

**BIG LAKE CITY COUNCIL
REGULAR MEETING MINUTES**

APRIL 11, 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, City Attorney Sorren Mattick 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).

Mayor Orrock welcomed the Big Lake High School 9th Grade Civics Class.

4. OPEN FORUM

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

Rollie Peterson, owner of Peterson's Amoco - explained that while the Sherburne County Sheriff's Office provides exemplary service to the County, the City would not save that much money switching public safety services from the local police department to the Sheriff's Office. Mr. Peterson stated that the local police department deserves community and City support and that they should not need to continually worry about their jobs.

Sherree Rifenberick, Big Lake Township resident – Questioned Council Member Backlund on a letter of support for the police department he sent to officers during the election.

Jennifer Berg, local resident – Stated her support for the Big Lake Police Department and informed Council that a petition is currently going around for signatures of support from local residents.

Daniel Eck, 5338 Highland Trail – Stated that the Sherburne County Sheriff's Office is responsible for the whole County, and explained the importance of maintaining our local police department which provides a local force.

Warren Wemus, 1230 Vernon Street – Discussed the amount of public support for the Big Lake Police Department and stated that the public has the right to decide if police protection services should be changed.

Mayor Orrock informed attendee's of the upcoming Workshop on April 26, 2007 and that the Sherburne County Sheriff will be in attendance to provide service and cost information to Council. Mayor Orrock asked attendee's to submit further comments on this topic in written format prior to that Workshop.

DJ Bakken, Bakken Construction Company – Reviewed the Hope Filled Hands Organization and informed the public that they will be participating in a "Build Blitz", constructing house frames the weekend of SpudFest and asked for Council to consider allowing them to construct the walls in the Lake Shopping Center parking lot. Mr. Bakken also invited the Mayor/Council to participate in the September 2007 Gulf Coast trip to complete the homes and meet the families who will be living there. Council directed the Organization to contact City staff to provide additional informational on the Build Blitz event.

Herbert Grey, 1189 Highland Bay – Stated that he felt it was inappropriate for the joking manner displayed by members of the Council and explained that the number of attendees at the meeting was to show serious support for the Big Lake Police Department.

Mayor Orrock closed the Open Forum at 7:12 p.m.

5. PROPOSED AGENDA

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

6. CONSENT AGENDA

Council Member Kampa motioned to approve the Consent Agenda with the removal of item 6C for separate consideration as item 7 on the Agenda. Seconded by Council Member May, unanimous ayes, consent agenda approved. The Consent Agenda consists of: 6A) Approve Regular Council Meeting Minutes of March 28, 2007, 6B) Approve Joint Public Informational

Meeting Minutes of March 28, 2007, 6D) Approve Tobacco License Resolution No. 2007-31 and Lawful Gambling License No. 2007-32 for the Arthur Embretson Big Lake American Legion Post #147 Applications, 6E) Approve Donation Resolution No. 2007-33, 6F) Approve Location Change for the April 25, 2007 JPB Meeting to be held at Big Lake Town Hall, 6G) Approve Appointment of Fire Fighters, 6H) Authorize Annual Lakeside Park Pass Donations, 6I) Approve Joint Powers Agreement with Sherburne County for the CR 81/CR 17 Improvement Project, 6J) Approve Council Workshop Meeting Minutes of April 4, 2007, and 6K) Approve Joint Planning Board Meeting Schedule.

7. BUSINESS

7. Set Special Council Workshop Meeting 6:00 p.m. on April 26, 2007 for discussion on Sherburne County Sheriff Services

Council Member Heitz stated his concern with the amount of time Council had to review the option of inviting the Sherburne County Sheriff to provide information on County services.

Council Member Heitz motioned to continue public safety services with the local police force and to rescind the invitation to the Sherburne County Sheriff to provide information on public safety services. Seconded by Council Member Kampa, unanimous ayes, motion carried.

7A. Presentation – Monticello/Big Lake Hospital Update

Barb Schwientek, CEO of the Monticello/Big Lake Hospital District provided an update on the 2006 community report highlighting year-end financials, patient service statistics, building updates, quality care incentives and new service offerings. Council thanked Ms. Schwientek for the update.

7B. PUBLIC HEARING – Arthur Embretson Big Lake American Legion Post #147 Liquor License Application

Scott Johnson reviewed the On-sale and Sunday liquor license application submitted by Commander Gary Poslusny for the new Big Lake American Legion Post #147 site located at 16722 198th Avenue NW in the Marketplace Development. The applicants will be constructing a new facility which will have approximately 250 spaces for seating in the bar area and a capacity of 280 in the banquet area. All fees and required documentation have been submitted by the applicant and a background investigation is currently underway. Staff is recommending approval of the licenses pending satisfactory background investigation results and submittal of all required documentation.

Mayor Orrock opened the public hearing at 7:30 p.m. No one came forward.

