

**BIG LAKE CITY COUNCIL
REGULAR MEETING MINUTES
DECEMBER 14, 2005**

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: City Administrator Patrick Wussow, Assistant City Administrator Scott Johnson, Finance Director Corey Boyer, Community Economic Development Director Jim Thares, City Clerk Gina Wolbeck, Planner Ned Noel, Public Works Director Mike Goebel, Police Chief Sean Rifenerick, City Attorney Matthew Brokl of Campbell Knutson, 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.

Bruce Pfeffer; Big Lake Resident – Stated his concern with the yard parking violation he received and questioned why violations aren't being addressed throughout the City.

Sean Redeppenning; 550 Glenwood Avenue – Addressed Council to request Council to authorize Public Works to plow the sidewalk on Glenwood Avenue as the plow dumps all the snow from the street onto the sidewalk. Council discussed snowplowing procedures.

Mayor Orrock closed the Open Forum at 7:08 p.m.

5. PROPOSED AGENDA

Council Member Kampa motioned to adopt the proposed Agenda as presented. 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 6H for separate consideration and the addition of item 6J – Approve Partial Release of Big Lake Marketplace 1st Addition Development Contract. Seconded by Council Member Langsdorf, unanimous ayes, consent agenda approved. The Consent Agenda consists of: 6A) Approve Workshop Meeting Minutes of November 9, 2005; 6B) Approve Regular Meeting Minutes of November 9, 2005; 6C) Approve Special Meeting Minutes of November 30, 2005; 6D) Approve Truth In Taxation Meeting Minutes of November 30, 2005; 6E) Approve Joint Meeting Minutes of November 30, 2005; 6F) Approve Committee Meeting Minutes of December 7, 2005; 6G) Approve List of Claims; 6I) Approve Glenwood Avenue Improvement Project Change Order No. 2, and 6J) Approve Partial Release of Big Lake Marketplace 1st Addition Development Contract.

6H) Approve AutoStop Payment

Council Member Kampa motioned to approve the Autostop payment in the amount of \$2,194.97 for Police, Building, and Street Department Vehicle Maintenance. Motion seconded by Council Member Heitz, motion carried 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. EMPLOYEE RECOGNITION – John Moshier 25 Years of Service

Mayor Orrock recognized Public Works employee John Moshier for 25 years of service.

7B. PUBLIC HEARING – 2006 Street & Utility Improvements

Brad DeWolf reviewed the proposed 2006 Street & Utility Improvements which include a 26 foot street width, 6 foot concrete sidewalk along Lake Street and Hill Street north of Lake Street, concrete driveway aprons, retaining walls as needed, storm sewer system, storm quality improvements, and watermain improvements with a projected cost of \$1,802,934.00. Council discussed cost comparisons, increased oil costs, mailbox styles, and corner lot assessment procedures.

Mayor Orrock opened the public hearing at 7:22 p.m. No one came forward.

Council Member Langsdorf motioned to close the public hearing at 7:23 p.m. Seconded by Council Member Kampa, unanimous ayes, motion carried.

Council Member Langsdorf motioned to approve Resolution #2005-155 authorizing ordering improvements and directing preparation of final plans and specifications for the 2006 Street and Utility Improvements. Seconded by Council Member Heitz, unanimous ayes, motion carried.

7C. PUBLIC HEARING – Small Cities Development Program Grant Close Out

Jim Thares reviewed the Paragon Store Fixtures MNDEED SCDP grant that was awarded to the City in October 2003 in the amount of \$94,000 to assist them in purchasing equipment. Mr. Thares identified that a public hearing is required to close out the SCDP grant. Mr. Thares indicated that Paragon Store Fixtures was required to create 11 FTE jobs over two-years and has currently created 18 FTE jobs in less than two-years.

Mayor Orrock opened the public hearing at 7:25 p.m. No one came forward.

Council Member Kampa motioned to close the public hearing at 7:26 p.m. Seconded by Council Member Langsdorf, unanimous ayes, motion carried.

No Council action taken.

