compliance with the sign ordinance regulations. Seconded by Council Member May, unanimous ayes, motion carried.

8. LIST OF CLAIMS

8A. Consider List of Claims

Council Member Heitz motioned to approve the List of Claims ranging from Check No. 049659 through Check No. 049977 with the exception of Check No. 050055. Seconded by Council Member Kampa, unanimous ayes, motion carried.

8B. Consider Audio Communications Payment in the Amount of \$100.64

Council Member Heitz motioned to approve payment of Check No. 050055 payable to Audio Communications in the amount of \$100.64 for police department supplies. Seconded by Council Member Kampa, vote passed with a vote of 4 to 0 with 1 abstention with Council Members Heitz, Kampa, May, and Orrock voting aye and Council Member Backlund abstaining. Motion carried.

9. ADMINISTRATOR'S REPORT

Administrator Johnson discussed a request from the League of MN Cities asking Cities to consider adopting a transportation funding support resolution. No action was taken by Council.

Administrator Johnson discussed a request submitted by Anne Felber from Hornet Country Spiritwear seeking approval to purchase the counter for \$150.00 and back shelf for \$100.00 from the old liquor store.

Council Member Heitz motioned to approve the sale of the old liquor store counter for \$150.00 and the back shelf for \$100.00 to Hornet Country Spiritwear. Seconded by Council Member Kampa, unanimous ayes, motion carried.

Administrator Johnson also updated Council on quotes received on staff business cards, and informed Council of the upcoming Becker/Big Lake Ice Association wine tasting event. Annie Deckert discussed the \$5,000.00 SFHAP loan request submitted by Jeremy and Cristina Steiner. Ms. Deckert indicated that the BLEDA approved the loan request at their February 12, 2007 meeting and that the balance in this fund would be at \$14,300 upon approval of the Steiner's loan.

Council Member Heitz motioned to approve a \$5,000.00 SFHAP loan to Jeremy and Cristina Steiner. Seconded by Council Member Kampa, unanimous ayes, motion carried.

Jim Thares asked for Council feedback on allowing annexation petitions to be processed with Parcel Identification Numbers instead of submittal of certified surveys. Matt Brokl indicated that the surveys would need to be submitted prior to the Annexation documents being submitted to the State of MN for final approval. Council directed staff to proceed with annexation petitions if the applicant provides Parcel Identification Numbers and that submittal of a certified survey should be listed as a requirement on the agreement.

10. MAYOR & COUNCIL REPORTS and QUESTIONS/COMMENTS

Council Member Backlund: Directed staff to check into why the backside of the liquor store is so dark. Fred Patch indicated that he will check why the lights aren't working.

Council Member Heitz: Updated Council on the February EDA Meeting and directed staff to check into having population signage updated. Council Member Heitz also requested to be taken off the Community Ed Advisory Board as the meetings are held the same time the Northstar Commuter Rail meets. Council directed staff to contact the school to see if a City representative is needed on the committee.

Council Member Kampa: Questioned the status of signage at Lake Shopping Center.

Mayor Orrock: Discussed that the Personnel Committee would like Council authorization to hire an outside investigator to conduct an internal review on allegations relating to a personnel matter. Upon conclusion of the review, a recommendation will be brought to the Personnel Committee for review. Discussion was held on contacting the Post Board and the League of MN Cities to find an outside investigator. Staff explained that the expense for hiring the investigator would come from the General Fund.

Council Member Heitz motioned to authorize an expense from the General Fund in an amount not to exceed \$5,000.00 for the hiring of an outside investigator to conduct an internal review on allegations relating to a personnel matter. Seconded by Council Member Backlund, unanimous ayes, motion carried.

Council Member May: Updated Council on the February Parks Advisory Board Meeting.

11. OTHER

No other.

12. ADJOURN

Council Member Heitz motioned to adjourn at 9:29 p.m. Seconded by Council Member May, unanimous ayes, motion carried.

Gina M. Wolbeck
Clerk

Date Approved By Council 02/28/07