

**BIG LAKE CITY COUNCIL  
REGULAR MEETING MINUTES  
OCTOBER 24, 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, Building Official Sam Rudd, City Clerk Gina Wolbeck, Senior Planner Katie Larsen, Public Works Director Mike Goebel, Police Chief Sean Rifenberick, Liquor Store Manager Jan Kostrzewski, City Attorney Soren Mattick of Campbell Knutson, Jared Voge from the City Engineers Office of Bolton & Menk, Inc. and Carrie Fuhrman from the City Planners Office of Northwest Associated Consultants, Inc. (NAC).

**4. OPEN FORUM**

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

Rich Berg; Kanebec Street – Addressed Council with concerns relating to statements made by Council Member Backlund and asked him to stop the public displays of negative behavior.

Sam Olson; 167<sup>th</sup> Street, Big Lake Township – Read aloud a letter that he wrote to Council Member Backlund stating his concerns with comments that he has been making. Mr. Olson also read aloud the response from Council Member Backlund and asked him to explain his comments. Mr. Backlund stated that his attorney would respond for him.

Dan Eck, 5380 Highland Trail – Questioned Council Member Backlund's motives on why he is trying to eliminate the Big Lake Police Department and his reasons for questioning specific police officer promotions.

Mayor Orrock closed the Open Forum at 7:14 p.m.

## **5. PROPOSED AGENDA**

Council Member Kampa motioned to adopt the proposed Agenda with the addition of a PUBLIC HEARING – Simple Subdivision Plat for Humbolt Drive to be listed as item 7D and moving the remaining items down one, and the rewording of item 7H to read as Public Works Building Surveillance Camera System Quotes. Seconded by Council Member May, unanimous ayes, agenda adopted.

## **6. CONSENT AGENDA**

Council Member Heitz motioned to approve the Consent Agenda with the removal of item 6J for separate consideration. Seconded by Council Member Kampa, unanimous ayes, consent agenda approved. The Consent Agenda consists of: 6A) Approve Regular Council Meeting Minutes of October 10, 2007, 6B) Approve Donation Resolution No. 2007-102 for a \$2,000 Donation from the Sherburne County Agricultural Society towards the Fire Department, 6C) Approve Contract Format for Lawn Maintenance Services, 6D) Authorize Staff to Review Resident Parking Signage Request, 6E) Award Auditing Service Bid to Kern, DeWenter, Viere, Ltd, 6F) Approve Changing November 7, 2007 Workshop Time to 5:00 pm and Set a Joint Special Workshop at 6:00 pm for discussion on the feasibility of an ice arena, 6G) Approve Declaration of Official Intent for the Industrial Park Expansion Project, 6H) Approve Encroachment Agreement, and 6I) Approve Appointment of Volunteer Police Reserve Officer 6J) Proclaim November 12<sup>th</sup> – 19<sup>th</sup> as Manufacturer's Week

Mayor Orrock read aloud the Manufacturer's Week Proclamation.

Council Member Kampa motioned to approve Resolution No. 2007-103 proclaiming November 12<sup>th</sup> through November 19<sup>th</sup> to be Manufacturer's Week. Seconded by Council Member May, unanimous ayes, motion carried.

## **7. BUSINESS**

### **7A. PUBLIC HEARING – Certification of Assessments for Past Due Weed/Grass Mowing Charges**

Corey Boyer reviewed the procedure for assessing past due weed/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 Orrock opened the Public Hearing at 7:17 p.m. No one came forward.

Council Member Kampa motioned to close the public hearing at 7:18 p.m. Seconded by Council Member May, unanimous ayes, motion carried.

Council Member Heitz motioned to approve Resolution No. 2007-104 placing delinquent weed/grass mowing charges against specified properties. Seconded by Council Member May, unanimous ayes, motion carried.

**7B. PUBLIC HEARING – Certification of Assessments for Past Due Snow Removal Charges**

Corey Boyer reviewed the procedure for assessing past due snow removal 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 Orrock opened the Public Hearing at 7:19 p.m. No one came forward.