7D. PUBLIC HEARING – Franklin Outdoor Advertising CUP Review

Jim Thares reviewed the CUP violation for Franklin Outdoor Advertising for placement of a second side to their one-sided billboard sign. Mr. Thares identified that Council denied Franklin Outdoor a modification to their sign permit in May 2002 not allowing a two-sided billboard sign. Mr. Thares indicated that Franklin Outdoor constructed a second side to the billboard without Council approval in October 2005. Staff generated a violation letter to Mr. Franklin on November 10, 2005 informing him of the sign violation and notifying him of the December 14, 2005 public hearing for CUP review. Staff is seeking Council authorization to prepare Findings of Fact for revocation of the Franklin Outdoor Advertising Permit if the applicant does not remove one side of the billboard by January 1, 2006.

Mayor Orrock opened the public hearing at 7:28 p.m.

Steve Anderson representing Franklin Outdoor Advertising reviewed the history of the placement of the sign and indicated that they have an easement document that allows them the placement of a two-sided sign.

Keith Franklin; owner of Franklin Outdoor Advertising – Reviewed the history of the

placement of the sign.

John Stagner; Attorney representing Franklin Outdoor Advertising – Distributed a document for public record and questioned whether a CUP was ever approved and requested a copy of said document.

Matt Brokl discussed the previously denied request for a two-sided sign.

Council Member Heitz motioned to close the public hearing at 7:42 p.m. Seconded by Council Member Kampa, unanimous ayes, motion carried.

Council discussed the original intent of the structure to be one sided, lighting concerns, and expressed to Franklin Outdoor Advertising that it would be in their best interest to reapply for a CUP for a two-sided sign. Council directed staff to meet with Franklin Outdoor Advertising and forward their application to Council for future consideration.

7E. McDowall Family Partnership Land Donation Offer

Matt Brokl reviewed the lakeshore land donation offer from McDowall Family Partnership and identified specific legal issues with the city accepting this type of offer. The general consensus of the Council was to decline the McDowell's donation offer due to the stipulations of the offer, cost to taxpayers to pay assessments, taxes, and maintenance of the site, and that the City recently vacated public owned lakeshore to adjacent property owners.

7F. Project Status Report – City Engineer

Brad DeWolf answered questions of the Council from the December 2, 2005 Engineers Report.

7G. Local HAVA Equipment Plan Revision

Gina Wolbeck reviewed the revised Local Equipment Plan for using assistive voting technology in Sherburne County election precincts.

Council Member Langsdorf motioned to approve Amended Resolution #2005-112 approving the Local Equipment Plan for using assistive voting technology in Sherburne County election precincts to comply with MN Statute 204B.18 requirements and to authorize the Mayor to execute the Local Equipment Plan, Terms for Operating and Replacement Costs agreement with Sherburne County. Seconded by Council Member Kampa, unanimous ayes, motion carried.

7H. Final 2006 Tax Levy and General Fund Budget

Corey Boyer reviewed the proposed 2006 Tax Levy and General Fund Budget. Council discussed the proposed pay rate changes and implementing a hiring freeze for the first six-months of 2006.

Council Member Heitz motioned to approve a six-month new-hire freeze effective through June 30, 2006, decrease the budget by \$30,000.00 and approve Resolution #2005-156 adopting the Final 2006 Tax Levy and General Fund Budget as discussed. Seconded by Council Member Kampa, unanimous ayes, motion carried.

7I. Implementation of Classification and Compensation Study

Corey Boyer reviewed the pay rates from the classification and compensation study approved by Council at the October 26, 2005 meeting and identified a phased in implementation of the rates. Mr. Boyer also identified that the City will be in compliance with Pay Equity upon the implementation of these pay rates.

Council Member Heitz motioned to approve pay rates identified in the Classification and Compensation Study effective with the pay period beginning December 11, 2005. Seconded by Council Member Kampa, unanimous ayes, motion carried.

7J. Recruitment for 2006 Positions

Scott Johnson reviewed the approved 2006 positions and asked for Council direction on time frames for implementing internal promotions. Council identified the Waste Water Treatment Plan employee and the Chief Building Official positions will be effective January 1, 2005, and the Police Sergeant position will be effective April 1, 2005.

7K. Adopt 2006 Schedule of Fees

Corey Boyer identified proposed changes to the fee schedule including planning and zoning fees, inspection and permit fees, recycling fee, staff time fees, and public works fees.

Council Member Heitz motioned to approve Ordinance #2005-20 adopting the schedule of fees for 2006 and approve Resolution #2005-157 authorizing summary publication of the Fee Schedule Ordinance. Seconded by Council Member Langsdorf, unanimous ayes, motion carried.

