

**BIG LAKE CITY COUNCIL
REGULAR MEETING MINUTES
OCTOBER 8, 2008**

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, Building Official Sam Rudd, City Clerk Gina Wolbeck, Senior Planner Katie Larsen, Public Works Director Mike Goebel, Police Chief Sean Rifenberick, Fire Chief Tony Eisinger, City Attorney Soren Mattick of Campbell Knutson, and City Engineer Brad DeWolf and Jared Voge of Bolton & Menk, Inc.

4. OPEN FORUM

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

5. PROPOSED AGENDA

Council Member Heitz motioned to adopt the proposed Agenda with the addition of item 7E - Call for Public Hearing for the 2008 Street and Utility Improvement Project, and item 7F - Call for Public Hearing for Assessment Charges. Seconded by Council Member May, unanimous ayes, agenda adopted.

6. CONSENT AGENDA

Council Member Kampa motioned to approve the Consent Agenda with the removal of item 6K for separate consideration. Seconded by Council Member May, unanimous ayes, consent agenda approved. The Consent Agenda consists of: 6A) Approve Regular Council Meeting Minutes of September 24, 2008, 6B) Approve Workshop Meeting Minutes of September 24, 2008, 6C) Approve Donation Resolution No. 2008-88, 6D) Approve Personnel Policy Amendment, 6E) Approve Dangerous Dog Ordinance No. 2008-10 and summary publication Resolution No. 2008-89, 6F) Approve Internal Control Procedures, 6G) Approve Special Assessment Deferral Policy, 6H) Approve Resolution No. 2008-90 Setting Maximum Income Limitations for Deferral of Special Assessments, 6I) Approve Resolution No. 2008-91 approving MNDOT Agency Agreement No. 93409, 6J) Approve Resolution No. 2008-92 approving State Transportation Fund Agreement for the Highway 10 / CR 5 Intersection Improvement Project, 6L) Approve Parks Advisory Board Recommendation, 6M) Approve Purchase of Power Sweeper, 6N) Approve Final Pay Application and Change Order for the 2006 Street and Utility Improvement Project, and 6O) Approve Final Pay Application and Change Order for the Martin Avenue Phase II Improvement Project.

6K) Approve Appointment of Election Judges for the November 4th General Election

Council Member Heitz motioned to approve Resolution No. 2008-93 appointing Election Judges for the 2008 General Election. Seconded by Council Member Kampa, unanimous ayes, motion carried.

7. BUSINESS

7A. PUBLIC HEARING – 168th Street Vacation

Katie Larsen reviewed the 168th Street Vacation application submitted by Dynmon, Inc. dba Dynamics Design & Land Company. The application is to vacate the road right-of-way located within the underlying plat of Big Lake Marketplace North. Dynmon's proposed Commerce Park development project is showing use of the proposed vacated area for a project entrance and parking. The City would retain the utilities and drainage easements within the vacated area.

Mayor Orrock opened the public hearing at 7:05 p.m.

Ray Sundstrom, Big Lake Township Resident - questioned what the original purpose of the 168th Street area was. Council noted that the original proposed use for the area was intended for high density residential but that now the north/south corridor is being moved to 166th Street.

Council Member Kampa motioned to close the public hearing at 7:08 p.m. Seconded by Council Member Backlund, unanimous ayes, motion carried.

Council Member Kampa motioned to approve Resolution No. 2008-94 providing for the vacation of part of 168th Street NW as dedicated on the Plat of Big Lake Marketplace North contingent upon approval of the Final Plat. Seconded by Council Member Heitz, unanimous ayes, motion carried.

7B. 110 Monroe Street Variance

Katie Larsen reviewed the 110 Monroe Street Variance application submitted by Wayne Anderson. The variance request is to allow for flexibility from Section 1020 of the City code in regards to construction of an accessory structure in the front yard. The applicant is proposing to construct a 576 square foot accessory structure to be used as a hobby shop and storage facility.

Council asked why the applicant has already started the project. Ms. Larsen noted that staff gave the applicant permission to start grading the site and that no construction will begin until a building permit has been issued. The applicant was notified that permission to grade did not constitute Council approval of the variance request. Council also clarified that approval of the variance does not allow the applicant to conduct commercial business at the site.