Council Member May motioned to close the public hearing at 7:20 p.m. Seconded by Council Member Kampa, unanimous ayes, motion carried.

Council Member May motioned to approve Resolution #2007-105 placing delinquent snow removal charges against specified properties. Seconded by Council Member Kampa, unanimous ayes, motion carried.

**7C. PUBLIC HEARING – Certification of Assessments for Past Due Recycling Charges**

Corey Boyer reviewed the procedure for assessing past due recycling 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 Orrock opened the Public Hearing at 7:23 p.m. No one came forward.

Council Member Heitz motioned to close the public hearing at 7:24 p.m. Seconded by Council Member Kampa, unanimous ayes, motion carried.

Council Member Heitz motioned to approve Resolution #2007-106 placing delinquent recycling charges against specified properties. Seconded by Council Member Kampa, unanimous ayes, motion carried.

#### **7D. PUBLIC HEARING – Simple Subdivision for Humbolt Drive**

Katie Larsen reviewed the proposed Simple Subdivision Plat for Humbolt Drive. This subdivision is needed due to the South Highway 10 Frontage Road project and the extension of Humbolt Drive east to Eagle Lake Road South. This type of subdivision plat will administratively clean up the remnant parcels and outlots that were created with these two street projects.

Mayor Orrock opened the Public Hearing at 7:26 p.m. No one came forward.

Council Member Kampa motioned to close the public hearing at 7:27 p.m. Seconded by Council Member May, unanimous ayes, motion carried.

Council Member Kampa motioned to approve Resolution No. 2007-107 approving the Humbolt Drive Simple Subdivision Plat. Seconded by Council Member May, unanimous ayes, motion carried.

#### **7E. McPete's Sports Bar & Lanes**

Carrie Fuhrman reviewed the planners report for the land use application submitted by Miller Architects for the McPete's Sports Bar & Lanes site located at 590 Humbolt Drive. The applications consist of requests for preliminary and final plat, four conditional use permits, six variances, and a site and building plan review. The applicant received approval of an Ordinance Amendment in October of 2004 which had a condition that any future expansions would require that the building be brought into compliance with the exterior materials requirements of the Zoning Ordinance. Ms. Fuhrman reviewed each application and identified specific conditions that will be included in the Resolution.

Bob McDowall and Eric Petersen, owners of McPete's – Reviewed their proposed timeline for construction and indicated that they would like to get started as soon as possible.

Council Member Kampa motioned to approve Resolution No. 2007-108 approving the Preliminary and Final Plat of McPete's Addition, four Conditional Use Permits, Six Variances, a site and building plan review, and setting forth conditions to be met prior to issuance of a building permit for the site. Seconded by Council Member Backlund, unanimous ayes, motion carried.

#### **7F. Animal Ordinance Discussion**

Scott Johnson discussed proposed changes to the animal ordinance that would better identify specific types of animals that are limited in the number allowed on a residential property. Mr. Johnson reviewed replacing "animal" with "dogs, cats, and any other

domesticated animal allowed outdoors". Discussion was also held on a letter received from a resident on Katrina Lane requesting that Council allow the keeping of pet chickens. Council discussed the reasons for prohibiting animals considered as "farm animals" and that they would not be in favor of changing the Ordinance to allow for the keeping of these types of animals. Council Member May stated that she feels the resident should be allowed to keep up to three chickens. No action was taken on amending the current Ordinance in regard to allowing farm animals within the City of Big Lake.

Council Member Heitz motioned to approve Ordinance No. 2007-13 establishing amendments to the Big Lake Municipal Code Chapter 3, Section 390.05, clarifying the number of animals allowed on residential properties. Seconded by Council Member Kampa, unanimous ayes, motion carried.