7L. Amend Personnel Policy

Scott Johnson reviewed the proposed new Personnel Policy and Workplace Accident and Injury Reduction Program (AWAIR).

Mayor Orrock motioned to approve the new Personnel Policy and Workplace Accident and Injury Reduction Program (AWAIR) effective January 1, 2006. Seconded by Council Member Langsdorf, unanimous ayes, motion carried.

7M. 2006 Health Insurance Proposals

Corey Boyer reviewed the 2006 health insurance options for full-time employees.

Council Member Kampa motioned to approve the 2006 health insurance options for full-time employees – Plan 1 including a \$15 copay/100% coverage, and Plan 2 including 1500/3000 deductible Plan with Health Savings Account (HSA) Option; and approve an initial deposit of 3 months worth of HSA deposits into employee HSA accounts. Seconded by Council Member May, unanimous ayes, motion carried.

7N. Remaining Lake Plaza Space

Scott Johnson reviewed the City's option to lease or sell the 4,013 square foot space located next to the new liquor store in the high roofed portion of the Lake Plaza and asked for Council direction on which option they would like staff to proceed with. The general consensus of the Council was that the City should lease the extra space to retain control of the site and that it would not be structurally suitable to split the site.

7O. Mahler & Associates Agreement for Professional Architectural Services

Scott Johnson summarized the Police Department proposal and the public works expansion submitted by Mahler & Associates for professional architectural services.

Council Member Kampa motioned to authorize staff to enter into an agreement with Mahler & Associates for professional architectural services relating to the proposed public works building expansion and police department buildings. Seconded by Council Member Heitz, unanimous ayes, motion carried.

7P. Reappointment of Planning Commissioner Marotz

Mayor Orrock motioned to approve the reappointment of Planning Commissioner Scott Marotz for a new four-year term from December 2005 through December 2009. Seconded by Council Member Langsdorf, unanimous ayes, motion carried.

7Q. Firefighters Relief Association Benefit Increase Request

Mayor Orrock reviewed the request from the Big Lake Firefighter's Relief Association for a benefit increase to \$2,200 per year of service to the Big Lake Firefighter's Relief Association effective January 1, 2006.

Tony Eisinger representing the Big Lake Fire Relief Association addressed Council with their request for a benefit increase for the upcoming year.

Council Member Heitz motioned to approve a benefit increase to \$2,200 per year of service to the Big Lake Firefighter's Relief Association effective January 1, 2006. Seconded by Council Member Kampa, unanimous ayes, motion carried.

7R. Final 2006 Non-General Fund Budgets

Corey Boyer reviewed the proposed 2006 budgets for the City's EDA Special Revenue Fund and enterprise funds.

Council Member Langsdorf motioned to approve the EDA Special Revenue Fund, and the Water, Sewer, Liquor, and Storm Sewer Enterprise Funds. Seconded by Council Member Heitz, unanimous ayes, motion carried.

7S. Glenwood Avenue Assessment Appeals

Corey Boyer reviewed the assessment appeal recommendations from the City Engineer and asked for Council authorization to amend the Glenwood Avenue Assessment Roll approved by Council at their November 9, 2005 meeting to incorporate the identified changes.

Council Member Langsdorf motioned to approve amendment to the Final Assessment Roll for the Glenwood Avenue Improvement project to incorporate assessment appeal changes recommended by the City Engineer and to remove parcel 65-421-0146 and 65-421-0418 due to the parcel already being assessed on the Lake Street Improvement project, and removal of parcel 65-018-4301 for re-notification. Seconded by Council Member May, unanimous ayes, motion carried.

7T. Plans and Specifications for Water Tower No. 4

Brad DeWolf reviewed the final plans and specifications for the Water Tower No. 4 project and asked for Council approval on the plans and to authorize bidding.

Council Member Heitz motioned to approve plans and specifications and authorize bidding for the Water Tower No. 4 project. Seconded by Council Member Kampa, unanimous

ayes, motion carried.

7U. Transfer of Tax Increment Funds

Corey Boyer reviewed the proposed transfer in the amount of \$8,548.58 out of the Local Development Capital Project Fund into a separate TIF 1-2 Capital Project Fund.

Council Member Heitz motioned to approve the transfer of \$8,548.58 out of the Local Development Capital Project Fund into a separate TIF 1-2 Capital Project Fund. Seconded by Council Member Langsdorf, unanimous ayes, motion carried.

