

**BIG LAKE CITY COUNCIL
REGULAR MEETING MINUTES
DECEMBER 13, 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: City Administrator Scott Johnson, Finance Director Corey Boyer, Community Economic Development Director Jim Thares, City Clerk Gina Wolbeck, Public Works Director Mike Goebel, Police Chief Sean Rifenberick, City Attorney Matthew Brokl of Campbell Knutson, City Engineer Brad DeWolf and Jared Voge of Bolton & Menk, Inc., Fred Patch from Northwest Inspection Services, 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. No one came forward. Mayor Orrock closed the Open Forum at 7:02 p.m.

5. PROPOSED AGENDA

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

6. CONSENT AGENDA

Council Member Kampa motioned to approve the Consent Agenda with the removal of items 6G, 6I, 6U, 6Y, and 6BB for separate consideration. Seconded by Council Member Heitz, unanimous ayes, consent agenda approved. The Consent Agenda consists of: 6A) Approve Canvassing Board Meeting Minutes of November 8, 2006, 6B) Approve Regular Council Meeting Minutes of November 8, 2006, 6C) Approve Workshop Meeting Minutes of November 29, 2006, 6D) Approve Truth in Taxation Meeting Minutes of November 29, 2006, 6E) Approve Committee Workshop Meeting Minutes of December 6, 2006, 6F) Approve List of Claims, 6H) Authorize City Hall Conflict resolution and Team Building Retreat on December 19, 2006, 6J) Approve Final 2007 Non-General Fund Budgets, 6K) Approve Transfer of Prepaid Assessments, 6L) Approve Reappointment of Planning Commissioners Hayes and Becker, 6M) Approve Reappointment of Parks Advisory Board Member Earney, 6N) Set Joint Meeting with Big Lake Township, Sherburne County, and I.S.D. 727 on January 11, 2007 at 7:00 p.m. in the City Council Chambers to discuss plans for the upcoming year, 6O) Approve Labor Agreement with LELS, 6P) Approve Cancellation of December 27, 2006 City Council Meeting, 6Q) Approve Funding Options for the Business Retention and Expansion Strategies Program, 6R) Approve Safe Routes to School Grant Application Resolution No. 2006-131, 6S) Approve Channel Improvements Final Plan and Authorization to Advertise for Bids, 6T) Approve Resolution No. 2006-132 Authorizing Preparation of a Feasibility Report and Development of a Municipal Agreement with MNDOT for the Martin Avenue Phase III Improvements, 6V) Approve Refund of SAC Units to Trails Restaurant, 6W) Authorize Submittal of Financing Commitment Letter to Paragon Store Fixtures, 6X) Approve Resolution No. 2006-133 Accepting a \$750 Donation to the Police Department from Spud Fest, 6Z) Approve Prepayment to Employee Health Savings Accounts, and 6AA) Adopt 2007 Vision, Priorities, and Goals Established at November 18, 2006 Retreat.

6G) Approve AutoStop Payment

Council Member Heitz motioned to approve the Autostop payment in the amount of \$196.95 for Building, Police, and Parks Department Vehicle Maintenance. Motion 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 Langsdorf abstaining. Motion carried.

6I) Approve 2006 Street Improvement Project Assessment Appeals

Council Member May inquired whether the residents who appealed their assessments were satisfied with the proposed changes. Brad DeWolf explained that staff met with eight property owners and all with the exception of two property owners were satisfied with the negotiated assessment amounts. Mr. DeWolf clarified that the two property owners who are not in agreement with their proposed assessments have been notified that they have 10 days from the date of adoption of their assessment to file an appeal with the Sherburne County District Court. Mr. DeWolf also indicated that he feels that those property owners have an issue more with the Assessment Policy, rather than with their actual assessment.

Council Member Kampa motioned to approve Resolution No. 2006-134 adopting the assessment for the 2006 Street & Utility Improvement Project appeals. Seconded by Council Member Langsdorf, unanimous ayes, motion carried.

6U) Approve Change Order No. 1 for the Demolition and Abatement of Hazardous Materials from 330 Ormsbee Street

Council stated their concern with the rising demolition and disposal of hazardous materials costs, and questioned why the costs always appear after the bids are awarded. Fred Patch reviewed the bid process and indicated that an investigation for hazardous waste is required and is part of the bid amount the City pays. The investigation is conducted after bid award and any hazardous waste removal identified in that investigation is the responsibility of the City.

