

**BIG LAKE CITY COUNCIL
REGULAR MEETING MINUTES
FEBRUARY 22, 2006**

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: Chuck Heitz, Lori Kampa, Duane Langsdorf, Patricia May, and Don Orrock. Also present: Assistant City Administrator Scott Johnson, Finance Director Corey Boyer, Community Economic Development Director Jim Thares, Building Official Sam Rudd, City Clerk Gina Wolbeck, Public Works Director Mike Goebel, Police Chief Sean Rifenberick, Fire Chief Kevin Peterson, Liquor Store Manager Jan Kostrzewski, City Attorney Matthew Brokl of Campbell Knutson, Building Official Fred Patch of Northwest Inspection Services, City Engineer Brad DeWolf and Jared Voge 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. 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 Langsdorf, unanimous ayes, agenda adopted.

6. CONSENT AGENDA

Council Member Heitz motioned to approve the Consent Agenda with the removal of item 6D for separate consideration. Seconded by Council Member Langsdorf, unanimous ayes, consent agenda approved. The Consent Agenda consists of: 6A) Approve Regular Meeting Minutes of February 8, 2006; 6B) Approve Special Meeting Minutes of February 14, 2006; 6C) Approve List of Claims; 6E) Call for a Joint City/Township Meeting on March 6, 2006 at 7:00 p.m. at Big Lake Town Hall to discuss the Remmele Engineering Preliminary Plat; 6F) Approve Resolution No. 2006-22 for Liquor License Violation; 6G) Approve Resolution No. 2006-23 Authorizing a One-Day Exempt Raffle/Bingo Permit to Our Lady of the Lake Catholic Church on August 20, 2006 at 440 Lake Street North; 6H) Approve Park Advisory Board Recommendations, and 6I) Approve Warning Signage on Edinburgh Way.

6D) Approve AutoStop Payment

Council Member Heitz motioned to approve the Autostop payment in the amount of \$1,096.24 for Building and Police Department Vehicle Maintenance and street tire disposal. Motion 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 Langsdorf abstaining. Motion carried.

7. BUSINESS

7A. Presentation – Update from Sherburne County Attorney Kathleen Heaney

Sherburne County Attorney Kathleen Heaney presented Case File Statistics for 2005 and introduced Sam Wertheimer, Chief Deputy County Attorney.

7B. PUBLIC HEARING – Berndt Pond Estates 3rd Addition Development Applications

Nate Sparks reviewed the planners report for the Berndt Pond Estates 3rd Addition Development Applications. The developer has requested reconsideration of the denials for the Comprehensive Plan Amendment, Rezoning, Planned Unit Development, and Preliminary Plat resolutions. The site is located at the intersection of CR 81 and 206th Avenue. The applicant feels that they have addressed the findings of denial and is seeking Council approval of all development applications. Mr. Sparks identified that the applicant has amended the plat to include moving the collector road from the northern property lines on the single-family lots in Norland Park 1st Addition, increased the size of several of the single-family lots, clustered the townhomes to alleviate all access issues, and added off-street parking to the townhome area.

Council discussed current and proposed Comprehensive Plan designations for townhome density, and buffer requirements.

Jim Nielson, attorney representing the applicant, identified that if the current comprehensive plan standards are used, the developer would be able to build more townhomes than if the Comprehensive Plan Amendment were approved. Mr. Nielson also identified that a better location for the townhomes would be by the collector road.

Mayor Orrock opened the public hearing at 7:32 p.m.

John Smolinski; neighboring property owner – Asked Council to consider traffic pattern issues, and to open up communication with the County relating to the CR 81 project before the plat is approved. Brad DeWolf reviewed the proposed CR 81 plans and informed Council that the County has reviewed the easement requirements for this project.

Scott Fenerick; neighboring property owner – Identified that although the plan has been improved, the number of units in the proposed development keeps increasing.

Kelly Optman; 20655 CR 81 – Asked if the City has the ability to restrict the construction of townhomes in this area.

