

**BIG LAKE CITY COUNCIL
REGULAR MEETING MINUTES
SEPTEMBER 26, 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, Building Official Sam Rudd, City Clerk Gina Wolbeck, Senior City Planner Katie Larsen, Public Works Director Mike Goebel, Police Chief Sean Rifenberick, Liquor Store Manager Jan Kostrzewski, 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.

Dave Reines, 73 Crescent Street – Reviewed the current status of the Lake Association. Mr. Reines discussed the mission of the reactivated Association and asked that a Council Liaison attend their meetings.

Jane Ramunno, 151 Mount Curve Avenue – Informed Council of the Lake Association's next meeting which is scheduled on Saturday, October 13th at 10:00 a.m. at the Connections, Etc. community room.

Jim Thares introduced the new Senior City Planner Katie Larsen.

Mayor Orrock closed the Open Forum at 7:06 p.m.

5. PROPOSED AGENDA

Council Member Heitz motioned to adopt the proposed Agenda with the addition of item 7E – Lake Association Discussion. Motion seconded by Council Member Kampa.

Council Member Heitz amended his motion to also include the addition of item 12A – Negotiation of Land Purchase. Amended Motion 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 and 6E 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 September 12, 2007, 6C) Approve Transfer of Non-TIF Activity, 6D) Approve Ordinance No. 2007-11 Clarifying Funding of the City's Recycling Program and Approve Summary Publication Resolution No. 2007-93, 6F) Accept Planning Commissioner Benecke's Resignation and Authorize Advertising for the Vacant Position, 6G) Approve Transit Oriented Development Pre-Planning as Proposed by NAC, Inc., and 6H) Authorize Submittal of the Quiet Zone Feasibility Study to the Federal Railroad Administration.

6B) Approve Setting Meetings and Cancellation of the December 26th Meeting

Jim Thares discussed the possibility of a change to the Planning Commission meeting date and a conflict with the Council Workshop dates. Council directed staff to discuss a meeting date change at an upcoming Planning Commission meeting.

Council Member Heitz motioned to approve canceling the December 26, 2007 meeting, setting the 2007 Council Workshop dates the 1st Wednesday in the months of February, March, April, September, October, November, and December, setting the Joint Committee Meeting on December 5, 2007 at Russell's on the Lake, and setting the Council Goal Setting Session on December 4, 2007 at 4:00 p.m. in the City Council Chamber. Seconded by Council Member May, unanimous ayes, motion carried.

6E) Authorize Hiring of Police Officer

Council Member Backlund discussed his concern with hiring a police officer that will take a \$200.00 pay cut and will have to commute. Council Member Backlund explained that he feels this officer will not stay long term as an employee for the City, and that there are substantial expenses the City will have to pay for training and equipment costs for this position. Scott Johnson explained that staff interviewed 10 candidates and ran backgrounds on 3 of those candidates. Chief Rifenberick reviewed the hiring process and that the applicant is very

enthusiastic about the start of his law enforcement career and that staff feels he is a good candidate for the position due to his experience with local government operations.

Council Member Heitz motioned to authorize the hiring of Daniel Crimmins as a full-time police officer. 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.

7. BUSINESS

7A. Lawful Gambling Request from the Central MN Sexual Assault Center

Scott Johnson reviewed the request for a Lawful Gambling License submitted by the Central MN Sexual Assault Center. This organization is headquartered out of the St. Cloud area, and provides services throughout Sherburne County. They have worked directly with the Big Lake school system, police department and the Big Lake-Monticello Hospital. Mr. Johnson discussed the City Code requirement that a majority of the organizations membership must live within the Big Lake area. As this organization does not have an official membership, but provides counseling and specialized services to sexual assault victims and their families at a local level, staff is recommending Council consider this application based on that criteria. Mayor Orrock reviewed the history of the Big Lake Lawful Gambling Ordinance, and that the membership criteria was included in the Ordinance to ensure that proceeds are put back into the community.

Peggy LaDue from the Central MN Sexual Assault Center reviewed the services that their organization provides and the necessary funding that is required to offer this free service to Sherburne County residents. Ms. LaDue informed Council that the lawful gambling proceeds helps them to continue to assist sexual assault victims in the Big Lake area. Ms. LaDue informed Council that they are a 501c3 non-profit agency and that they are in good-standing with the Minnesota Gambling Control Board.

Mayor Orrock discussed the lawful gambling regulation that restricts donations that an organization can take in if they hold a lawful gambling license. Council Member Kampa recognized the important services that the Organization provides in the Big Lake area, but feels that there are substantial pull-tab operations already approved in the City, and that she is not in favor of allowing an outside organization to conduct lawful gambling in the City.

Council Member Kampa motioned to deny a request by the Central MN Sexual Assault Center for a lawful gambling premises permit at Coborn's, Inc./Little Dukes located at 711 Rose Drive. Seconded by Council Member Backlund, unanimous ayes, motion carried.

7B. White Bear Clothing Variance

Nate Sparks reviewed the planners report for the Variance request submitted by John Weicht and Associates on behalf of White Bear Clothing. The company is an importer/distributor of quality branded sports clothing and materials. Their proposal is to build a 23,973 square foot expansion on their facility located on Lot 2, Block 1 of the Big Lake Industrial Park East. The existing building received a 10 foot setback from the northern property line to construct a building 10 foot setback in 2005. This request is to expand this variance for the expansion project. Staff is recommending approval of the variance if the applicant commits to revising all plans to be consistent and meets all other conditions outlined in the planners report, and the added condition of the requirement for a CUP to allow for the deferment of the parking stall requirement.