Council Member Heitz motioned to approve Change Order No. 1 in the amount of \$6,200.00 for the removal of hazardous waste material for the demolition of 330 Ormsbee Street. Seconded by Council Member Langsdorf, unanimous ayes, motion carried.

6Y) Accept a Park Planning Donation of Engineering Services from Bolton and Menk
Council thanked Bolton and Menk for their generous donation of engineering services in the amount not to exceed \$5,000 for the preparation of preliminary engineering layouts for a future large community park.

Council Member Heitz motioned to approve Resolution No. 2006-135 accepting a donation that has been offered to the City of Big Lake towards park improvements. Seconded by Council Member Kampa, unanimous ayes, motion carried.

6BB) Approve Lawful Gambling Application for the Elk River Lions Club at Tootsies Tavern

Council discussed allowing an out of town organization to obtain a lawful gambling license from the City. Mayor Orrock reviewed discussions with the Elk River Lions Club and their commitment to work with the Big Lake Lions Club until they are able to obtain their own license in the future.

Council Member Kampa motioned to approve Resolution No. 2006-136 approving the request of the Elk River Lions Club for a lawful gambling license at Tootsies Tavern located at 110 Jefferson Blvd. Seconded by Council Member Langsdorf, unanimous ayes, motion carried.

7. BUSINESS

7A. RECOGNITION – Council Member Duane Langsdorf’s Years of Service

Mayor Orrock and Council Members thanked Council Member Duane Langsdorf for his years of service to the City of Big Lake. Mayor Orrock read aloud an appreciation resolution.

Council Member Heitz motioned to approve Resolution No. 2006-137 expressing appreciation to Council Member Duane Langsdorf for his years of service to the City of Big Lake as a Big Lake Council Member. Seconded by Council Member Kampa, unanimous ayes, motion carried.

7B. PUBLIC HEARING – 2007 Street Improvement Project

Brad DeWolf reviewed the proposed 2007 Street & Utility Improvements which include improvements to Monroe Street and Ormsbee Street in addition to a 6 foot concrete sidewalk along Monroe and Ormsbee, concrete driveway aprons, sanitary sewer extensions, storm water quality improvements, storm water management, and watermain improvements with a projected cost of \$2,416,761.23. Council discussed cost comparisons, increased oil costs, mailbox styles, and corner lot assessment procedures. Council discussed the City owned property that could potentially be sold as a buildable lot after the improvements are completed.

Mayor Orrock opened the public hearing at 7:34 p.m.

David Patburg, representing Woodside Communities; Thanked the City Engineers Office for taking the extra effort to inform them of the hearing as they had an address change recently and also asked for clarification on the assessment policy in relation to being assessed when improvements occur on the address sides of properties. Mr. DeWolf also indicated that the City will work to ensure that they have access to their properties throughout construction of the improvements.

Council Member Langsdorf motioned to close the public hearing at 7:36 p.m. Seconded by Council Member Heitz unanimous ayes, motion carried.

Council Member Langsdorf motioned to approve Resolution #2006-138 authorizing ordering improvements and directing preparation of final plans and specifications for the 2007 Street and Utility Improvements. Seconded by Council Member Heitz, unanimous ayes, motion carried.

7C. PUBLIC HEARING – Wine, Sunday, and 3.2% Malt Liquor License Applications from King Buffet

Scott Johnson discussed the on-sale Wine, Sunday, and 3.2% Malt Liquor license applications submitted by Chen Li from King Buffet located at 621 Rose Drive. The applicant is currently operating a Chinese restaurant which has approximately 120 spaces for seating. The pro-rated license fees and insurance certificates have been received. The required background investigation is currently underway and authorization from the Police Chief and Administrator is required prior to the sales of liquor at the establishment. The wine license is also contingent upon approval from the State of Minnesota.

Mayor Orrock opened the public hearing at 7:38 p.m. No one came forward.

Council Member Kampa motioned to close the public hearing at 7:39 p.m. Seconded by Council Member Langsdorf, unanimous ayes, motion carried.

Council Member Heitz motioned to approve Resolution No. 2006-139 approving a new on-sale wine, Sunday, and on-sale 3.2% malt liquor licenses for King Buffet of Big Lake, Inc., dba King Buffet located at 621 Rose Drive. Seconded by Council Member Kampa, motion passed with a vote of 4:1 with Council Members Heitz, Kampa, Langsdorf, and Orrock voting aye, and Council Member May voting nay, motion carried.

7D. Berndt Pond Estates 3rd Addition Final Plat

Matt Brokl reviewed the current application that was submitted by the applicant and informed Council that the remaining 4th Addition area will be presented to Council at the January 10, 2007 meeting along with the finalized Development Contract for Council consideration.

