

**BIG LAKE CITY COUNCIL  
REGULAR MEETING MINUTES  
JANUARY 10, 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**

Mayor Orrock identified that newly elected members have been sworn in.

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, Police Chief Sean Rifenberick, Fire Chief Tony Eisinger, City Planner Annie Deckert, City Attorney Matthew Brokl of Campbell Knutson, City Engineer Brad DeWolf of Bolton & Menk, Inc. and Consultant City Planner Nate Sparks of Northwest Associated Consultants, Inc. (NAC).

**4. OPEN FORUM**

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

Marvin Rydberg, Big Lake-Monticello Hospital Board Member; Requested to be placed on the next Council Agenda to provide an update on the Big Lake-Monticello Hospital. Council directed staff to include this item on the January 24, 2006 Council Agenda.

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

**5. PROPOSED AGENDA**

Council Member Heitz motioned to adopt the proposed Agenda with the addition of a Closed Session to replace number 11 (Other) for discussion on a personnel matter. Seconded by Council Member Kampa, unanimous ayes, agenda adopted.

**6. CONSENT AGENDA**

Council Member Kampa motioned to approve the Consent Agenda with the removal of items 6B, 6C, 6D, 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 December 13, 2006, 6E) Approve Resolution No. 2007-01 stating Support of Sponsoring Agency for the Highway 10 – County Road 5 Intersection Improvement Project, and 6F) Approve Reimbursement Resolution No. 2007-02.

**6B) Approve Employment Status Change Request**

Council asked for staff comments on the necessity of additional officers in the Police Department and if the City can afford another officer. Administrator Johnson identified that the position is an approved budgeted position. Mayor Orrock discussed that the individual is currently on staff as a part-time officer and Council had the full intent of making this a full-time position once the officer received the necessary licensing.

Council Member Heitz motioned to approve changing part-time Officer Andy Rick to full-time status with the Big Lake Police Department. Seconded by Council Member Kampa, 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.

**6C) Approve Appointment of Planning Commissioner Langsdorf**

Council questioned if any other applications had been received for the Planning Commission seat. Staff indicated that the only application submitted prior to the deadline was from Duane Langsdorf and with his extensive experience with the Planning Commission, staff is recommending Council appoint Mr. Langsdorf to the vacant Planning Commission seat.

Council Member Kampa motioned to appoint Duane Langsdorf to the Big Lake Planning Commission to fill Melinda Parsons vacant seat which will expire in May 2009. Seconded by Council Member May, unanimous ayes, motion carried.

**6D) Approve Appointment of Volunteer Police Reserve Officer**

Council questioned the recruitment process for Reserve Officers. Chief Rifenberick reviewed the current process and indicated that applications are received, interviews conducted, and a full background investigation is conducted. Chief Rifenberick reviewed the roll of a volunteer Reserve Officer and discussed the minimal expenses for uniforms and training compared to the

benefit the Reserve Officers provide to the City.

Council Member Heitz motioned to appoint Emily Sundeen as a Volunteer Reserve Officer for the Big Lake Police Department. Seconded by Council Member Kampa, unanimous ayes, motion carried.

#### 6G) Approve Park Committee Recommendations

Council discussed the current Park Dedication Fee that the Park Board is recommending remain at \$3,500. Council Member Backlund stated that he feels it is too high. Council Member May reviewed discussions held at the Park Board identifying uses for Park Board funds and the benefit those dollars have for the City park system. Mayor Orrock indicated that compared to a survey conducted of comparable City's, the City of Big Lakes Park Dedication Fee is in the middle. Council Member Heitz discussed improvements that have occurred in the Parks and Trail system that would not have happened without collection of adequate Park Dedication Fees.

Council Member Heitz motioned to approve the Park Advisory Committee's recommendations as presented. Seconded by Council Member May, unanimous ayes, motion carried.

