

**BIG LAKE CITY COUNCIL
REGULAR MEETING MINUTES
JUNE 27, 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, City Planner Ned Noel, EDA Intern Sam Woods, Public Works Director Mike Goebel, Police Chief Sean Rifenberick, City Attorney Soren Mattick of Campbell Knutson, and City Engineer Brad DeWolf and Jared Voge of Bolton & Menk, Inc.

4. OPEN FORUM

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

Terry Dubois, 137 Crescent Street – Discussed the surmountable curb and drainage issue at his property. He explained that the City Engineer was notified a year ago and that the issue needs to be addressed. Mr. Dubois also informed Council that vehicles are scraping the curb when they back out. Brad DeWolf explained that Mr. Dubois' driveway does have an indent that the contractor will be required to fix prior to release of their retainer funds.

Mayor Orrock closed the Open Forum at 7:03 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 6D 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 June 13, 2007, 6B) Approve Resolution No. 2007-64 approving a Therapeutic Massage License for Vonnie Smith, 6C) Approve Transfers for the Public Works Building Expansion, 6E) Approve Victory Sports Bar Sewer and Water Access Charge Request, 6F) Authorize Staff to Draft a Memorandum of Understanding for the Extension of Utilities to the Fire Hall Property, 6G) Award Fire Hall Utility Extension Bid to Hennen Construction in the amount of \$198,212.00, and 6H) Approve Resolution No. 2007-65 approving the Turn-back Agreement for CR 68.

6D) Approve Quote for Demolition of 260 Eagle Lake Road North

Council had questions on the quote amount for well sealing on the project.

Jim Thares reviewed the information provided by Alberg Water Services relating to the actual quote amount for the well sealing. Mr. Thares recommended Council approve the demolition quote and that staff research the well sealing and bring that item back to Council for consideration.

Mayor Orrock asked if it is necessary to seed the area if the Martin Avenue Phase III will run through it. Mr. DeWolf suggested that the City cover the area with a temporary ground cover in place of seeding the site.

Council Member Heitz motioned to authorize the BLEDA to enter into a Contract with Schluender Construction Company in the amount of \$4,150.00 for the total site clean-up and to direct staff to re-quote for well sealing services for the property located at 260 Eagle Lake Road North. Seconded by Council Member May, unanimous ayes, motion carried.

7. BUSINESS

7A. Towing Services Discussion

Scott Johnson reviewed previous discussions and actions of the Council relating to towing services used by the City. Mr. Johnson asked for Council direction regarding these services and if the City is interested in soliciting a Request for Proposal (RFP). Council

stated their concerns that if an RFP is sent out, there would not be a guarantee that a local vendor would be given the contract. Soren Mattick explained that a Professional Services RFP can be sent to specific companies and that the City has the discrepancy to choose which companies to solicit proposals from. Council Member Heitz stated that he would prefer to compromise with a rotation of local vendors.

Council Member Kampa motioned to authorize staff to develop a "Request for Qualifications" and that any towing company meeting all the qualifications would be added to the County Rotation at Sherburne County Dispatch. Seconded by Council Member May, with discussion.

Council Member Kampa informed Council that the Public Safety Committee put together a list of necessary qualifications that should be required from towing companies. Qualifications would include 1) towing company located within one mile from the Big Lake Police Department, 2) location of lot [primary and overflow] would be located within the Big Lake City limits, 3) identification of costs of impound fees per day, 4) identification of accessibility of lot, 5) identification of hours of operation, 6) identification of staff, 7) identification of security measures and lighting, and 8) submittal of proof of insurance.

Eric Peterson from Peterson's Amoco Towing Service discussed the advantages of setting up criteria so that all parties are on the same playing field and that the criteria would establish guidelines for future towing companies.

