

**BIG LAKE CITY COUNCIL
REGULAR MEETING MINUTES**

JUNE 13, 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, Building Official Sam Rudd, City Clerk Gina Wolbeck, City Planner Ned Noel, Police Chief Sean Rifenerick, Fire Chief Tony Eisinger, City Attorney Sorren Mattick of Campbell Knutson, Jared Voge from the City Engineer's Office of Bolton & Menk, Inc., and Consultant Building Official Fred Patch from Northwest Inspection Services.

4. OPEN FORUM

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

Duane Langsdorf, 421 Highland Avenue – Stated his concern with how the City is being operated by the elected officials, the micro-managing city staff, and pitting business against business. Chief Rifenerick discussed the recent notices that were sent out soliciting quotes on car wash services to local car wash providers. Council discussed the need for the quotes to be for comparable services and if the car wash services could be rotated between companies.

Fire Chief Tony Eisinger and Rick Eberle from the Fire Department informed Council of the upcoming Fireman's Dance on August 11th at the Big Lake Fire Hall. Discussion was held on raffling firearms and Mr. Eberle informed Council that they will follow ATF guidelines when raffling any firearms.

Terri Dickinson, Lake Ridge Drive – Requested Council authorization to hold a fundraiser at Lakeside Park that would allow the Big Lake Homeschool Co-op to sell some type of food on a one time basis. Council discussed their concern with allowing this type of function as it would set a precedence for other groups in the area.

Nick Christensen, 370 Ormsbee Street - Requested that Council authorize the Police Chief to request that Sherburne County dispatch change the Big Lake rotation to 50/50 with Peterson's Amoco for towing services.

Eric Peterson, 24668 - 188th Street – Clarified that the ownership of Peterson's Amoco has not changed and that he has been with the company for over 20 years. Mr. Peterson also questioned if Bob's Towing has secured a lot within city limits to store towed vehicles.

Mayor Orrock closed the Open Forum at 7:18 p.m.

5. PROPOSED AGENDA

Council Member Kampa motioned to adopt the proposed Agenda with the removal of item 12 – Closed Session. 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 6C for separate consideration and removal of item 6L - Approve Quote for Demolition of 260 Eagle Lake Road North for discussion at a future Council Meeting. Seconded by Council Member Kampa, unanimous ayes, consent agenda approved. The Consent Agenda consists of: 6A) Approve Regular Council Meeting Minutes of May 23, 2007, 6B) Approve Joint Council and Planning Commission Meeting Minutes of June 6, 2007, 6D) Authorize Establishment of Labor Management Committee, 6E) Approve Donation Resolution No. 2007-58, 6F) Approve T-Mobile Tower Lease Extension, 6G) Approve Resolution No. 2007-59 Awarding 2007 Street & Utility Improvement Project Bid to Kuechle Underground, Inc. in the amount of \$2,264,912.37, 6H) Approve Resolution No. 2007-60 Approving Final Plans and Specifications and Authorize Advertisement for Bids for the Marketplace Eastern Industrial Park, 6I) Approve Quote for Interior Paving of the Public Works Salt Storage Building, 6J) Approve Park Committee Recommendation, 6K) Authorize Recruitment for a City Planner/Community Development Assistant, 6M) Approve Quote from SRF Consulting Group, Inc. for Relocation Services, 6N) Set Special Council Gathering for Grand Opening of Skateboard Park on June 28, 2007, and 6O) Approve Resolution No. 2007-61 stating support for Duffy Engineering Company.

6C) Accept Planner Resignation and Authorize Posting of Position

Scott Johnson informed Council that the Personnel Committee has requested that the City Planner position be posted as a Senior Planner Position and discussed the increased duties of this position. Administrator Johnson indicated that by hiring a Senior Planner, it could alleviate some of the need for utilizing the City's consultant planning firm.

Council Member Heitz motioned to accept the resignation of Ned Noel with regret, to approve the recruitment of a Senior Planner, and to authorize publication of the employment notice for the Senior Planner Position. Seconded by Council Member May, unanimous ayes, motion carried.

7. BUSINESS

7A. Donation Presentation – Eddy Family Foundation Donations to the Police Department and the Fire Department

Robert Eddy and Naomi Koecheler from Connections, Etc., representing the Eddy Family Foundation, presented the Big Lake Police Department with a \$2,000 donation and the Big Lake Fire Department with a \$2,000 donation to be used towards public safety purposes. Mr. Eddy also informed Council that they would be interested in meeting with the City to discuss potential funding for the new K-9 unit. Chief Rifenberick and Chief Eisinger thanked the Eddy Family Foundation for their generous donation.

Council Member May motioned to approve Resolution No. 2007-62 accepting a donation that has been made to the City of Big Lake towards the Big Lake Police Department and the Big Lake Fire Department. Seconded by Council Member Kampa, unanimous ayes, motion carried.