## 7. **BUSINESS**

### 7A. **PUBLIC HEARING** – Quit Claim Deed for City Owned Land

Corey Boyer discussed the remnant parcel left after the South Highway 10 Frontage Road project was completed. The parcel is located north of Putnam Avenue and east of Eagle Lake Road South and is approximately 413 square feet in size. Staff is recommending the City quit claim deed this parcel to the adjacent property owner, D & J Proprietors, LLC at no cost. Mr. Boyer indicated that the reasons for quit claiming versus selling the parcel are related to potential costs to transfer the property and access improvements from the new frontage road.

Mayor Orrock opened the public hearing at 7:18 p.m. No one came forward.

Council Member Kampa motioned to close the public hearing at 7:19 p.m. Seconded by Council Member Heitz, unanimous ayes, motion carried.

Council Member Heitz motioned to authorize the Mayor and City Administrator to execute a quit claim deed to transfer ownership to D & J Proprietors, LLC for a 413 square foot parcel remaining from the South Highway 10 Frontage Road project. Seconded by Council Member Kampa, unanimous ayes, motion carried.

## **7B. Fern Street Condominiums Past Due Assessments**

Corey Boyer reviewed the delinquent tax status on the common element of the Fern Street Condominiums. The only item owing for this property is the assessments from the 2004 Minnesota Avenue Improvement project which was assessed \$19,248.16 to Beckdale Development who were the owners at that time. Mr. Boyer reviewed the reasons for the delinquency and indicated that the main issue is with an error in transfer of ownership at the time of closing when the property was sold. The common element area was not transferred and still remained in the name of Beckdale Development. Issues that need to be cleared up include cleaning up title work issues to get ownership of the common area to the current tenants and becoming current on the past-due assessments. Mr. Boyer informed Council that the townhome association has until September 2007 to bring the assessment current and they have requested the City waive the past due penalties and interest in the amount of \$2,100.79.

Council inquired about collection of the actual assessment and if it would be the responsibility of the former property owner. Matt Brokl identified that the City is not responsible to clear up the title work issues and that the assessment will remain on the property until it is paid.

Council Member Heitz motioned to approve waiving \$2,100.79 in past due penalties and interest for assessments on the common element area (65-514-0010) of the Fern Street Condominiums. Seconded by Council Member May, unanimous ayes, motion carried.

## **7C. Berndt Pond Estates 3<sup>rd</sup> Addition Final Plat and Development Agreement**

Matt Brokl identified that it is a condition on the Final Plat Resolution that the applicant enter into a Development Contract and asked that the Contract be brought back for consideration at a future meeting. Mr. Brokl informed Council that the final plat mylars will not be released for recording until a signed Development Contract is in place and all fees have been satisfied. Nate Sparks reviewed the planners report for the single family portion of the Final Plan PUD and Final Plat of Berndt Pond Estates Third Addition. The applicant received approval of the townhome portion of the plat at the December 13, 2006 Council meeting and is now seeking approval on the single family residential portion to complete the plat. The site is located north of 206<sup>th</sup> Avenue and west of County Road 81.

Council Member Heitz motioned to approve Resolution No. 2007-03 approving the second phase of the Final Plan Planned Unit Development and Final Plat of Berndt Ponds Estates 3<sup>rd</sup> Addition. Seconded by Council Member Backlund, motion passed with a vote of 3:2 with Council Members Backlund, Heitz, and Orrock voting aye, and Council Members Kampa, and May voting nay, motion carried.

#### **7D. 2007 Official City Appointments**

Scott Johnson reviewed the Official City Appointments Resolution and asked for any comments from Council Members on their designated committees. Council Member Heitz indicated that he would like to be an alternate on the Northstar Commuter Rail committee.

Council Member Heitz motioned to approve Resolution No. 2007-04 adopting the 2007 Official City Appointments. Seconded by Council Member May, unanimous ayes, motion carried.

#### **7E. Requirements for Contracting with Public Officials**

Matt Brokl reviewed the process that is required when the City contracts and pays for services from Council Members prior to payments being made. Mr. Brokl indicated that Council Member Backlund will be required to sign an Affidavit of City Official Interested in Claim form and receive Council approval prior to receiving future payments.

