

**BIG LAKE CITY COUNCIL
REGULAR MEETING MINUTES
JUNE 28, 2006**

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: Assistant City Administrator Scott Johnson, Finance Director Corey Boyer, Community Economic Development Director Jim Thares, City Clerk Gina Wolbeck, Public Works Director Mike Goebel, City Planner Ned Noel, 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 7:00 p.m. No one came forward. Mayor Orrock closed the Open Forum at 7:01 p.m.

5. PROPOSED AGENDA

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

6. CONSENT AGENDA

Council Member Heitz motioned to approve the Consent Agenda with the removal of items 6F, and 6P for separate consideration. Seconded by Council Member Langsdorf, unanimous ayes, consent agenda approved. The Consent Agenda consists of: 6A) Approve Regular Meeting Minutes of June 14, 2006; 6B) Approve Joint City/EDA Meeting Minutes of June 21, 2006; 6C) Approve List of Claims; 6D) Approve the Sale of Abandoned Bikes/Parts at Auction; 6E) Approve the Sale of Forfeited Vehicles at Auction; 6G) Authorize Transfer of TIF Proceeds; 6H) Approve Termination of Employment; 6I) Approve Landis Lake Ordinance Amendment No. 2006-11 and Summary Resolution No. 2006-80; 6J) Approve Monument Marker Ordinance Amendment No. 2006-12 and Summary Resolution No. 2006-81; 6K) Approve Vacant Land Sale; 6L) Call for a Budget Workshop on August 9, 2006 at 6:00 p.m.; 6M) Approve Fire Hall Additional Land Purchase; 6N) Approve Safe & Sober Grant Resolution No. 2006-82; 6Q) Approve Parks Advisory Committee Recommendations, and 6R) Approve Dog Vaccination Clinic on September 16, 2006.

6F) Approve Noise/Vehicle Ordinance Amendment

Council discussed various time restrictions and identified they would like the allowed times shown in 525.11 (Domestic Power Equipment) to be the same as 525.14 (Light Construction Activities) which is 7:00 a.m. to 9:00 p.m. on any weekday and Saturday, and 9:00 a.m. to 8:00 p.m. on any Sunday or Holiday.

Council Member Langsdorf motioned to approve Ordinance No. 2006-13 amending Chapter 5 (Nuisances, Offenses, and Other Regulations) and Chapter 6 (Traffic and Motor Vehicles) related to noise standards and excessive noise with the changes as discussed. Seconded by Council Member Kampa, unanimous ayes, motion carried.

Council Member Heitz motioned to approve Resolution No. 2006-83 authorizing summary publication of Ordinance 2006-13. Seconded by Council Member Langsdorf, unanimous ayes, motion carried.

6P) Approve Safe Routes to School Resolution Amendment

Staff presented Council with revised Resolution No. 2006-78 for the Safe Routes to School Program and Ned Noel identified that Sherburne County is not in favor of 4-way traffic controls at the intersection of CR 43 and 205th Avenue. Staff also discussed the potential grant amount of \$175,000.00.

Council Member Kampa motioned to approve an amendment to Resolution No. 2006-78 incorporating changes to the Safe Routes to School Program Grant Application. Seconded by Council Member Heitz, unanimous ayes, motion carried.

7. BUSINESS

7A. PUBLIC HEARING – Liquor Violation Ordinance Amendment

Gina Wolbeck reviewed the proposed changes to the liquor violation process the City follows and identified that the new Ordinance establishes minimum fines and suspensions but still allows flexibility to enforce the maximum penalties established under State Statute. Ms. Wolbeck identified additional changes to the Ordinance under the Suspension and Revocation section to identify an actual timeline of “within 10 days”.

Mark Lees from Sherburne County Public Health reviewed the County Liquor Compliance Program and discussed training opportunities provided by the County to all liquor establishments in Sherburne County. Mr. Lees also discussed the City implementing a “Best Practices Program” into the new Ordinance to offer incentives to establishments that fulfill the requirements of the program. Council discussed the benefits of incorporating a Best Practices Program into the Ordinance and directed staff to research this type of program and bring the item back at a future meeting for consideration.

Mayor Orrock opened the public hearing at 7:19 p.m. No one came forward.

Council Member Heitz motioned to continue the public hearing and to table the Ordinance until such a time staff is able to research the Best Practices Program for inclusion into the draft Ordinance. Seconded by Council Member Kampa, unanimous ayes, motion carried.

7B. Highway 10 Pedestrian Crossing Presentation – Tom DuMont; MNDOT

Tom DuMont from the Minnesota Department of Transportation discussed the States guidelines on pedestrian crossing signage. Mr. DuMont discussed crosswalk locations along Highway 10, the status of painting the crosswalk areas, and styles of newer crosswalk signage. Mr. DuMont identified that the City can request that the old signage be replaced with upgraded designs, but that the City would be responsible for the expense of the new signs.

Council discussed concerns with the current crosswalk areas and directed staff to research potential costs of replacement signage and to report back on the status of painting the crosswalk areas.

7C. Shoreview Townhomes Ponding Complaint

Mike Goebel reviewed the past correspondence staff has had relating to the ponding complaint at Shoreview Townhomes. Mr. Goebel also identified that the Association is the actual owner of the ponding area, and that the City has easement rights to the site. Mr. Goebel also reviewed past and current lake levels and that his department checks the levels at least once a month.

Jim Fjeld, resident at 290 Shoreview Estates and representing the Shoreview Townhome Association, discussed previous conversations with staff and indicated that staff had previously informed them that the City was the owner of the ponding area. Brad DeWolf identified that incorrect information had been given to the Townhome Association and that the City Attorney's Office has confirmed that the Association is the actual owner of the site. Mr. Fjeld stated that he feels part of the erosion issues stem from the City pumping storm water into the pond and asked for City assistance on stabilizing the shoreline.