Council Member Kampa motioned to approve Resolution No. 2007-109 authorizing summary publication of Ordinance No. 2007-13. Seconded by Council Member Heitz, vote passed with a vote of 4:1 with Council Members Backlund, Heitz, Kampa, and Orrock voting aye, and Council Member May voting nay, motion carried.

## **7G. Business Retention & Expansion Program Findings**

Jim Thares discussed the Business Retention & Expansion (BR&E) Commencement Event that was held at the High School Auditorium on October 15, 2007. This event was held to provide information to the general public relating to the BR&E summary report. The BR&E taskforce has decided to concentrate its efforts in four areas which include; 1) Labor Force/Training issues, 2) Business Outreach (Private sector led Business Roundtable, 3) Passport or Cultural/Recreational aspects supportive to business, and 4) Transit Oriented Development (TOD) – promote and represent interests of existing businesses in regards to TOD opportunities and to support the existing City TOD Committee. Additional business feedback included City Planning and Zoning procedures, communications, fees, permits, code compliance/ordinance enforcement, sign ordinance, and sidewalks. A similar set of responses also indicated issues with the local business climate, City staff attitude and/or customer service, cooperation with businesses and the balance in economic development policies versus new businesses. The BR&E Team Leaders have drafted a Resolution for Council consideration to address these areas of concern.

Council thanked the sponsors of the commencement event and also discussed their concern with the low turnout. Council indicated that they would like to have a Council representative included in the future roundtable discussions and inquired why there seems to be a disconnect with the Chamber of Commerce.

Council Member May motioned to approve Resolution No. 2007-110 stating the City of Big Lake supports addressing issues collected from local businesses. Seconded by Council Member Kampa, unanimous ayes, motion carried.

#### **7H. Public Works Building Surveillance Camera System Quotes**

Mike Goebel reviewed the quotes received for the Public Works Building Surveillance Camera System. Four quotes were submitted with the low quote being from Audio Communications in the amount of \$16,191.19.

Council asked if the bids submitted were “apples to apples”. Mr. Goebel explained that he has reviewed and contacted specific vendors to be sure that the quotes submitted are generally for the same product and service.

Council Member Heitz motioned to accept the quote from Audio Communications in the amount of \$16,191.19 for the purchase and installation of a camera surveillance system at the Public Works Building. Seconded by Mayor Orrock, 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. Skate Park Rules Discussion**

Mike Goebel discussed the loss control visit he had with Tim Gross from the League of MN Cities relating to the Skate Park area. Mr. Goebel reviewed the recommended updated rules to be posted at the Skate Park. Discussion was also held on allowing bicycle use at the Skate Park as the new equipment is designed to handle bikes. Soren Mattick discussed establishing these park rules by Ordinance. Council indicated that the signage should include a list of recommended protective gear. Council also discussed discipline measures that could be necessary with continued vandalism problems.

Council directed staff to prepare an Ordinance implementing the Skate Park rules for future Council consideration.

#### **7J. Esplanade Discussion**

Jared Voge reviewed the status of the Esplanade project and explained that the project includes water quality improvements to Big Lake. The Water Quality Improvements Study was previously completed and presented to Council. The study identified the existing Highway 10 roadway system as a concern for the deposition of sediment to Big Lake. Approximately 25% of the project costs associated with the Esplanade Improvements area are a result of the Stormwater Quality Improvements to Big Lake. Mr. Voge explained that while the Esplanade Improvements project does include improvements to the sidewalk, lighting standards, and railing/landscaping, the primary objective of the project, as directed by the City Council, was to improve the untreated Highway 10 stormwater discharge to Big Lake. Another environmental improvement to Lakeside Park also includes the newly constructed asphalt parking lot, as the dirt lot previously allowed untreated runoff to drain into the lake.

Council requested that staff look into the boulevard area between the lake and Highway 10 to determine if grass will grow in this area.

#### **7K. Project Status Report – City Engineer**

Jared Voge reviewed the October 2007 Engineers Report and answered questions from Council.