Council Member Kampa motioned to close the public hearing at 7:31 p.m. Seconded by Council Member Backlund, unanimous ayes, motion carried.

Council Member Heitz motioned to approve Resolution No. 2006-34 approving On-sale and Sunday liquor licenses for the Arthur Embretson Post No. 147, American Legion, Big Lake, MN for their facility located at 16722 – 198th Avenue NW pending satisfactory background investigation results and submittal of all required documentation. Seconded by Council Member Backlund, vote passed with a vote of 4:1 with Council Member Backlund, Heitz, Kampa, and Orrock voting aye, and Council Member May voting nay. Motion carried.

7C. 260 Crescent Street Driveway Maintenance Request

Mike Goebel reviewed the request from Crystal and John Mely requesting that the City remove snow from their extended driveway portion which was added to their existing driveway due to the closing of the street in front of their residence. Ninety feet was added to the length of their driveway coming off Lagoon Avenue for the 2006 Street and Utility Improvement project, at which time a small portion of Lagoon Avenue and Crescent Street was closed adjacent to the 260 Crescent Street property. The City owned area was refurbished with turf and class 5 driveway extending 90 feet to the residential property line at 260 Crescent Street. Staff is seeking Council direction on this request.

Council discussed the possibility of vacating the area to the adjacent property owner. Sorren Mattick indicated that the City can initiate vacation, and explained that research should be done to establish existing utilities in the area. Council directed staff to contact the property owner at 260 Crescent Street to discuss vacation of portions of the area.

7D. Vision Bus Company Project (Big Lake Marketplace Sixth Addition Final Plat, Rezoning, Conditional Use Permit, & Release Documents)

Nate Sparks reviewed the planners report for the Vision Bus Company applications for the final plat of Big Lake Marketplace 6th Addition, rezoning, and a conditional use permit. The subject site is located east of 168th Street and south of 198th Avenue and will house a school bus transportation business. Corey Boyer reviewed the three release documents requested by the applicant's title company for Council approval. Council asked for clarification on recommendations from the Joint Planning Board identified at their April 10, 2007 meeting. Changes and additional conditions included requiring that future fuel tanks will require an amendment to the CUP, that the landscape plan should be amended to indicate tree plantings placed on top or staggered in rows on either side of the berms, that 16 buses will be allowed to be stored in the outdoor storage area and that adding additional busses in the future would require an amendment to the CUP, that the outdoor storage area and approach shall be asphalted when outdoor bus storage occurs, and that all

landscaped areas shall be irrigated outside of future expansion areas.

Council Member Kampa motioned to approve Ordinance No. 2007-02 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 Vision Enterprise, LLC. Seconded by Council Member Backlund, unanimous ayes, motion carried.

Council Member Heitz motioned to approve Resolution No. 2007-35 approving summary publication of Ordinance No. 2007-02. Seconded by Council Member Kampa, unanimous ayes, motion carried.

Council Member Backlund motioned to approve Resolution No. 2007-36 approving the final plat of Big Lake Marketplace 6th Addition. Seconded by Council Member Heitz, unanimous ayes, motion carried.

Council Member Heitz motioned to approve Resolution No. 2007-37 approving site and building plans and Conditional Use Permits for Visions Enterprises, LLC with additional conditions identified by the Joint Planning Board. Seconded by Council Member May, unanimous ayes, motion carried.

Council Member Kampa motioned to authorize the Mayor and City Administrator to execute a partial release of Outlot C of the Big Lake Marketplace 3rd Addition from the Development Agreement for Big Lake Marketplace 1st Addition and the Development Agreement for Big Lake Marketplace 3rd Addition, and a full release from the Public Improvement and Special Assessment Agreement related to the 429 Improvement Project related to the extension of utilities to 172nd Avenue. Seconded by Council Member May, unanimous ayes, motion carried.

7E. Agricultural Zoning District Ordinance

Nate Sparks reviewed the planners report relating to proposed amendments to the FRD District changing the district to an agricultural district to better reflect the intent of the Zoning District as it is intended to allow for agricultural uses to continue until the time that the property owner is ready for development.

Council Member Heitz motioned to approve Ordinance No. 2007-03 amending the Big Lake Zoning Ordinance establishing the Agricultural Zoning District. Seconded by Council Member Kampa, unanimous ayes, motion carried.

Council Member May motioned to approve Resolution No. 2007-38 approving Summary Publication of Ordinance No. 2007-03. Seconded by Council Member Kampa, unanimous

ayes, motion carried.

7F. Review Bids for Skateboard Park Improvements

Mike Goebel reviewed the bids received on the improvements to the skateboard park at Lakeside Park. Three bids were received with the low bid in the amount of \$100,724.61 submitted by American Ramp Company. The Parks Committee is also recommending approval of the purchase and installation of a galvanized chain link fence around the entire skate park. Mr. Goebel indicated that the anticipated completion date is June 2007.