7V. Inter-Fund Loan Transfer for Tax Increment District 1-4

Corey Boyer reviewed the balance in the Tax Increment 1-4 Capital Project Fund which is showing a negative balance due to the recent acquisition of 120 Eagle Lake Road North and other up-front costs associated with some of the proposed infrastructure improvements for this area. Mr. Boyer identified that state TIF law requires the City to show positive cash balances in its tax increment funds. Staff is recommending Council approve an inter-fund loan in the amount of \$1,000,000 and that staff be directed to draw on \$400,000 of this loan to cover the negative cash balance currently in the Tax Increment 1-4 Capital Project Fund.

Council Member Heitz motioned to approve Resolution #2005-158 authorizing the advance of certain funds to pay costs incurred in connection with Tax Increment District No. 1-4. Seconded by Council Member Langsdorf, unanimous ayes, motion carried.

7W. Esplanade Update – Lighting Proposal

Brad DeWolf reviewed streetlight styles for Council consideration. Council identified Option A as their preferred lighting style for the Esplanade project.

7X. Big Lake Marketplace Professional Center 1st Addition Final Replat

Ned Noel reviewed the Planner's Report for the replat application submitted for the Marketplace Professional Center First Addition. The applicant is proposing to replat the site as one lot and one outlot for future commercial development. Staff also identified an additional condition to be added to the Resolution to identify site utility requirements.

Council Member Langsdorf motioned to approve Resolution #2005-159 approving the replat of the Final Plat of Marketplace Professional Center First Addition with conditions as discussed and setting forth conditions to be met prior to the release of the final plat.

Seconded by Council Member May, unanimous ayes, motion carried.

7Y. Berndt Pond Estates 3rd Addition Preliminary Plat, Comprehensive Plan Amendment, Rezoning, and PUD/CUP

Nate Sparks reviewed the Planner's Report for the Berndt Pond Estates 3rd Addition Comprehensive Plan Amendment, Rezoning, Preliminary Plat, and PUD/CUP. The property is located at the intersection of County Road 81 and 206th Avenue. The applicant has received a Conditional recommendation from the Planning Commission at their October 19, 2005 meeting. Staff is recommending denial of the application due to remaining unresolved issues and comments identified in the Planner's Report.

Jim Nielson; attorney representing the applicant identified that his client has addressed all conditions with the exception of three items including construction of cul de sacs, buffer requirements along 206th Avenue, and not meeting the perimeter setback on Lot 1, Block 2. Mr. Nielson also discussed other developments in the area, and lot size requirements.

Matt Brokl identified that the revised plans were submitted after the deadline and staff has not had adequate time to review those plans and that Councils consideration should be based on the information provided in the Council packet.

Council discussed Township developments in the area, higher density, and connection to 206th Avenue.

Council Member Langsdorf motioned to approve Resolution #2005-160 approving the Comprehensive Plan Amendment for Berndt Ponds Estates 3rd Addition with conditions identified in the Council packet. Seconded by Council Member Heitz, vote 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 Kampa motioned to approve Resolution #2005-161 denying rezoning for the Berndt Ponds Estates 3rd Addition. Seconded by Council Member May, vote passed with a vote of 3:2 with Council Members Heitz, Kampa, and May voting ayes, and Council Members Langsdorf, and Orrock voting nay, motion carried.

Council Member Langsdorf motioned to approve Resolution #2005-162 approving the Planned Unit Development, and Preliminary Plat application for Berndt Ponds Estates 3rd Addition with conditions identified in the Council packet. Motion died for lack of a second.

Council Member Heitz motioned to approve Resolution #2005-162 denying the Planned

Unit Development, and Preliminary Plat application for Berndt Ponds Estates 3rd Addition. 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 Langsdorf voting nay, motion carried.

7Z. 150 Edgewater Place Variance

Ned Noel informed Council that the applicant has withdrew their application.

No Council action taken.

7AA. 321 County Road 43 NW Rezoning

Nate Sparks reviewed the Planner's Report for the rezoning request from Gerrath Properties, LLC to rezone an I-1 (Industrial Park) parcel to B-3 (General Business) at 321 County Road 43 NW. The Planning Commission has recommended approval of this application and the applicant has demonstrated plans to improve the exterior finish of the site and construct a parking lot in compliance with the Zoning Ordinance.