#### **8. LIST OF CLAIMS**

##### **8A. Consider List of Claims**

Council Member Heitz motioned to approve the List of Claims ranging from Check No. 52083 through Check No. 52168 with the exception of Check No. 52091. Seconded by Council Member Kampa, unanimous ayes, motion carried.

##### **8B. Consider Audio Communications Payment in the Amount of \$103.58**

Council Member Heitz motioned to approve payment of Check No. 52091 payable to Audio Communications. Seconded by Mayor Orrock, 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**

Scott Johnson asked for Council feedback on if they are in favor of staff continuing with conducting exit interviews. The general consensus of the Council was to continue with offering the exit interviews. Council also explained that staff has no way of controlling if an outgoing employee is going to be truthful in those interviews.

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

Council Member Backlund: Reviewed the October Planning Commission Meeting.

Council Member Heitz: Updated Council on the October Transit Oriented Development Committee Meeting, and informed them of the upcoming public meetings that will held on November 20<sup>th</sup> and December 12<sup>th</sup>. Council Member Heitz also reviewed the Becker/Big Lake Ice Association meeting that was held at Becker City Hall. Council Member Heitz requested to be allowed time after Item No. 10 to discuss letters that have been submitted to the newspaper. Mayor Orrock allowed this request.

Council Member Kampa: Reviewed the Lake Association meetings she has attended and asked that a video produced by the association be played at an upcoming Council Workshop. Council Member Kampa also directed staff to contact the association to discuss obtaining property information for all lakeshore parcels and to discuss advertisement of their meetings on the City's cable channel, website and newsletter.

Council Member May: Reviewed the October Parks Advisory Board Meeting.

Council Member Heitz stressed his concern that two letters have been submitted to the West Sherburne Tribune under the names of persons who did not write the letters. One letter was said to be authored by the Big Lake Police Department office staff and the other from an out of state person. All parties have clearly indicated that they did not author, nor authorize, submittal of the letters. Council Member Heitz stated that if a City Council Member is sending in fraudulent letters, that Council person should resign. If they are being sent in by a City staff person, that person should be terminated. Heitz also stated that whoever is sending in the letters should be held accountable for submitting fraudulent material.

Mayor Orrock explained that Police Department staff is doing a fine job of providing public safety services to our residents.

Soren Mattick reviewed Council's options in dealing with the fraudulent letters and indicated that the City could make a formal request to the newspaper asking them to verify the authors of submitted "Letters to the Editor" before they are published. Mr. Mattick also informed Council that the fraudulent letters could be submitted to the Sherburne County Sheriff's Office as these letters could be considered as fraudulent conduct.

Council Member Heitz motioned to authorize forwarding two fraudulent letters to the Sherburne County Sheriff's Office for review. Seconded by Council Member Kampa, unanimous ayes, motion carried.

Council Member May stated her concern with statements made by Council Member Backlund.

## **11. OTHER**

Mayor Orrock motioned to recess the regular session at 8:58 p.m. to go to Closed Session for Attorney/Client Privilege allowed under MN Statute 13D.05, subd. 3b

**12. CLOSED SESSION – Attorney/Client Privilege**

Mayor Orrock opened the Closed Session at 9:03 p.m. Council Members present: Dick Backlund, Chuck Heitz, Lori Kampa, Patricia May, and Don Orrock. Also present: City Administrator Scott Johnson, City Clerk Gina Wolbeck, City Attorney Soren Mattick, and League of MN Cities appointed Attorney Monte Mills.

Monte Mills updated Council on pending litigation relating to a developer disputing his fees. No action was taken by Council during Closed Session.

Council Member Kampa motioned to close the Closed Session and reconvene the regular meeting at 9:14 p.m. Seconded by Council Member May, unanimous ayes, motion carried.

**13. ADJOURN**

Council Member Kampa motioned to adjourn at 9:15 p.m. Seconded by Council Member Heitz, unanimous ayes, motion carried.

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Gina Wolbeck  
Clerk

Date Approved By Council \_\_\_\_\_ 11/14/07