7B. On the Run – Conditional Use Permit

Ned Noel reviewed the planners report for the Conditional Use Permit application submitted by Clement Haastrup from On the Run for a gas station, convenience store, restaurant, retail and accessory car wash development. Conditional Use Permits would be required for the gas station/convenience store use, the car wash use, the trash enclosure, and the drive thru menu board sign. The 2.23 acre site is zone B-3 and is located in the Big Lake Marketplace North Second Addition. Mr. Noel explained that the CUP required for the drive thru menu board sign should be deferred until the City considers the sign ordinance amendment concerning increasing the square footage for modern graphic menu boards. The CUP will be brought back to Council for final approval after the ordinance amendment is complete. The applicant has indicated that they will provide an extension letter for the menu board request.

Nate Sherburne from RJ Ryan Companies, and Jason Latourno from Lampert Architects discussed the timeline of the project and informed Council that they hope to be open for business within four months. Council welcomed "On the Run" to the Big Lake Community.

Council Member Heitz motioned to approve Resolution No. 2007-63 approving multiple Conditional Use Permits for the "On the Run" project with the exception of the menu board Conditional Use Permit. Seconded by Council Member Backlund, unanimous ayes, motion carried.

7C. 206 Montana Avenue Abatement Discussion

Sam Rudd updated Council on the status of the fire damaged property located at 206 Montana Avenue. Mr. Rudd asked for Council clarification on the six-month deadline previously approved by Council. Soren Mattick discussed the draft resolution ordering Abatement of the Hazardous site and explained that if Council wishes to have the site cleaned up within the six-month time frame, Council should consider adopting the resolution at this time and give direction to withhold serving the Abatement notice until the six-month timeframe has expired which would be on November 9, 2007. Council Members discussed that the site has not been cleaned up as requested.

Council Member Kampa motioned to approve Resolution No. 2007-64 ordering Abatement of Hazardous Building located at 206 Montana Avenue and to hold off on Serving the Abatement notice until November 9, 2007 if a structure hasn't been completed on the site by that time. Seconded by Council Member May, unanimous ayes, motion carried.

Council also directed staff to continue work with the property owner to ensure a structure is completed by the November 9, 2007 deadline.

7D. K-9 Squad and Program Discussion

Chief Rifenberick reviewed the condition of the current K-9 squad and informed Council that the mileage on that vehicle is over 100,000 miles and is in need of repairs in excess of \$2,500. Chief Rifenberick also discussed the health of the current K-9 Justice who is not in poor health but is deteriorating. There is concern that if he is allowed to continue to work, he may suffer an injury where substantial veterinary costs could be incurred. Chief Rifenberick discussed retiring Justice at this time and working the remainder of the year without a K-9 and explained that neighboring agencies could be contacted if a need for K-9 services arises. Chief Rifenberick also discussed the option of reserving a spot in the 2008 K-9 training program, which would entail a cost of approximately \$8,000 - \$10,000 including dog and equipment and that an older squad could be converted into the K-9 squad at that time. It was also requested that the current K-9 squad be immediately sent to auction. Council Member Heitz motioned to approve the retirement of the current K-9 "Justice"

effective July 1, 2007, approve sending the K-9 squad to auction and to approve selling the K-9 "Justice" to Officer Rich Berg for the amount of \$1.00 effective July 1, 2007. Seconded by Council Member Backlund, unanimous ayes, motion carried.

7E. Mayor and City Council Bylaws

Scott Johnson reviewed the draft Mayor and City Council Bylaws that was requested by the Personnel Committee. The bylaws help define formats, agendas, procedures, and conduct at City Council Meetings. Staff is seeking Council feedback on the proposed bylaws.

Council Members discussed the need for the By-laws and that they will assist Council in effective operations of the City and will help new Council Members understand the processes that are in place.

Council Member Kampa motioned to approve the Mayor and City Council Bylaws. Seconded by Council Member May, unanimous ayes, motion carried.

7F. Re-Set Date for Tour of the Lakes Council Workshop

Scott Johnson reviewed available dates for rescheduling the Tour of the Lakes Workshop that was originally scheduled on June 6th but was cancelled due to pending weather conditions.

Council Member Heitz motioned to call for a "Tour of the Lakes" Council Workshop on Wednesday, June 27, 2007 at 3:30 p.m. at Lakeside Park with an alternative date of Wednesday, July 11, 2007 at 4:00 p.m. Seconded by Council Member Backlund, unanimous ayes, motion carried.

7G. Shady River Campground Proposal for Annexation Discussion

Ned Noel discussed the annexation application received from the owners of Shady River Campground, Richard Hewett and Jo Evans, requesting annexation into the City. Staff is aware of the environmental issues that this property has been involved in over the past year with Sherburne County and felt it pertinent to conduct additional research before a typical annexation process is started and to make Council aware of potential issues relating to subdivision, zoning, and suitable public access. The review of this application could involve considerable staff time and expense to address all of the issues appropriately and staff is seeking Council feedback on the processing of the application. Soren Mattick discussed criteria for annexation consideration and indicated that the City has a great deal of discretion in approving or denying annexation petitions. Discussion was held on zoning of the site and Mr. Mattick explained that the applicant could operate the campground as a lawful non-conforming use if the site were to be annexed.