Council Member May motioned to approve Resolution No. 2008-95 approving a Variance to allow for an accessory structure to be located in the front yard of 110 Monroe Street and setting forth conditions to be met prior to issuance of a building permit. Seconded by Council Member Kampa, unanimous ayes, motion carried.

7C. Commerce Park Final Plat and Development Contract

Katie Larsen reviewed the planners report for the Final Plat application submitted by Dynmon, Inc. dba Dynamics Design & Land Company for a PUD mixed-use commercial, retail, and open space development with the Commerce Park Ballfield being the focal point of the area. The site consists of 28.5 acres and is proposed to be constructed in two phases with phase I being the retail and commercial business, health club, restaurants, outdoor recreation, baseball field, cinema/theater and parking lot. The Final Plat and Development Contract application relates only to the Phase I parcels which include Outlot A (Baseball field), Outlot D (Retail development), Outlot E (Retail development), Outlot F (Retail development), Outlot G (Shared parking), Block 1, Lot 1 (Restaurant bar & grill with outdoor recreation facilities), Block 2, Lot 1 (Fitness Center/Office), Block 2, Lot 2 (Legion Building), and Block 3, Lot 1 (Cinema/theater). Phase II areas will include Outlot B

(Open green space), Outlot C (Mixed use commercial/residential), and Outlot H (Future commercial development).

Ms. Larsen also noted that the Developer is requesting the Security (\$32,750) and Cash (\$190,057) requirements be paid in proportion to building construction, that the "common areas" (parking and landscaping) be constructed in proportion to building construction, and that the City approve the Development Contract contingent upon City Staff review and approval.

Council discussed the required fees and escrows that are required in all commercial projects to ensure that projects are completed in a timely manner. Brad DeWolf reviewed the cash requirements that are listed in the draft development contract and noted that they appear to be consistent with previous developments in relation to covering City costs.

Jim Brown from Dynamics Design and Land Company asked Council for flexibility in the Development Contract and indicated that it will be difficult to get this project started if the proportionate fees aren't granted. Mr. Brown noted that they are requesting a 60% up front fee structure. Council discussed charging proportionate fees based on acreage platted. Soren Mattick discussed modeling the fees similar to how SAC/WAC are paid at time of building permit issuance, but charge them at platting of each lot. Corey Boyer discussed the history with this type of fee structure and indicated that Marketplace North was set up similar to this concept with the fees being paid at time of final platting.

Council Member Heitz motioned to authorize staff to finalize the Development Contract and fee structure for the Commerce Park Project and to authorize the Mayor and Administrator to execute the finalized Contract. Seconded by Council Member Kampa, unanimous ayes, motion carried.

Council Member Kampa motioned to approve Resolution No. 2008-96 approving the Final Site & Building Plans and Final Plat of the Commerce Park Project and setting forth conditions to be met prior to the release of the Final Plat. Seconded by Council Member May, unanimous ayes, motion carried.

7D. Marketplace East Concept Plan

Katie Larsen reviewed the Planning Report pertaining to the proposed Concept Plan for the Marketplace East development located within the Hudson Woods First Addition. The property owner, Dynamics Design & Land Company, LLC, is proposing to subdivide a portion of Outlot D as follows for high density residential, commercial, and industrial development: 1) 28 acres as R-3 High Density Residential; 2) 9 acres as B-3 General Business; 3) 23 acres as I-2 General Industrial; and 4) 23 acres as I-3 Isolated Industrial. The site was previously approved for rezoning for a residential development. Ms. Larsen

discussed potential transportation conflicts with the design of the proposed development and land use compatibility. Concern is with Marketplace Drive being the only transportation system in place to serve the potential industrial development which could cause transportation conflicts between differing land uses. Currently, single family homes, Little Achiever's Daycare and Hudson Woods Park exist along the route with future development including high density residential. As currently proposed, Marketplace Drive would terminate as a long cul de sac on the eastern side of the development. Ms. Larsen noted that from a structural and engineering perspective, Marketplace Drive can handle industrial traffic and capacity, but that from a land use and City planning perspective, staff has transportation compatibility issues between residential and industrial traffic. The City's Comprehensive Plan indicates this corridor extending to CSAH 15 in the future and the immediate impact of the development should be addressed. Jim Thares discussed the Big Lake Economic Development Authority's (BLEDA's) recommendation and reviewed staff's cooperative endeavors to work with the Developer on this project.

