

**BIG LAKE CITY COUNCIL
REGULAR MEETING MINUTES
FEBRUARY 13, 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, Senior Planner Katie Larsen, City Clerk Gina Wolbeck, Public Works Director Mike Goebel, Police Chief Sean Rifenberick, Liquor Store Manager Jan Kostrzewski, City Attorney Soren Mattick of Campbell Knutson, and Jared Voge from the City Engineers Office 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 Kampa motioned to adopt the proposed Agenda. 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 items 6E and 6G 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 January 23, 2008, 6B) Approve Special Council Meeting Minutes of February 6, 2008, 6C) Approve Moving City Planner/CDA to Regular Employee Status, 6D) Approve Waiver of Temporary Use Fee for the Big Lake All-Night Graduation Party Car Show Fundraiser, 6F) Approve Tax Increment Transfer from TIF District 1 to TIF District 1-4, 6H) Approve Date of Board of Appeal and Equalization Hearing on Wednesday, April 9, 2008 at 5:00 p.m., 6I) Approve Resolution No. 2008-12 approving a Consumption and Display Permit for Carousell Works, and 6J) Approve City Hall Server Quote.

6E) Approve Monticello/Big Lake Ambulance Agreement
Council Member Kampa questioned the use of space at the fire hall and training possibilities that could be offered by Monticello/Big Lake Ambulance.

Darin Hardy from the Big Lake Fire Department and Gordy Fosberg the EMS Supervisor for Monticello/Big Lake Ambulance explained that they will have an office space on the 2nd floor of the fire hall and will be able to use the kitchen area and the garage bay. They also indicated that first responder training will be offered to the fire department personnel, and that response time will be reduced in the Big Lake area with this Agreement in place.

Council Member Kampa motioned to approve the Monticello/Big Lake Ambulance Agreement. Seconded by Council Member Heitz, unanimous ayes, motion carried.

6G) Approve Lease Purchase Agreement for the Big Lake Industrial Park East Expansion Project

Corey Boyer discussed the Lease Agreement and the Assignment of Lease that is required for the Big Lake Industrial Park East Expansion Project.

Council Member Heitz motioned to authorize the Mayor and City Administrator to execute the Lease Agreement and the Assignment of Lease for the Big Lake Industrial Park East Expansion Project. Seconded by Council Member Kampa, unanimous ayes, motion carried.

7. BUSINESS

7A. Sherburne County Attorney Kathleen Heaney Update

Sherburne County Attorney Kathleen Heaney reviewed information relating to prosecution services provided by the Sherburne County Attorney's Office for 2007. Ms. Heaney also discussed specific services provided by her office which include Police Officer Post Board Training and various intervention projects.

Council thanked Ms. Heaney for the services her office provides to the City.

7B. Big Lake Public Library Update

Corey Boyer discussed the lease proposal from Big Lake Development, LLC to lease approximately 6,984 square feet to the City for use by the Big Lake Library. This lease space would double the size of the existing library space and would provide a community room that could be utilized by the library for its various programs as well as by the seniors for their regular gatherings. The current library space could be utilized by the food shelf which would provide them with much needed additional space. Mr. Boyer indicated that the Township has expressed a desire to participate in partially funding this project but has not committed specific funds yet.

Council discussed possible needs of the Big Lake Senior Group, negotiation of an increase in library hours, the exterior updating of the site, the cost difference between leasing and/or purchasing, and obtaining a confirmation of the Townships participation. Council Member Backlund agreed to contact the Big Lake Senior Group to discuss their space needs.

John Hunt from the Big Lake Friends of the Library discussed the proposed space and indicated that the Library group is very excited about the relocation and feels that the site is an ideal location.

Council directed staff to provide further information on the cost difference between purchasing and leasing the site.