Council discussed that the City has the ability to guide types of structures, but that the Comprehensive Plan currently partially guides this area as high density. Matt Brokl reviewed Comprehensive Planning guidelines and that once an application has been submitted for an area, he would not recommend that Council reclassify the area without a request from the applicant.

Council Member Langsdorf motioned to close the public hearing at 7:32 p.m. Seconded by Council Member Kampa, unanimous ayes, motion carried.

Council Member Langsdorf motioned to approve Resolution No. 2006-24 approving an amendment to the Big Lake Comprehensive Plan to change the land use designation for the project known as Berndt Pond Estates 3rd Addition. Seconded by Council Member Heitz, motion failed with a vote of 3:2 with Council Members Heitz, Langsdorf, and Orrock voting aye, and Council Members Kampa, and May voting nay. Motion failed.

Council Member Heitz motioned to approve Ordinance No. 2006-04 amending Section 1042.03 (zoning map) of the Big Lake Municipal Code to provide for a change in zoning classification for the project known as Berndt Pond Estates 3rd Addition. Seconded by Council Member Langsdorf, motion passed with a vote of 3:2 with Council Members Heitz, Langsdorf, and Orrock voting aye, and Council Members Kampa, and May voting nay. Motion passed.

Council Member Heitz motioned to approve Resolution No. 2006-25 authorizing summary publication of Ordinance No. 2006-04 for the Berndt Pond Estates 3rd Addition rezoning. Seconded by Council Member Langsdorf, motion passed with a vote of 3:2 with Council Members Heitz, Langsdorf, and Orrock voting aye, and Council Members Kampa, and May voting nay. Motion carried.

Council Member Heitz motioned to approve Resolution No. 2006-26 approving the Conditional Use Permit/Planned Unit Development and Preliminary Plat of Berndt Pond Estates 3rd Addition identifying the additional requirement of one less 4-unit complex to obtain additional green space. Seconded by Council Member Langsdorf, motion passed with a vote of 3:2 with Council Members Heitz, Langsdorf, and Orrock voting aye, and Council Members Kampa, and May voting nay. Motion carried.

7C. Presentation – Northstar Commuter Rail

Rich Rovang, the Northstar Deputy Director of Design and Construction, discussed their proposed plans and introduced Paul Danielson from Kimley-Horn.

Paul Danielson reviewed the proposed maintenance facility. Mr. Danielson presented aerial photos identifying the park and ride lot design, platform elements, project financing, and asked for Council consideration of a 429 Agreement or a Memorandum of Understanding for public infrastructure improvements that would include street design, right-of-way, sidewalks, water, and sanitary sewer.

Staff reviewed the annexation procedure and debt limitation concerns. Mr. Danielson discussed a proposed Memorandum of Understanding and that such an agreement would alleviate the debt issue.

Council identified that they are not in favor of issuing a 429 Agreement, but would consider a Memorandum of Understanding. Council also directed staff to facilitate annexation proceedings with Northstar representatives and affected property owners.

7D. Oak Glen Development Applications/Development Contract

Nate Sparks reviewed the planners report for the proposed Oak Glen development. The developer has submitted applications for a comprehensive plan amendment, rezoning, Planned Unit Development, and Preliminary Plat. The site is located on 65 acres east of Highway 10 and north of the railroad. Mr. Sparks identified that the application consists of 40 duplexes, 89 single-family homes, and 60 townhomes.

Jim Brown from Dynamics Design & Land Company stated that the proposed density in this development as a whole is low compared to other PUD's in the area and that the density is appropriate with the overall area. Mr. Brown also identified buffer areas and housing styles.

Council discussed the density of the multi-family units and parking requirements in the townhome area of the plat.

Council Member Langsdorf motioned to approve Resolution No. 2006-27 approving an amendment to the Big Lake Comprehensive Plan to change the land use designation for the project known as Oak Glen. Seconded by Council Member Heitz, motion passed with a vote of 4:1 with Council Members Heitz, Langsdorf, May, and Orrock voting aye, and Council Member Kampa voting nay. Motion carried.