Nate Sparks reviewed the Planners Report for the Berndt Pond Estates 3rd Addition Final Plan PUD and Final Plat application. Mr. Berndt received approval on the Preliminary Plat application and rezoning on February 22, 2006 but the request for a Comprehensive Plan Amendment was denied. The applicant has made the required revisions including a reduction in the number of townhome units and the expansion of the parking areas. Council Member Heitz asked if the townhome units would be back before the Council. Mr. Sparks stated that they would be as part of a PUD amendment.

Council Member Heitz motioned to approve Resolution No. 2006-140 approving the Final Plan Planned Unit Development and Final Plat of Berndt Ponds Estates 3rd Addition. Seconded by Council Member Langsdorf, motion passed with a vote of 3:2 with Council Members Heitz, Langsdorf, and Orrock voting aye, and Council Members Kampa and May voting nay, motion carried.

7E. American Legion CUP and Variance

Ned Noel reviewed the Planners Report for the CUP and Variance application submitted by Andrew Christensen from Heritage Construction, LLC to construct a 12,896 square foot bar/restaurant and conference center to be known as Big Lake American Legion Post 147 located in the Big Lake Marketplace Development. The site is located southeast of the intersection of Highway 10 and 168th Street. Council is being asked to consider conditional use permits for the conference center, liquor on-sale, commercial recreation, and shared parking, a variance to waive the west lot line parking setback/drive access from 10 feet to zero feet and 5 feet to zero feet, and consideration of the site and building plans. The applicant has also requested a revision to the exterior siding of the building using all colored block instead of the metal panels which would save them approximately \$26,000 of material and labor fees.

Andrew Christensen from Heritage Construction discussed their proposed project and the exterior materials revision request.

Council Member Langsdorf motioned to approve Resolution No. 2006-141 approving conditional use permits, variance, site and building plans for Big Lake American Legion Post 147 with the change in materials for the exterior siding to allow for all colored block instead of the metal panels, and setting forth conditions to be met prior to the issuance of a building permit. Seconded by Council Member Kampa, unanimous ayes, motion carried.

7F. Town Center Proposed Project – Extension of Utilities and Cost Sharing Agreement

Staff identified that this project has been renamed “Cobblestone Crossing”. Brad DeWolf reviewed the joint meeting held with Big Lake Township on November 21, 2006 which included discussion on the proposed Cobblestone Crossing Project status. A condition of annexation and development was identified as the extension of sanitary sewer and watermain to serve the parcel. Staff is seeking Council approval to begin the final planning process for the utility extension and authorization to begin negotiations with the developer on a cost sharing agreement which would be brought back to Council for review and approval. Mr. DeWolf stated that some surveying will be done to ensure that the City is not funding a development. Council discussed the need to require the developer to enter into a development contract and provide escrow dollars prior to the City incurring any costs.

Council Member Langsdorf motioned to authorize staff to begin the final planning process for the utility extension and to begin negotiations with the developer on a cost sharing agreement after the developer has submitted a signed development contract and the required escrow dollars. Seconded by Council Member May, unanimous ayes, motion carried.

7G. Police Department Authorization to Purchase

Chief Rifenberick informed Council that in an effort to reduce 2007 budget expenditures, staff is proposing to purchase police department equipment at this time due to substantial savings in the wage category of the 2006 police budget. Staff is seeking Council approval on funding not to exceed \$20,000 to help purchase two additional squad cameras, two additional computers for squad vehicles and the infrastructure to accommodate storage, records retention, and custodial issues of evidence recorded.

Council Member Kampa motioned to approve funding not to exceed \$20,000 to help purchase two additional squad cameras, two additional computers for squad vehicles and the infrastructure to accommodate storage, records, retention and custodial issues of evidence recorded. Seconded by Council Member May, unanimous ayes, motion carried.

7H. Police Department Review of Scheduling and Communication Upgrades

Chief Rifenberick updated Council on the status of the Communication Upgrades required by Sherburne County. Chief Rifenberick also reviewed the current scheduling process for the police department. No action was taken by Council.

7I. Final 2007 Tax Levy and General Fund Budget

Corey Boyer reviewed the Truth in Taxation Hearing that was held on November 29, 2006 and discussed the proposed final 2007 Tax Levy and General Fund Budget.

Council Member Langsdorf motioned to Approve Resolution No. 2006-142 adopting the Final 2007 Tax Levy and General Fund Budget. Seconded by Council Member Heitz, unanimous ayes, motion carried.