Richard Hewett, owner of the Shady River Campground – Discussed past issues with

Sherburne County and informed Council that the site was previously a year-round facility which was changed by the County. Mr. Hewett explained that he feels the County wants them to conform to the County's "grand plan" and that they just want to continue serving patrons as a year-round campground. Mr. Hewett stated that the County issues have been addressed and that he is seeking annexation into the City to ensure that he doesn't have problems with the County in the future.

Jo Evans, representing Shady River Campground – Reviewed the amenities of the campground, informed Council that they have addressed all solid waste issues, and that it is a safe place for families to camp.

Barry Soare, caretaker of Shady River Campground – Informed Council that he is the new caretaker at the site and that he has cleaned up the area and that no one permanently lives at the campground except for staff.

Council discussed the potential problem that the "County issues" would become "City issues" upon annexation into the City. Council questioned the applicant if they would agree to hookup to City services and pay all costs associated with connecting those services. Mr. Hewett indicated that they would not need to utilize City services at this time as they have current permits for all their services, but that if it was required, they would hookup to City services. Council also questioned the applicant on why they don't go back to the County to ask for approval of a year-round campground if all the issues have been corrected. Mr. Hewett explained that erroneous charges have been made by County inspectors in the past and he feels the City Council has proven to be a fair minded Board. Council explained to Mr. Hewett that any City property is subject to the City Ordinances which can be more stringent than County Ordinances. Council also informed the applicant that City Policy has required annexed areas to receive and pay for City services, that there are concerns with access issues to the site, that the annexation would not provide a benefit to the City and that there are too many unresolved issues with Sherburne County.

Council Member Heitz motioned to authorize a refund of the paid annexation fee to Richard Hewett and Jo Evans upon the applicants rescinding their petition for annexation of the Shady River Campground site. Seconded by Council Member Kampa, unanimous ayes, motion carried.

Council Member May also explained that the applicant could petition in the future if all issues identified were addressed.

8. LIST OF CLAIMS

Council Member Kampa motioned to approve the List of Claims ranging from Check No.51010 through Check No. 51133. Seconded by Council Member Backlund, unanimous ayes, motion carried.

9. ADMINISTRATOR'S REPORT

Administrator Johnson presented Council with photo's of the Lake Liquors trash enclosure site and explained that three holes were dug showing frost footings at a depth of 48 inches which is compliant with State Building Code. Administrator Johnson also informed Council of upcoming police officer candidate testing on June 19th and that staff has received 48 applications for the open police officer position.

Mayor Orrock also asked for comments from Council regarding the request for a fundraiser at Lakeside Park. The general consensus of the Council was to not allow fundraisers for private groups that benefit just the members of that group on City property.

10. MAYOR & COUNCIL REPORTS and QUESTIONS/COMMENTS

Council Member Backlund: Reviewed the June Planning Commission Meeting.

Council Member Heitz: Reviewed the June EDA Meeting. Council Member Heitz also asked for a status update on the Smile Center Parking Lot. Staff indicated that construction has started on the parking lot. Council Member Heitz directed staff to investigate foreclosed properties in the City that are not being maintained and are not secure. Discussion was also held on the status of the quiet zone along the railroad tracks. Jared Voge indicated that the Quiet Zone Feasibility Report will be presented to Council at the next meeting. Council Member Heitz thanked Ned Noel for his professionalism and dedication while working for the City of Big Lake. Council wished him luck in his new employment.

Council Member Kampa: Asked for Council permission to work with the City Administrator to hold an employee appreciation event for city staff. The general consensus of the Council was that it would be beneficial to the operations of the City to hold an employee appreciation event.

Mayor Orrock: Informed Council that the City of Monticello has approved the Transportation Committee Resolution and the City of Big Lake is waiting for documentation that Monticello has rescinded their Notice of Intent to Annex.

Council Member May: Reviewed the June Parks Advisory Board Meeting and questioned

the status of the sidewalk construction along Putnam Avenue. Jared Voge informed Council that the contractor will have the sidewalk completed by the end of June.

11. OTHER

Chief Rifenberick informed the public that it is unlawful to park in No Parking Zones and/or on private property without the owner's permission. Chief Rifenberick indicated that there have been issues with unlawful parking near Lakeside Park. Chief Rifenberick also reminded Council of the upcoming Spud Fest celebration scheduled from June 21st through June 24th that will be held on the school grounds.

Council directed staff to include the towing item on the next Council Agenda for discussion.

12. ADJOURN

Council Member May motioned to adjourn at 8:47 p.m. Seconded by Council Member Backlund, unanimous ayes, motion carried.

Clerk

Date Approved By Council _____