Council Member Heitz motioned to approve Ordinance No. 2006-05 amending Section 1042.03 (zoning map) of the Big Lake Municipal Code to provide for a change in zoning classification for the project known as Oak Glen. Seconded by Council Member Langsdorf, motion passed with a vote of 4:1 with Council Members Heitz, Langsdorf, May, and Orrock voting aye, and Council Member Kampa voting nay. Motion carried.

Council Member Langsdorf motioned to approve Resolution No. 2006-28 authorizing summary publication of Ordinance No. 2006-05 for the Oak Glen rezoning. Seconded by Council Member Heitz, motion passed with a vote of 4:1 with Council Members Heitz, Langsdorf, May, and Orrock voting aye, and Council Member Kampa voting nay. Motion carried.

Council Member Langsdorf motioned to approve Resolution No. 2006-29 approving the Conditional Use Permit/Planned Unit Development and Preliminary Plat of Oak Glen. Seconded by Council Member Heitz, motion passed with a vote of 4:1 with Council Members Heitz, Langsdorf, May, and Orrock voting aye, and Council Member Kampa voting nay. Motion carried.

7E. City Administrator Recruitment Process

Scott Johnson reviewed the process for hiring a new City Administrator and requested Council authorization to begin the recruitment process.

Mayor Orrock discussed delaying the hiring of a new Administrator and that the Council consider hiring an experienced Consultant Administrator from the City Manager's Association in the interim. Mayor Orrock also discussed reviewing the Assistant City Administrator's pay while serving as the Interim City Administrator.

Council Member Heitz motioned to appoint Community Economic Development Director

Jim Thares as the Executive Director of the EDA. Seconded by Council Member Kampa, unanimous ayes, motion carried.

7F. 2006 Street & Utility Improvements

Brad DeWolf reviewed the plans and specifications and bidding process for the 2006 Street & Utility Improvements.

Council Member Langsdorf motioned to approve Resolution No. 2006-30 approving plans and specifications and ordering advertisement for bids for the 2006 Street & Utility Improvements. Seconded by Council Member Kampa, unanimous ayes, motion carried.

7G. Esplanade and Lakeside Park Improvements

Brad DeWolf reviewed the plans and specifications and bidding process for the Esplanade and Lakeside Park Improvements.

Council Member Heitz motioned to approve Resolution No. 2006-31 approving plans and specifications and ordering advertisement for bids for the Esplanade and Lakeside Park Improvements. Seconded by Council Member Kampa, unanimous ayes, motion carried.

7H. 2005 Year End Department Reports

The following individuals reviewed their department's 2005 year end reports and answered questions of the Council: 1) Finance Director Corey Boyer; 2) Public Works Director Mike Goebel; 3) Assistant City Administrator Scott Johnson; 4) Liquor Store Manager Jan Kostrzewski; 5) Fire Chief Tony Eisinger; 6) Police Chief Sean Rifenberick; 7) Building Official Sam Rudd, and 8) Community Economic Development Director Jim Thares.

7I. Project Status Report – City Engineer

Brad DeWolf reviewed the February 15, 2006 Engineers Report and answered questions of Council.

Council directed EDA staff to meet with the owner of the vacant lot in the Lake Street Cottages project to discuss future plans for the site.

7J. Proposal for Leadership Retreat

Scott Johnson reviewed the proposal from Don Salverda & Associates and asked for Council direction on staff proceeding with scheduling this type of retreat. Council discussed offering the retreat to all City staff and making it into a one-day event.

Council directed staff to proceed with seeking additional quotes from other leadership facilitators and to plan for the retreat after the November General Elections.