7C. Monticello-Big Lake Community Hospital Tax Abatement Request

Corey Boyer reviewed the City's Abatement Policy and explained that the abatement request was submitted after the building was substantially complete. The City's Abatement Policy requires that abatement requests be based on a "But For Clause" and that the project would not happen without the abatement.

Marvin Rydberg and Richard Helms, Big Lake representatives on the Monticello-Big Lake Community Hospital Board discussed their appeal of the City's decision to deny tax abatement for the new Big Lake Clinic.

Representatives from the Monticello/Big Lake Community Hospital and CentraCare Health Systems presented information relating to reasons why they feel Abatement is warranted on this project. Marshall Smith reviewed the construction process of the site. Lynn Olson provided a project history and discussed the financial constraints of the clinic. Jim Davis discussed previous meetings held with City staff relating to the project, and start-up costs the clinic is facing. Mark Murphy reviewed the clinics 5-year forecast.

Council Member Heitz reviewed the Abatement Policy and explained the EDA's concern with setting a precedence in allowing an exception to the policy. Council Member Heitz discussed the positives of having the clinic in Big Lake and that it will be a great addition to the community. Mayor Orrock informed the clinic representatives that the City's portion of Abatement would only amount to approximately \$10,000 and that even if the City approved their request, they would still need to seek approval from the other taxing jurisdictions to receive a full Abatement. Mayor Orrock indicated that the City's Abatement would not make or break the project. Council Member Backlund expressed his desire to help the clinic by approving the Abatement and that we should not be assisting other types of projects that don't help the entire community. Council Member May indicated that she would be in favor of helping the clinic. Council Member Kampa indicated that she would possibly consider Abatement if the other jurisdictions approved their request.

Council directed staff to meet with clinic representatives to provide them information on what jurisdictions they should meet with to request Abatement.

7D. Little Achiever's Daycare Facility – Conditional Use Permit and Site & Building Plan Review

Katie Larsen reviewed the planners report for the Conditional Use Permit and Site & Building Plan application submitted by Dynamics Design & Land Company and Lori LeBrun. The parcel is 1.01 acres in size and is located south of Marketplace Drive and north of Highway 10. The property is zoned B-3 which allows for stand alone daycare facilities as a conditional use.

Mitch Glines from Dynamics Design & Land Company, and Lori LeBrun, owner of Little Achiever's Daycare discussed the proposed timeline for the project and indicated a completion date of September 2008.

Council Member Kampa motioned to approve Resolution No. 2008-13 approving a conditional use permit and Site and Building Plans for Little Achiever's Daycare. Seconded by Council Member Backlund, unanimous ayes, motion carried.

7E. Demolition Bids for 210 and 300 Eagle Lake Road North

Jim Thares discussed the quotes received for the demolition of city owned properties located at 210 and 300 Eagle Lake Road North. The quotes include demolition of both structures and the removal and disposal of all junk, refuse and debris but do not include investigation or abatement of regulated waste. Seven quotes were received with the low quote submitted by Schluender Construction, Inc. Council Member Kampa questioned if the Curtis Hed house could be moved instead of demolished. Mr. Thares indicated that staff has been in contact with home movers for both the properties and there was no interest to move the structures.

Council Member Heitz motioned to approve entering into a Contract with Schluender Construction, Inc. for the demolition of structures, and removal and disposal of junk, refuse, and debris from 210 and 300 Eagle Lake Road North. Seconded by Council Member Backlund unanimous ayes, motion carried.

7F. Abatement Contract for 210 Eagle Lake Road North

Jim Thares discussed the proposed process for the abatement of regulated wastes located at 210 Eagle Lake Road North. Staff is seeking Council authorization to allow the BLEDA Director to accept quotes and award a contract to the lowest responsible bidder for the abatement of regulated wastes if any are discovered at the property. Factors causing this special circumstance include that the regulated waste survey is destructive and may spread contaminants and therefore cannot be started until after March 1st when the residence is first to be vacant, the results of the survey may be available one week after sampling, if regulated wastes are found, another week will be needed to obtain quotes for abatement, BLEDA and Council will be unable to approve quotes until their meetings in April, and abatement of regulated wastes could then occur in the last weeks of April, leaving no time for demolition to be completed before May 1st.

