

**BIG LAKE CITY COUNCIL
REGULAR MEETING MINUTES
JULY 11, 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, 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 City Engineer Brad DeWolf of Bolton & Menk, Inc.

4. OPEN FORUM

Mayor Orrock opened the Open Forum at 7:01p.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 removal of item 7B. Seconded by Council Member Kampa, unanimous ayes, agenda adopted.

6. CONSENT AGENDA

Council Member May motioned to approve the Consent Agenda with the removal of items 6D and 6H for separate consideration. Seconded by Council Member Kampa, unanimous ayes, consent agenda approved. The Consent Agenda consists of: 6A) Approve Workshop Council

Meeting Minutes (Boat Tour) of June 27, 2007, 6B) Approve Regular Council Meeting Minutes of June 27, 2007, 6C) Call for a Special Council Gathering for National Night Out Events on August 7, 2007, 6E) Approve Thanksgiving Holiday Schedule, 6F) Approve Shade Tree Assessment Agreement, 6G) Approve Declarations of Official Intent, and 6I) Employee Retroactive Pay.

6D) Set Budget Workshop

Council Member Heitz motioned to set the Budget Workshop meeting date for Wednesday, August 1, 2007 at 5:00 p.m. in the City Council Chambers. Seconded by Council Member May, unanimous ayes, motion carried.

6H) Approve the Request for Qualifications Regarding Towing Services

Council discussed various changes and additions to the "Request for Qualifications" for towing services. Changes to the requirements include; no. 2. must be compliant with local zoning codes, no. 3. clarification on amount of insurance that is required, and no. 5. the requirement that drivers have proper MNDOT endorsements to lawfully operate towing equipment.

Council Member Kampa motioned to approve the "Request for Qualification" for towing services with the changes as discussed. Seconded by Council Member Heitz, unanimous ayes, motion carried.

7. BUSINESS

7A. Berndt Pond Discussion

Soren Mattick discussed the correspondence between his office and Gary Berndt's Attorney relating to the Berndt Pond Estates 3rd Addition project. Mr. Mattick explained that the applicant is requesting an increase of the Town Home density by four units and a credit for the collector streets on the interior of the plat. Both of these requests go against Council direction regarding this plat and staff is looking for Council feedback on the requests. Mr. Mattick also reviewed the various other requests from the applicant that have been negotiated at staff level. Council questioned if the trail is necessary along CR 81 as it would not link up to another trail for some time. Mike Goebel indicated that he would discuss this with the Parks Advisory Board at their next meeting to get their feedback. Council requested that staff provide an update on the park and trail plan for this area at their next meeting. Soren Mattick reviewed the applicants request for the oversize credit and Brad DeWolf explained that the oversizing of the collector is required to service this development.

Jim Nielson, attorney representing the applicant, addressed Council to discuss their requests. Mr. Nielson stated that his applicant is willing to compromise on the Park Dedication Fee, and the storm sewer fee, but is still requesting a credit in the amount of

\$44,723.68 for the collector street oversize cost, and is requesting the Council authorize the additional four townhouse lots in the plat. Mr. Nielson requested that Council make a decision on these requests at tonight's meeting. Mayor Orrock asked for comments from each Council Member on both requests.

Council Member Heitz stated that he is not in favor of the oversize credit, but is willing to negotiate on the additional four townhouse lots.

Council Member Kampa stated that she is not in favor of either of the applicants requests.

Mayor Orrock stated that as a compromise, he would be in favor of giving the applicant half the oversize credit, and would be in favor of allowing the additional four townhouse lots.

Council Member May stated that she is not in favor of either of the applicants requests.

Council Member Backlund stated that he would be in favor of giving the applicant half the oversize credit, and would support the additional four townhouse lots.

Mr. Neilson withdrew the applicants request for the additional four townhouse lots and asked Council to vote on the request for the oversize credit.

Council Member Heitz motioned to deny Gary Berndt's request for a collector street oversize credit in the amount of \$44,723.68. Seconded by Council Member Kampa, vote passed with a vote of 4:1 with Council Members Heitz, Kampa, May, and Orrock voting aye, and Council Member Backlund voting nay. Motion carried.

7B. Westside Comprehensive Land Use Amendment

Item was removed from the agenda.

8. LIST OF CLAIMS

8A. Consider List of Claims

Council Member May motioned to approve the List of Claims ranging from Check No. 55249 through Check No. 51346 with the exception of Check No. 51257 which was previously approved by Council. Seconded by Council Member Backlund, unanimous ayes, motion carried.

9. ADMINISTRATOR'S REPORT

Scott Johnson discussed the upcoming interviews for Police Officer, City Planner/Economic Development Assistant, and Senior City Planner positions.

Mike Goebel informed Council that the DNR has confirmed that two plants of Eurasian Watermilfoil were detected at Lakeside Park Beach. Mr. Goebel suggested that the City invite the DNR to attend the July 25, 2007 Council meeting to discuss this issue. Council directed staff to contact the DNR to invite them to the next Council Meeting to provide information on this lake issue.

Corey Boyer discussed the upcoming public hearing for the Marketplace Eastern Industrial Park scheduled on July 25th and asked Council to approve a resolution calling for the public hearing.

Council Member May motioned to approve Resolution No. 2007-71 receiving the Preliminary Report and Calling for a public hearing on the Marketplace Eastern Industrial Park Street Improvement Project. Seconded by Council Member Kampa, unanimous ayes, motion carried.

10. MAYOR & COUNCIL REPORTS and QUESTIONS/COMMENTS

Council Member Heitz: Reviewed the July EDA Meeting. Council Member Heitz also directed staff to check into canvass garage codes as he has received complaints of construction of these types of structures in the City. Council Member Heitz also informed staff of broken sidewalk panels along Hill Street. Brad DeWolf explained that the contractor will be required to replace these areas through the warranty period.

Council Member May: Mike Goebel discussed the July Parks Board Meeting. Discussion was also held on the possible need for security at the Skate Park.

11. OTHER

Council Member Heitz motioned to recess the regular session at 7:55 p.m. to go to Closed Session to discuss negotiation of land purchase. Clerk Wolbeck identified the parcel as number 65-401-0021 and that the closed session is allowed under MN Statute 13D.05, subd. 3c. Seconded by Council Member Kampa, unanimous ayes, motion carried.

12. CLOSED SESSION - Negotiation of Land Purchase

Mayor Orrock opened the closed session at 8:00 p.m.

Soren Mattick reviewed the potential purchase of the property identified as parcel number 65-401-0021 and discussed negotiations with the property owner.

No Action was taken by Council during Closed Session.

Council Member Kampa motioned to close the Closed Session and reconvene the regular meeting at 8:16 p.m. Seconded by Council Member May, unanimous ayes, motion carried.

13. ADJOURN

Council Member Kampa motioned to adjourn at 8:18 p.m. Seconded by Council Member May, unanimous ayes, motion carried.

Gina M. Wolbeck
Clerk

Date Approved By Council 07/25/07