7K. Contract for Construction Management Services with Northwest Inspection Services

Scott Johnson reviewed the proposed contract for Construction Services Management with Northwest Inspection Services. Construction Management Services would be provided for the construction of Lake Center Liquor, Fire Station expansion, Public Works expansion, and a new Police Station at a rate of 4.5% of the actual construction cost of the building projects.

Council Member Heitz motioned to approve the Contract for Construction Service Management with Northwest Inspection Services for the construction of proposed municipal buildings and to authorize the Mayor and Interim Administrator to enter into the contract. Seconded by Council Member Langsdorf, unanimous ayes, motion carried.

7L. Sherburne County Historical Society Grand Opening Celebration

Scott Johnson reviewed the upcoming memorial tree planting and 150th Anniversary ceremony for the Sherburne County Historical Society scheduled on June 17, 2006. Mr. Johnson asked for Council direction on the City participating in this event.

Council Member Langsdorf motioned to authorize the \$125.00 expenditure for the City to participate in the celebration and tree planting ceremony on June 17, 2006 and identified that Mayor Orrock would act as the City Representative at the event. Seconded by Council Member Kampa, unanimous ayes, motion carried.

7M. Lake Liquors Re-Roof Quotes

Scott Johnson reviewed the quotes received for the re-roof of the new liquor store site. Mr. Johnson identified that the low quote was received from Horizon Roofing and Sheet Metal of Waite Park, MN for a total contract price not to exceed \$49,310.50. Council discussed increasing the lease rate for future tenants to recoup some of the expense of the roof.

Council Member Heitz motioned to approve the re-roofing project including alternate for EPS insulation to Horizon Roofing and Sheet Metal of Waite Park, MN for the total contract price not to exceed \$49,310.50 and to authorize the Mayor and Interim City Administrator to enter into the contract for re-roofing the Lake Liquors building. Seconded by Council Member May, unanimous ayes, motion carried.

Mr. Johnson also discussed the results of the Asbestos-Containing Materials Inspection

Report for the new liquor store site and asked for Council authorization to enter into a contract with Veit Company for Abatement of Asbestos Containing Floor Tile and Mastic at the Lake Liquors Building.

Matt Brokl reviewed the Phase I Environmental Study that was conducted in August 2005. Fred Patch reviewed the need for the removal of contaminated materials due to the amount of floor cutting that will be involved in the remodeling project.

Council Member Kampa motioned to approve the Contract with Veit Company for Abatement of Asbestos Containing Floor Tile and Mastic at the Lake Liquors Building and to authorize the Mayor and Interim City Administrator to enter into the contract asbestos removal for the new Lake Liquors building. Seconded by Council Member May, unanimous ayes, motion carried.

8. ADMINISTRATOR'S REPORT

Mike Goebel asked for clarification on filling a current part-time position in the Public Works Department. Council indicated that the hiring freeze does not affect current positions as long as additional positions are not created.

9. MAYOR & COUNCIL REPORTS and QUESTIONS/COMMENTS

Council Member Heitz: Requested that in the future, year-end reports be given at a Workshop to allow for more time for discussion, and that all reports include names and years of service of employees in each department.

Council Member Kampa: Directed the EDA staff to update Council on the recent EDA Meeting. Council Member Kampa also discussed the garbage accumulation behind the new liquor store site, and identified maintenance needed on street lights.

Mayor Orrock: Discussed the Dennis Gohman relocation benefits package status, and identified that the Cable Channel 12 could broadcast the School Board meetings and upcoming events. Council Member Heitz indicated he would communicate with the School District to see if they would be interested in utilizing the City Cable Channel.

Council Member May: Reviewed the recent Parks Committee meeting, and requested that handrails be placed by the steps and front entrance to City Hall. Council Member May also identified excessive speeding on Eagle Lake Road.

10. OTHER

No other.

11. ADJOURN

Council Member Heitz motioned to adjourn at 10:01 p.m. Seconded by Council Member Langsdorf, unanimous ayes, motion carried.

Gina Wolbeck
Clerk

Date Approved By Council 03/08/06