Council Member Langsdorf motioned to approve Ordinance #2005-21 amending section 1042.03 (Zoning Map) of the Big Lake Municipal Code to provide for a change in zoning classification for 321 County Road 43 and approve Resolution #2005-163 authorizing summary publication of rezoning Ordinance. Seconded by Council Member Heitz, unanimous ayes, motion carried.

7BB. Sidewalk Completion on Providence Avenue

Brad DeWolf reviewed the status of the sidewalk completion on Providence Drive and asked for Council direction on forwarding the invoice from Accent Homes, Inc. to TSM Development for reimbursement from the developer. Mr. DeWolf also identified other locations of incomplete sidewalks in this development and indicated City Ordinance requires the developer to complete the sidewalks in these areas.

Mayor Orrock motioned to authorize staff to proceed with completing the sidewalk areas in the TSM Development and invoice the developer accordingly. Seconded by Council Member Langsdorf, unanimous ayes, motion carried.

7CC. Grippe Annexation Request

Administrator Wussow discussed the neighborhood meeting held for the Grippe annexation

request and identified possible legal issues on driveway easements and the realignment of County Road 81. Administrator Wussow asked that if Council wishes to proceed with this request, that the Gripes be required to submit a \$2,000 escrow to allow the City Attorney to review the legalities relating to this annexation request.

Council Member Heitz motioned to deny the annexation request from Daniel and Sharon Grippe. Seconded by Council Member Kampa, unanimous ayes, motion carried.

7DD. Annexation Application Forms

Council Member Kampa motioned to approve the Planning and Zoning Department use the revised Application for Annexation form, and Annexation Evaluation Criteria form for taking annexation petitions. Seconded by Council Member May, unanimous ayes, motion carried.

7EE. Park Committee Recommendations

Mayor Orrock reviewed the Parks Committee recommendations and also identified the Parks Board recommendation to reappoint Kristy Uphoff for another three year term in Seat "A".

Council Member Langsdorf motioned to approve the Parks Committee recommendations of accepting the donation of park benches from the Big Lake American Legion, naming of the park in the Hudson Woods Development to Hudson Woods Park, and to reappoint Kristy Uphoff for another three-year term in Seat "A". Seconded by Council Member Heitz, unanimous ayes, motion carried.

7FF. Martin Avenue Phase II Update

Brad DeWolf reviewed the status of the proposed Martin Avenue Phase II Improvement project and the preliminary layout of the Trunk Highway 10 and Eagle Lake Road intersection. No Council action taken.

7GG. Liquor Store Update

Administrator Wussow discussed the status of the new liquor store site.

Council Member Heitz motioned to authorize proceeding with obtaining quotes for the remodel of the interior of the new liquor store site. Seconded by Council Member Langsdorf, unanimous ayes, motion carried.

8. ADMINISTRATOR'S REPORT

Administrator Wussow distributed agenda forms to Council and asked for their feedback on

placement of Regular and Consent Agenda items. Administrator Wussow also asked for Council feedback on items for the upcoming Workshop Agenda. Council asked to discuss redevelopment areas, TIF Districts, and Council appointments.

9. MAYOR & COUNCIL REPORTS and QUESTIONS/COMMENTS

Council Member Heitz: Reviewed the November EDA Meeting

Council Member Kampa: Directed staff to contact the developer in the Prairie Meadows Development to notify them of construction debris complaints.

Mayor Orrock: Reviewed the Fire Board Meeting, and informed staff that he has taken a lot of questions on the status of the City getting a Laundromat/bait shop.

10. OTHER

No other.

Mayor Orrock recessed the regular meeting at 9:47 p.m. to go to Closed Session.

11. CLOSED SESSION – Acquisition of Property for WWTP

Mayor Orrock opened the Closed Session at 9:56 p.m.

Matt Brokl discussed the status of acquisition of property for the expansion of the Waste Water Treatment Plant site.

Council Member Kampa motioned to close the Closed Session at 10:15 p.m. Seconded by Council Member Langsdorf, unanimous ayes, motion carried.

Mayor Orrock reconvened the regular meeting at 10:16 p.m.

12. ADJOURN

Council Member Heitz motioned to adjourn at 10:17 p.m. Seconded by Council Member Kampa, unanimous ayes, motion carried.

Gina Wolbeck
Clerk

01/11/06
Date Approved by Council