Council provided input on the proposed development. Discussion was held on the lack of connectivity to CR 15. Soren Mattick discussed the impact of rezoning the site and that once the rezone receives approval, the developer has the right to construct within the guidelines of the district. Mr. Mattick informed Council that rezoning "presumes" the intended use is appropriate. Council also stated that they would like to hear comments from property owners to the east. Council discussed that from an EDA standpoint, rezoning now could be beneficial to the entire Big Lake area. Ms. Larsen noted that from a planning perspective, traffic flow is a concern that should be addressed sooner rather than later. Brad DeWolf indicated that the EQB has rules in place that require a separate environmental/mitigation plan review so checks/balances would be in place to address some of the transportation concerns.

Council Member Heitz stated that he is not opposed to the project, but that he does have concern with the CR 15 connection. Council Member May stated that she feels there will be too much traffic along Marketplace Drive without the CR 15 extension. Mayor Orrock discussed a concern of the proposed density. Council Member Backlund stated that he agrees with the project, but that the CR 15 extension needs to be done in conjunction with the project.

7E. Call for Public Hearing for the 2008 Street and Utility Improvement Project

Council Member Heitz motioned to approve Resolution No. 2008-97 calling for a Public Hearing for the Assessments on the 2008 Street and Utility Improvement Project. Seconded by Council Member Kampa, unanimous ayes, motion carried.

7F. Call for Public Hearing for Assessment Charges

Council Member Backlund motioned to call for a Public Hearing on November 12, 2008 at 7:00 p.m. in the City Council Chambers for the certification of delinquent utilities, past due snow removal charges, and past due weed/grass removal charges. Seconded by Council Member Kampa, unanimous ayes, motion carried.

8. LIST OF CLAIMS

Council Member Heitz motioned to approve the List of Claims ranging from Check No.54609 through Check No. 554696. Seconded by Council Member Kampa, unanimous ayes, motion carried.

9. ADMINISTRATOR'S REPORT

Scott Johnson reviewed the snowplowing agreement with Big Lake Township which identifies snow and ice removal control on certain roads.

Council Member May motioned to approve Resolution No. 2008-98 establishing division of responsibilities for snow and ice removal between the Town of Big Lake and the City of Big Lake. Seconded by Council Member Backlund, unanimous ayes, motion carried.

Jim Thares reviewed the Annexation petition submitted by Mike Krutzig for the former Big Lake American Legion building currently located in Big Lake Township. Mr. Thares indicated that a special Joint meeting is needed to hold a Joint Public Informational Meeting on October 22, 2008 at 5:00 p.m. at Big Lake Township Hall.

Council Member Kampa motioned to call for a special Joint City/Township Meeting as discussed. Seconded by Council Member May, unanimous ayes, motion carried.

10. MAYOR & COUNCIL REPORTS and QUESTIONS/COMMENTS

Council Member Backlund: Reviewed the committee meeting held with the Senior Group and the Food Shelf regarding potential improvements to the old library space. Council Member Backlund made the public aware of the need for donations for fixtures in this space. Council Member Backlund also updated Council on the 3rd Quarter Fire Board Meeting.

Council Member Heitz: Discussed the recent TOD Chicago Tour and noted that the 1st

Northstar Commuter Rail locomotive is complete and is being housed in Big Lake. Council Member Heitz also discussed the City's sign ordinance and stated that candidates running for office need to be sure they are placing their candidate signs in lawful areas.

Council Member Kampa: Reviewed the 3rd Quarter Fire Board Meeting and asked Council to consider amending the Council By-Laws to include a section that prohibits Council from addressing anonymous correspondence. Council directed staff to draft an amendment to the Council By-Laws for consideration at a future meeting.

Mayor Orrock: Reviewed the October Joint Transportation Committee Meeting.

Council Member May: Reviewed the October Planning Commission Meeting.

11. **OTHER** – No other.

12. **ADJOURN**

Council Member May motioned to adjourn at 8:35 p.m. Seconded by Council Member Kampa, unanimous ayes, motion carried.

Gina Wolbeck
Clerk

Date Approved By Council 10/22/08