Council Member Heitz motioned to authorize the BLEDA Director to accept quotes and award a contract to the lowest responsible bidder for the abatement of regulated wastes at the property located at 210 Eagle Lake Road North. Seconded by Council Member May, unanimous ayes, motion carried.

8. LIST OF CLAIMS

Council Member Kampa motioned to approve the List of Claims ranging from Check No.52842 through Check No. 52968. Seconded by Council Member May, unanimous ayes, motion carried.

9. ADMINISTRATOR'S REPORT

Jim Thares discussed staffs recommendation to approve waivers for temporary sign permit applications for 2007 annual events held by the Big Lake Jaycee's, the Big Lake Chamber of Commerce, the Spud Fest Committee, and the Monticello Workforce Center.

Council Member Kampa motioned to approve a waiver of 2007 temporary use permit fees for the organizations as discussed. Seconded by Council Member Backlund, unanimous ayes, motion carried.

Corey Boyer discussed the recent acquisition of the commercial property located at 100 Eagle Lake Road North. Currently the China Inn is the only tenant at the site and a lease agreement is needed between the China Inn and the City of Big Lake. Council Member Kampa discussed the need for the lease amount to match market value.

Council Member Kampa motioned to approve a lease agreement with the China Inn for the property located at 100 Eagle Lake Road North. Seconded by Council Member Heitz, unanimous ayes, motion carried.

10. MAYOR & COUNCIL REPORTS and QUESTIONS/COMMENTS

Council Member Backlund: Discussed the meeting held at Cargill Kitchens relating to ways Cargill can give back to the Big Lake Community.

Council Member Heitz: Reviewed the February EDA Meeting.

Council Member Kampa: Discussed the Big Lake Fire Relief Association meeting she attended and also a meeting held by the Becker-Big Lake Ice Association. Council Member Kampa also discussed ways of marketing the empty site located next to the municipal liquor store.

Mayor Orrock: Directed staff to check into why the tall sign at the liquor store is still lighted if it's not being used. Mayor Orrock also questioned if the tattoo signage along Highway 10 is allowed. Mr. Thares informed Council that staff has investigated this particular signage and it does meet City Code requirements. Staff will be looking into tightening up the Ordinance in the future on these types of signs.

Council Member May: Discussed the February Planning Commission Meeting.

11. OTHER

Council Member Heitz motioned to recess the regular session at 8:44 p.m. to go to Closed Session for attorney/client privilege allowed under MN Statute 13D.05, subd. 3b. Seconded by Council Member Kampa, unanimous ayes, motion carried.

12. CLOSED SESSION – Attorney Client Privilege (MS 13D.05, subd. 3b)

Mayor Orrock opened the Closed Session at 8:51 p.m. Council Members present: Dick Backlund, Chuck Heitz, Lori Kampa, Patricia May, and Donald Orrock. Also present: City Administrator Scott Johnson, Police Chief Sean Rifenberick, City Attorney Soren Mattick of Campbell Knutson, and League of MN Cities appointed Attorney Julie Fleming-Wolf.

Julie Fleming-Wolf updated Council on pending litigation relating to two City employees. No action was taken by Council.

Council Member Kampa motioned to close the Closed Session and reconvene the regular meeting at 9:32 p.m. Seconded by Council Member May, unanimous ayes, motion carried.

Council Member Kampa motioned to authorize legal counsel to prepare a response to the letter regarding the pending litigation. Seconded by Council Member Heitz, unanimous ayes, motion carried.

13. ADJOURN

Council Member Heitz motioned to adjourn at 9:33 p.m. Seconded by Council Member May, unanimous ayes, motion carried.

Clerk

Date Approved By Council _____