

**BIG LAKE CITY COUNCIL
REGULAR MEETING MINUTES
SEPTEMBER 12, 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, Fire Chief Tony Eisinger, City Attorney Soren Mattick of Campbell Knutson, City Engineer Brad DeWolf 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 7:01 p.m.

John Muir, 920 Powell Street North – Requested that Council reconsider a different snow removal strategy for plowing along Powell Street North. Council directed staff to place this item on an upcoming Council Workshop Agenda.

Mayor Orrock closed the Open Forum at 7:03 p.m.

5. PROPOSED AGENDA

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

Council Member Heitz motioned to amend his motion to adopt the proposed Agenda with the addition of item 12A – Discuss Probationary Employee Evaluation. Amended motion seconded by Council Member Kampa, unanimous ayes, agenda adopted.

6. CONSENT AGENDA

Council Member Kampa motioned to approve the Consent Agenda as presented. Seconded by Council Member May, unanimous ayes, consent agenda approved. The Consent Agenda consists of: 6A) Approve Regular Council Meeting Minutes of August 22, 2007, 6B) Approve Council Workshop Meeting Minutes of September 5, 2007, 6C) Approve Offer of Employment for Water/Waste Water Position, 6D) Approve National Night Out Donation Resolution No. 2007-88, 6E) Approve Curbside Recycling Program Contract Extension, 6F) Accept Police Officer Resignation and Authorize Posting to Fill Position, 6G) Approve Transfer of Street Improvement Capital Project Proceeds, 6H) Approve Transfer of Non-TIF Activity, 6I) Approve Employment Status Change for Accounting Clerk, 6J) Approve Sale of Used K-9 Kennel, 6K) Approve Donation Resolution No. 2007-89, and 6L) Approve Resolution No. 2007-90 Setting Truth In Taxation Hearing on November 29, 2007 at 5:30 p.m.

7. BUSINESS

7A. Ahrens Annexation

Nate Sparks reviewed the annexation petition submitted by Pete and Gayle Ahrens for their 16.75 acre property located in the 1992 Orderly Annexation Area as part of Tract #3. The Ahrens will continue to reside on the residential property and Great River Energy is intending to build a lineman facility on the remainder of the site. This site is adjacent to the City on three sides and has utilities and roads readily available. Great River Energy has made multiple land use applications which will be considered by the Joint Planning Board on September 26, 2007. Staff clarified that approval of this annexation petition does not convey any sense of approval of Great River Energy's land use applications. The annexation only establishes that the parcel will be part of the City of Big Lake boundaries and that the zoning will remain agriculture until a rezone is approved by Council at a future meeting.

Council Member Heitz motioned to approve Joint City/Township Resolution No. 2007-04 annexing land to the City of Big Lake under an Orderly Annexation Agreement for Peter and Gayle Ahrens. Seconded by Council Member Kampa, unanimous ayes, motion carried.

7B. Gailfus Trailer Conditional Use Permit

Nate Sparks reviewed the planners report for the Gailfus Trailer application for rezoning and a Conditional Use Permit for the industrial site located on Lot 2, Block 1, Hudson

Industrial Park. The application was submitted prior to Council's approval of amendments to the I-2 zoning district requiring an interim use permit for accessory outdoor storage, thus the applicant's application and zoning review falls under the previous code which did not have a maximum amount for outdoor storage. Council does have the authority to direct staff to revise the rezoning request to the new I-3 District. The proposed use of the site will be for a truck trailer rental business. Mr. Sparks also reviewed the revised landscaping plan submitted by the applicant. Council expressed concern with inadequate screening due to the amount of outside storage that will be at the site and explained that the layout of the site was better when the full building was being proposed.

Dick Gailfus, 13845 Northdale Blvd, Rogers, MN – Discussed the status of potential tenants for the facility and indicated that there is some potential for full construction of the building, but that he cannot commit to a larger building at this time. Mr. Gailfus also discussed that it would be redundant to place fencing around the property where the adjacent property owner already has installed fencing.

Soren Mattick discussed the recent Industrial zoning changes that complicates the original application. Mr. Mattick informed Council that they could change the zoning on the site to the new I-3 District and table the Interim Use Permit approval until the next meeting so that the additional conditions identified by Council can be included in the final version.

Council Member Heitz motioned to approve Ordinance No. 2007-11 approving a rezone from I-1 to I-3 for the project known as Gailfus Trailer, Inc. and to approve Resolution No. 2007-91 authorizing summary publication of Ordinance No. 2007-11. Seconded by Council Member Backlund, motion passed with a vote of 4:1 with Council Members Backlund, Heitz, May, and Orrock voting aye, and Council Member Kampa voting nay. Motion carried.

Council Member Heitz motioned to table the Interim Use Permit for the Gailfus Trailer, Inc. project. Seconded by Council Member May, unanimous ayes, motion carried.

7C. Esplanade Improvement Project Update

Brad DeWolf presented drawings illustrating the Esplanade Improvement Project improvements. Designs include the ornamental fencing, lighting, curb and gutter, and landscaping locations along the project. Mr. DeWolf indicated that MNDOT has approved the Limited Use Permit submitted by the City and construction on the project will begin in the near future. Council discussed the need for additional lighting in the esplanade area and directed staff to review the amount of lighting needed. Council also directed staff to investigate a cave-in along the walkway in Lakeside Park.