7J. Adopt 2007 Schedule of Fees

Corey Boyer reviewed the proposed changes to the 2007 Schedule of Fees. Mr. Boyer also discussed eliminating the escrow requirements and setting a straight application fee for land use items and no longer collecting escrows. Council requested that fees be reviewed again at an upcoming Workshop.

Council Member Langsdorf motioned to approve Ordinance No. 2006-17 adopting the Schedule of Fees for 2007 with a change to the Right Of Way permit fee wording, and removing changes to land use items, and approving Resolution No. 2006-143 authorizing summary publication of Ordinance No. 2006-17. Seconded by Council Member Heitz, motion passed with a vote of 4:1 with Council Members Heitz, Langsdorf, May, and Orrock voting aye, and Council Member Kampa voting nay, motion carried.

7K. Lake Shopping Center 2nd Addition Final Plat and CIC Plat

Ned Noel reviewed the Planners Report for the Lake Shopping Center 2nd Addition Final Plat, Big Lake Center Common Interest Community Number 65 Plat and Associated CIC documents. Mr. Noel explained that once the final plat is recorded at Sherburne County, the County will approve the Common Interest Community Plat which will essentially be an overlay on top of the final plat of Lot 2, Block 1, Lake Shopping Center 2nd Addition.

Council Member Heitz motioned to approve Resolution No. 2006-144 approving the Final Plat (Final Plan PUD) of Lake Shopping Center 2nd Addition and setting forth conditions to be met prior to release of the Final Plat and recording of Big Lake Center Common Interest Community Number 65 Plat. Seconded by Council Member Kampa, unanimous ayes, motion carried.

Council Member Langsdorf motioned to approve the Articles of Incorporation, Bylaws, and Declaration for the Common Interest Community for the Lake Shopping Center. Seconded by Council Member Kampa, unanimous ayes, motion carried.

7L. R-5 Zoning District Ordinance Amendments

Nate Sparks reviewed the Planners Report for the R-5 Zoning District study which includes Ordinance amendments relating to Impervious Surface Standards and Conditional Use Permit Procedures, Paver Stone Formula, and Building Height amendments.

Council Member Heitz motioned to approve Ordinance No. 2006-18 amending Chapter 10, Section 1049.07 R-5 District Building Height and Impervious Surface Standards and approving Resolution No. 2006-145 authorizing summary publication of Ordinance No. 2006-18. Seconded by Council Member Langsdorf, unanimous ayes, motion carried.

7M. County Road 5/Trunk Highway 10 Intersection Improvements – Ordering Improvements and Directing Preparation of Final Plans and Specifications

Brad DeWolf reviewed the preliminary layout for the intersection improvements at Trunk Highway 10 and County Road 5. Mr. DeWolf indicated that a grant application had been submitted to the Minnesota Department of Transportation for funding a portion of the improvements and that the application was approved in the amount of \$400,000.

Council Member Langsdorf motioned to approve Resolution No. 2006-146 authorizing ordering improvements and directing preparation of final plans and specifications for the County Road 5/Trunk Highway 10 Intersection Improvements. Seconded by Council Member May, unanimous ayes, motion carried.

7N. Park Board Recommendations

Mike Goebel reviewed the recent Parks Advisory Board meeting and discussed the recommendations of the Board which include appointing Terry Carlson as the Chair of the committee.

Mayor Orrock motioned to appoint Terry Carlson as the Chair of the Parks Advisory Committee. Seconded by Council Member Langsdorf, unanimous ayes, motion carried.

7O. Project Status Report – City Engineer

Brad DeWolf reviewed the December 5, 2006 Engineers Report and answered questions from the Council.

8. ADMINISTRATOR'S REPORT

Council Member Heitz motioned to cancel the January 3, 2006 Council Workshop due to a lack of items. Seconded by Council Member Kampa, unanimous ayes, motion carried.

9. MAYOR & COUNCIL REPORTS and QUESTIONS/COMMENTS

Council Member Heitz: Reviewed December EDA Meeting.

Council Member Kampa: Reviewed the recent Fire Board Meeting.

Mayor Orrock: Reviewed the Industrial Park Expansion Committee meeting and wished Council, staff, and the public a Happy Holiday.

10. OTHER

No other.

11. ADJOURN

Council Member Langsdorf motioned to adjourn at 9:00 p.m. Seconded by Council Member May, unanimous ayes, motion carried.

Gina Wolbeck
Clerk

01/10/07
Date Approved by Council