Council Member Kampa motioned to approve the Parks Committee recommendation to award the low bid to American Ramp Company in the amount of \$100,724.61 for the improvements to the skateboard park at Lakeside Park and the purchase and installation of a galvanized chain link fence around the entire skate park. 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.50529 through Check No. 50603. Seconded by Council Member Kampa unanimous ayes, motion carried.

Mayor Orrock recessed the meeting at 7:55 p.m. to release the Civics Class.

Mayor Orrock reconvened the meeting at 8:05 p.m.

9. ADMINISTRATOR'S REPORT

Administrator Johnson presented the Certificate of Commendation that was awarded to the City of Big Lake and the Wastewater Treatment Facility staff to recognize the exemplary effort extended in the year 2006 to comply with the Minnesota Pollution Control Agency's Permit Program which helps protect and preserve the waters of Minnesota.

Administrator Johnson also informed Council that staff has been in contact with the Sherburne County Sheriff's Office to request that Bob's Towing be added to the County towing list, and that Sherburne County has refused to acknowledge the City's request to update the list. Council does have the option to write a formal letter to County Administration requesting this change to the towing information sheet. Council directed staff to prepare a letter addressed to County Administration requesting that Bob's Towing officially be added to the County Towing List.

Administrator Johnson discussed the Intent to Annex notice received from the City of Monticello and asked Council to set a Joint Meeting date on April 16, 2007 at 6:00 p.m. in

the City Council Chambers to discuss this notice. Sorren Mattick also informed Council that his law firm represents both the City of Big Lake and the City of Monticello and that it is a legal conflict for them to assist either of those cities in this issue. Mr. Mattick recommended the City of Big Lake appoint Couri, MacArthur, & Ruppe as their legal counsel to represent the City in land issues. Council also discussed meeting prior to the 6:00 p.m. Joint Meeting to discuss this annexation issue with the new legal counsel. Council stated their concern with the amount of time allowed to prepare for the required Joint Meeting and discussed that the City of Monticello may want to consider establishing a moratorium on new construction within their City limits until the Monticello Board can come up with a plan for their transportation issues.

Council Member Kampa motioned to appoint Couri, MacArthur, & Ruppe as legal counsel to represent the City in land issues. Seconded by Council Member Backlund, unanimous ayes, motion carried.

Council Member Heitz motioned to set a Joint Special Meeting on Monday, April 16, 2007 at 6:00 p.m. in the City Council Chambers to discuss the Notice of Intent to Annex notice received from the City of Monticello and any other City/Township business deemed necessary. Seconded by Council Member Kampa, unanimous ayes, motion carried.

Council Member Kampa motioned to set a Special Meeting on Monday, April 16, 2007 at 5:00 p.m. in the City Council Chambers to formally meet with the City's new land issue legal counsel to discuss annexation issues. Seconded by Council Member May, unanimous ayes, motion carried.

Mike Goebel reviewed the replacement of population signage and asked for Council feedback on waiting to switch the signs out until after the revised census numbers are complete after July 2007. The cost of the signage will be between \$450.00 to \$550.00 per sign.

Council Member Heitz motioned to approve the purchase and installation of three population signs after the July 2007 census figures are updated. Seconded by Council Member Kampa, unanimous ayes, motion carried.

10. MAYOR & COUNCIL REPORTS and QUESTIONS/COMMENTS

Council Member Backlund: Reviewed the quarterly Fire Board Meeting. Council Member Backlund discussed the Jaycee's goal of obtaining grant dollars for the construction of a fishing pier on Lake Mitchell. Council directed staff to check into obtaining funds from the MN State Lottery.

Council Member Heitz: Updated Council on the recent North Star Commuter Rail Meeting and also on the April EDA Meeting.

Mayor Orrock: Provided an update on the Community Ed Advisory Committee Meeting.

Council Member May: Reviewed the April Parks Board Meeting.

11. OTHER

Mayor Orrock recessed the regular session at 8:35 p.m. to go to Closed Session to discuss an internal investigation allowed under MN Statute 13D.05, subd. 2.

12. CLOSED SESSION

Council discussed the results of the Internal Investigation conducted due to complaints filed against Police Chief Sean Rifenberick.

Council Member Kampa motioned to close the Closed Session and reconvene the regular meeting at 9:34 p.m. Seconded by Council Member May, unanimous ayes, motion carried.

Council Member Heitz motioned to accept the internal investigation report prepared by Robert Shellum dated April 10, 2007 and to approve a Finding of No Discipline. Seconded by Council Member Kampa, unanimous ayes, motion carried.

13. ADJOURN

Council Member May motioned to adjourn at 9:35 p.m. Seconded by Council Member Kampa, unanimous ayes, motion carried.

Gina Wolbeck
Clerk

Date Approved By Council 04/25/07