Council Member Heitz motioned to approve Resolution No. 2007-94 approving the Variance and site and building plan for the White Bear Clothing Company and setting forth conditions to be met prior to building permit issuance, pending the applicant commits to revising all plans to be consistent and meet all other conditions as outlined in the planning report, and the added condition of the requirement for a CUP to allow for the deferment of the parking stall requirement. Seconded by Council Member May, unanimous ayes, motion carried.

7C. Settlement Agreement for Parcel No. 65-420-0030

Corey Boyer discussed the settlement agreement for right of way on a portion of the Fern Street Apartment parcel related to the Martin Avenue Phase III street project. The property owner has verbally agreed to the settlement agreement terms and would like to move forward with completing the parking lot relocation this fall.

Council Member Heitz motioned to approve a Settlement Agreement with the Fern Street Apartments for right of way acquisition for the Martin Avenue Phase III improvement project. 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.

7D. Project Status Report – City Engineer

Brad DeWolf reviewed the September 2007 Engineers Report and answered questions from Council. Mr. DeWolf also informed Council that MNDOT has agreed to work with the City to complete a Signal Justification Report at the intersection of Highway 10 and 172nd Street. Council Member Heitz explained the need for County Road 43 South to be reviewed to identify improvements that could be necessary prior to the Northstar Rail line being active. Council Member Kampa also inquired as to how many items still need to be completed in the Hidden River Development. Mr. DeWolf indicated that an inspection was

done at the site and approximately 18 items still need to be completed by the developer. Their Letter of Credit will not be released until the project is completed to the City's satisfaction.

7E. Lake Association Discussion

Council Member Heitz motioned to appoint Council Member Lori Kampa as the City Council Liaison to the Lake Association. Seconded by Council Member May, unanimous ayes, motion carried.

8. LIST OF CLAIMS

Council Member Kampa motioned to approve the List of Claims ranging from Check No. 51843 through Check No. 51987 with a change in coding to check No. 51945. Seconded by Council Member Backlund, unanimous ayes, motion carried.

Council requested that staff provide a list of items still being purchased from Wal-Mart in Monticello. Staff will provide a report at the October 3rd Workshop.

9. ADMINISTRATOR'S REPORT

Scott Johnson discussed the recent article in the local newspaper and clarified vacation accrual for the new City Senior Planner. Administrator Johnson also clarified that the City has not turned away any Big Box retailers, and that if staff is contacted by this type of company, information will be forward to Council.

Katie Larsen discussed the submittal of the Initiative Foundation Grant application to help fund the public participation pre-planning phase of the Northstar TOD master plan project.

Council Member Heitz motioned to approve Resolution No. 2007-95 approving application for funding through the Initiative Foundation Grant Program and committing a local match of funds from the City of Big Lake. Seconded by Council Member Kampa, unanimous ayes, motion carried.

Mike Goebel discussed the recommendations of the Parks Advisory Board from their September meeting.

Council Member May motioned to approve the purchase of a four-place swing-set installed in Mitchell Farms Park not to exceed \$12,500.52 in place of a basketball court. Seconded by Council Member Kampa, unanimous ayes, motion carried.

10. MAYOR & COUNCIL REPORTS and QUESTIONS/COMMENTS

Council Member Heitz: Reviewed the September Transit Oriented Development meeting.

Council Member Kampa: Informed Council that a public meeting will be held and public comment will be taken during the Transit Oriented Development pre-planning phase.

11. OTHER

Council Member May motioned to recess the regular session at 7:56 p.m. to go to Closed Session to discuss the negotiation of land purchase allowed under MN Statute 13D.05, subd. 3c.3 and to conduct the City Administrator's Annual Performance Evaluation allowed under MN Statute 13D.05, subd. 3a.

12. CLOSED SESSION

Mayor Orrock opened the Closed Session at 8:04 p.m. Council Members present: Dick Backlund, Chuck Heitz, Lori Kampa, Patricia May, and Don Orrock. Also present: City Administrator Scott Johnson, City Clerk Gina Wolbeck (item 12A only), Finance Director Corey Boyer (item 12A only), City Engineer Brad DeWolf of Bolton & Menk, Inc. (item 12A only), and City Attorney Soren Mattick of Campbell Knutson.

12A. Negotiation of Land Purchase

Corey Boyer updated Council on the purchase negotiations for parcel no. 65-019-4110.

12B. City Administrator Annual Performance Evaluation

Council conducted the annual performance review for City Administrator Scott Johnson.

No action was taken by Council during Closed Session.

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

Council Member Backlund motioned to approve a two-year Contract extension for City Administrator Scott Johnson. Seconded by Council Member May, unanimous ayes, motion carried.

Council Member Heitz motioned to authorize the City Attorney's Option "A" for the purchase of parcel no. 65-019-4110. Seconded by Council Member Kampa, unanimous ayes, motion carried.

13. ADJOURN

Council Member May motioned to adjourn at 9:00 p.m. Seconded by Council Member Backlund, unanimous ayes, motion carried.

Clerk

Date approved by Council