7D. Preliminary 2008 Tax Levy

Corey Boyer discussed the 2008 Preliminary Tax Levy figures that will bring the City's property tax rate to 41.5% which is a slight increase from 2007. Mr. Boyer indicated that staff will continue to look for ways to bring the final tax rate to 41% which was the Maximum rate Council discussed at their September Workshop. The Final Levy will be brought back to Council on December 12, 2007 for consideration.

Council Member Kampa motioned to approve Resolution No. 2007-92 adopting the Preliminary 2008 Tax Levy. Seconded by Council Member May, unanimous ayes, motion carried.

8. LIST OF CLAIMS

Council Member Heitz motioned to approve the List of Claims ranging from Check No. 51732 through Check No. 51842. Seconded by Council Member Kampa, unanimous ayes, motion carried.

Council Member Kampa reminded staff to use Big Lake businesses for City purchases when possible.

9. ADMINISTRATOR'S REPORT

Scott Johnson updated Council on the current status of filling the vacant position in the police department. Mr. Johnson also informed Council that the new Senior Planner and Public Works employee will be starting on September 17th.

Brad DeWolf discussed the recent tour of the bio-solids facility located in Ohio. Mike Goebel and Charlie Gammon also attended the tour to get information on how the facility works and options that the City has for the future expansion of the wastewater treatment facility. Council also questioned if the future facility could be useful to the City of Monticello also. Mr. DeWolf indicated that he will contact Monticello to discuss a joint usage of the facility.

10. MAYOR & COUNCIL REPORTS and QUESTIONS/COMMENTS

Council Member Heitz: Reviewed the September EDA meeting and updated Council on the NEDA meeting that was held in Big Lake on September 6th. Council Member Heitz also reviewed the proposed design of the future Northstar Maintenance Facility currently under construction along CR 43, and discussed the potential timeframe for full operation of the rail line. Council Member Heitz also directed staff to contact MNDOT to find out the status of installation of stop lights at the intersection of Highway 10 and 172nd Street in the

Marketplace Development. Council Member Heitz asked for clarification on changes proposed for Mitchell Park. Mike Goebel indicated that the Parks Advisory Board recommended that a swing-set be installed instead of a basketball court due to limited space at the Park.

Mayor Orrock: Discussed the 172nd Street railroad crossing and indicated that it would be an ideal candidate to be a Whistle Free Zone. Brad DeWolf informed Council that he will check the width of the road to see if it meets the guidelines to establish this as a Whistle Free Zone.

Council Member May: Reviewed the September Parks Advisory Board Meeting.

11. OTHER

Mayor Orrock recessed the regular session at 8:17 p.m. to go to Closed Session to discuss a probationary employee evaluation allowed under MN Statute 13D.05, subd. 3(a) and to discuss an internal investigation allowed under MN Statute 13D.05, subd. 2.

12. CLOSED SESSION

Mayor Orrock opened the Closed Session at 8:22 p.m. to discuss a probationary employee evaluation. Council Members present: Dick Backlund, Chuck Heitz, Lori Kampa, Patricia May, and Don Orrock. Also present: City Administrator Scott Johnson, City Clerk Gina Wolbeck, Police Chief Sean Rifenerick, and City Attorney Soren Mattick of Campbell Knutson.

12A. Probationary Employee Evaluation

City Council discussed the employment status of Probationary Police Officer Andrew Rick during Closed Session.

Council Member Heitz motioned to close the Closed Session and reconvene the regular meeting at 8:55 p.m. Seconded by Council Member May, unanimous ayes, motion carried.

Council Member Heitz motioned to discontinue the employment of Probationary Police Officer Andrew Rick effective immediately. Seconded by Council Member May, motion 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.

Council Member Heitz motioned to recess the regular session at 8:58 p.m. to return to Closed Session. Seconded by Council Member Kampa, unanimous ayes, motion carried.

Mayor Orrock opened the Closed Session at 8:58 p.m. to discuss an internal investigation. Council Members present: Dick Backlund, Chuck Heitz, Lori Kampa, Patricia May, and Don Orrock. Also present: City Administrator Scott Johnson, City Clerk Gina Wolbeck, and City Attorney Soren Mattick of Campbell Knutson.

12B. Internal Investigation

The City Council met in Closed Session to discuss the internal investigation regarding Police Chief Sean Rifenberick.

Council Member May motioned to close the Closed Session and reconvene the regular meeting at 9:47 p.m. Seconded by Council Member Kampa, unanimous ayes, motion carried.

Council Member Heitz motioned to approve placement of a written reprimand in Police Chief Sean Rifenberick's personnel file for inappropriate e-mails sent from a supervisor to subordinates. Seconded by Council Member May, unanimous ayes, motion carried.

Council Member Kampa motioned to accept the internal investigation report prepared by Campbell Knutson and to approve a Finding of No Discipline. Seconded by Council Member May, unanimous ayes, motion carried.

13. **ADJOURN**

Council Member May motioned to adjourn at 9:47 p.m. Seconded by Council Member Kampa, unanimous ayes, motion carried.

Clerk

Date Approved By Council