Dennis Wold, resident at 281 Shoreview Estates, informed staff and Council that muskrats are undermining the shoreline and feels that rip rap would help stabilize the shoreline.

Council directed staff to review when the original piping was put in and who constructed the pipe, and to meet with the MNDNR to find possible solutions to the issue. Council also directed staff to obtain potential costs for installing rip rap along the shoreline of the pond site.

7D. 4617 Pond View Circle Variance

Ned Noel reviewed the planners report for the variance application submitted by Diane Ruiz for the residential property located at 4617 Pond View Circle. Ms. Ruiz is seeking the variance to build a new six-foot tall privacy fence into the front yard setback along Pond View Circle. Mr. Noel also indicated that the Public Works Department has verified that there are no utilities in the easement area and that per City Ordinance, the City would not be responsible to pay compensation for the fence should it need to be removed from the easement area for any public purpose.

Council Member Heitz motioned to approve Resolution No. 2006-84 approving a fence variance at 4617 Pond View Circle and setting forth conditions to be met prior to issuance of a building permit. Seconded by Council Member Kampa, unanimous ayes, motion carried.

7E. 701 Rose Drive CUP Amendment

Ned Noel reviewed the planners report for the CUP Amendment application submitted by Dan's Auto located at 701 Rose Drive. The applicant is proposing to construct a 976 square foot addition to the principal structure to be used for indoor storage. The subject site is zoned B-3 and lies within the City's Downtown Design District boundaries. Mr. Noel also discussed the required landscaping plan, sidewalk improvements, parking requirements, and outside storage guidelines. Mr. Noel discussed the Safe Routes to School Program grant application the City will be seeking approval on, which could potentially cover some of the costs for a portion of the sidewalk in this area.

The applicant, Dan Minor, 701 Rose Drive, stated that he understands the sidewalk requirement, but has concerns with the potential costs to put the sidewalk in on Rose Drive due to the drainage area. Mr. Minor also discussed possible pedestrian hazards that could arise from installing a sidewalk at this dangerous intersection.

The applicant's builder, Ken Geroux, 24632 187th Street, reviewed the drainage area of the lot and also stated that he believes that Mr. Minor has a nice looking business and does not need to do unnecessary landscaping. Mr. Geroux asked for the Council to consider a compromise on the landscaping requirement and to allow staff to work with Mr. Minor to complete a plan that best fits the site.

Brad DeWolf identified that upon Council direction, his office would work with the applicant to review the drainage site to establish if it would be feasible to install a sidewalk on Rose Drive or to wait until Rose Drive is proposed to be improved in 2012.

Council directed staff to work with the applicant to create a landscape plan that best suits the site and identified changes to the conditions to include giving the applicant 24 months to install the sidewalk and to identify the possible use of funds from the Safe Routes to School Program if the City is awarded Grant dollars. Council also clarified that if the City does not receive funds from this Grant, the applicant will be responsible to cover the cost of the sidewalk on Phyllis Street. Council also directed staff to work with the applicant on the design of the sidewalks and to determine the feasibility of the completion of the sidewalk along Rose Drive.

Council Member Heitz motioned to approve Resolution No. 2006-85 approving an amendment to the Conditional Use Permit at 701 Rose Drive with the identified conditions, and setting forth conditions to be met prior to the issuance of a building permit. Seconded by Council Member Langsdorf, unanimous ayes, motion carried.

7F. Lake Street Cottages 3rd Addition Final Plat

Ned Noel reviewed the planner's report for the Lake Street Cottages 3rd Addition Final Plat application submitted by Springer Builders to combine Outlot A of Lake Street Cottages 1st Addition, and Lot 2, Block 1 of Lake Street Cottages 3rd Addition. The applicant is proposing to combine these two parcels so that a detached garage for the homeowner can be built in the future.

Council Member Kampa motioned to approve Resolution No. 2006-86 approving the Final Plat of Lake Street Cottages 3rd Addition and setting forth conditions to be met prior to release of the final plat. Seconded by Council Member May, unanimous ayes, motion carried.

7G. Project Status Report – City Engineer

Brad DeWolf reviewed the June 20, 2006 Engineers Report and answered questions of Council.

8. ADMINISTRATOR'S REPORT

Assistant City Administrator Johnson reviewed the upcoming Northstar Meeting, the groundbreaking ceremony at the Fire Station, and the Lake Plaza Mall Façade improvements.

9. MAYOR & COUNCIL REPORTS and QUESTIONS/COMMENTS

Council Member Kampa: Questioned when the Smile Center will complete their extra parking lot project. Brad DeWolf informed Council that the Smile Center has submitted their easement documents and that staff is in the process of reviewing them. Council Member Kampa also identified that the barricades have been closed in the Hidden River Development and that there has been vandalism issues with the new observatory deck in this development. Council Member Kampa also suggested that this area be toured during the July 18th bus tour.

Mayor Orrock: Discussed publishing the vacant City Administrator position and also discussed the June Cable Commission meeting.

Council Member Heitz motioned to authorize publishing and posting the vacant City Administrator position. Seconded by Council Member Langsdorf, unanimous ayes, motion carried.

Council Member Langsdorf: Discussed the recent Planning Commission meeting.

Council Member May: Mike Goebel gave an update on the June Parks Advisory Board meeting.

10. OTHER

Matt Brokl gave an update on the status of the purchase agreement for the Waste Water Treatment Plant expansion.

11. ADJOURN

Council Member Langsdorf motioned to adjourn at 8:50 p.m. Seconded by Council Member May, unanimous ayes, motion carried.

Clerk

Date Approved By Council _____