Council Member Heitz motioned to approve Resolution No. 2007-05 to Contract with a City Council Member. Seconded by Council Member Kampa, unanimous ayes, motion carried.

### **8. LIST OF CLAIMS**

#### **8A. Consider List of Claims**

Corey Boyer informed Council that it has been requested that the List of Claims be moved to the Regular Agenda for discussion and approval. More detail will also be provided for payments made to entities that personally benefit Council Members. Any future payments to Council Members will be considered as a separate line item on the Regular Agenda.

Council directed staff to include this item on the February Workshop agenda to discuss timing of payments in relation to Council approval of the List of Claims.

Council Member Heitz motioned to approve the List of Claims ranging from Check No. 049659 through Check No. 049906 with the exception of Check No. 49721. Seconded by Council Member Kampa, unanimous ayes, motion carried.

#### **8B. Consider Audio Communications Payment in the Amount of \$855.57**

Council Member Heitz motioned to approve payment of Check No. 49721 payable to Audio Communications in the amount of \$855.57 for security monitoring and supplies. 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 Backlund abstaining. Motion carried.

## **9. ADMINISTRATOR'S REPORT**

Administrator Johnson informed Council that the property at 330 Ormsbee Street has been demolished. Administrator Johnson also reviewed the reappointment of EDA Commissioner Robert Eddy for another 6-year term and asked for Council to reappoint Mr. Eddy effective January 2007.

Council Member Kampa motioned to approve the reappointment of Robert Eddy to a new 6-year term as a Commissioner on the Big Lake Economic Development Authority (BLEDA) effective January 2007. Seconded by Council Member Backlund, unanimous ayes, motion carried.

## **10. MAYOR & COUNCIL REPORTS and QUESTIONS/COMMENTS**

Council Member Backlund: Inquired why the EDA is leaving two residential properties along Eagle Lake Road North. Jim Thares responded that the EDA has determined that since resources are scarce, a re-zone of the area would be more appropriate. Mr. Thares indicated that the remaining property owners are in favor of the rezoning concept. Council Member Backlund also inquired how often the City seeks RFP's on consulting services. Council Members responded that service is of utmost importance and that in the past, the City has had some issues with non-performing consultants. Council Member Backlund also questioned the necessity of having 2 Building Inspectors and stated that he feels there isn't enough work to keep both inspectors busy. Council directed staff to provide information on permits pulled.

Council Member Heitz: Discussed the need for the City to begin planning for the Northstar Commuter Rail.

Council Member Kampa: Informed Council that the Fire Hall is nearing completion. Council requested that a tour be held when the facility is complete. Council Member Kampa also discussed the recent Sherburne County Board Meeting that the Hockey Association attended. Clerk Wolbeck informed Council that the Hockey Association has requested to be placed on the January 24, 2007 Council Agenda to provide them with an update.

Mayor Orrock: Reminded Council of the January 11, 2007 Joint meeting scheduled with Big Lake Township, Sherburne County, and the Big Lake School Board.

Council Member May: Updated Council on the recent Parks Committee Meeting.

Council Member Heitz motioned to close the regular session and go to Closed Session at 8:05 p.m. to discuss a personnel matter. Seconded by Council Member Kampa, unanimous ayes, motion carried.

**11. CLOSED SESSION**

Closed Session opened at 8:15 p.m.

Staff updated Council on an anonymous letter received regarding the Police Department Administration. No action was taken during Closed Session.

Council Member Kampa motioned to close the Closed Session and reconvene the regular meeting at 8:58 p.m. Seconded by Council Member May, unanimous ayes, motion carried.

Chief Rifenerick updated Council on a shooting incident that occurred today in the City of Big Lake.

**12. ADJOURN**

Council Member Heitz motioned to adjourn at 9:04 p.m. Seconded by Council Member Kampa, unanimous ayes, motion carried.

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Gina Wolbeck  
Clerk

Date Approved By Council \_\_\_\_\_ 01/24/07