Bob Hanson and Nick Christensen from Bob's Towing discussed their current lot locations which are located at JC's Autobody and Truck's Unlimited. Council advised them that JC's Autobody is not located within the City limits. Mr. Peterson requested that the City ensure that the Trucks Unlimited site is zoned for that type of use. Ned Noel indicated that Bob's Towing should contact staff to discuss zoning on the property.

Chris Peterson from Peterson's Amoco Towing Service informed Council that response times could be longer if there is another towing company added to the rotation as they currently are able to setup a tow, and call in staff, when they hear the notice on their scanners. They would not be able to commit to this if they have to wait for a call from Sherburne County Dispatch notifying them that their services are needed. Mr. Peterson also questioned security at Trucks Unlimited as their employees would have access to the lot.

Both towing companies indicated that they would provide towing services 24/7.

Mayor Orrock asked for a vote of the motion on the table. Clerk Wolbeck restated the original motion and second.

Council Member Kampa motioned to authorize staff to develop a "Request for Qualification" and that any towing company meeting all the qualifications would be added to the County Rotation at Sherburne County Dispatch. Seconded by Council Member May, unanimous ayes, motion carried.

7B. CUP & IUP for 575 Humboldt Drive (Shade Tree)

Ned Noel reviewed the planners report for the Conditional Use and Interim Use Permit Applications submitted by Shade Tree Power Sports for the commercial property located at 575 Humboldt Drive. The applicant plans to reformat the interior warehousing space with more retail. A Conditional Use Permit would be required to defer up to 50% of the required parking and an Interim Use Permit would be required to defer up to five years of upgrades to the building exterior and other site non-conformities including landscaping and screening of trash enclosures.

Council discussed the importance of screening the trash enclosures and their concern with waiving of the Letter of Credit requirement. Mr. Noel indicated that Council can require that the trash enclosures be screened at time of construction and that the applicant has requested that the Letter of Credit be waived. The applicant has been very cooperative and staff expects that the improvements will be completed in the required timeframe. Council Member Kampa stated that Shade Tree has been a long-term business and that they have proven themselves as being reliable and that staff should draft a list of requirements and stay in contact with the applicant to ensure completion of the conditions.

John Zagar, facility manager of Shade Tree Power Sports reviewed their proposed upgrades and timeline for completion. Mr. Zagar indicated that they plan to satisfy the conditions in a timely manner so that they aren't forced to complete them all at the end of the 5 year period. Mr. Zagar also indicated that they would not be opposed to completing the trash enclosure screening at time of construction.

Council Member Kampa motioned to approve Resolution No. 2007-66 approving an Interim Use Permit and Conditional Use Permit for Shade Tree Power Sports located at 575 Humboldt Drive with the added condition that the trash enclosures must be screened before the end of the year and directed staff to draft a list of deferred requirements and stay in contact with the applicant to ensure completion of the conditions. Seconded by Council Member Heitz, unanimous ayes, motion carried.

7C. CUP for 151 Mount Curve

Sam Woods reviewed the planners report for the Conditional Use Permit application submitted by Ken Geroux for the residential property located at 151 Mount Curve. The

property owner will be increasing their garage space from 400 square feet to 700 square feet and will be constructing a room on top of the garage space which would have interior access to and from the existing house. A Conditional Use Permit is required because the enlargement of the garage would intensify the non-conformity amount of impervious coverage.

Council Member Heitz motioned to approve Resolution No. 2007-67 approving a Conditional Use Permit located at 151 Mount Curve. Seconded by Council Member May, unanimous ayes, motion carried.

7D. Sign Ordinance Amendments

Sam Woods reviewed the planners report for the proposed ordinance amendments to Chapter 13 relating to sign regulations. The Ordinance amendments relate to establishing a maximum size requirement for changeable signs, electronic, and drive-thru menu board signs.

Council Member Heitz motioned to approve Ordinance No. 2007-08 establishing amendments to the Big Lake Zoning Code related to Chapter 13 (Signs). Seconded by Mayor Orrock, unanimous ayes, motion carried.

Council Member May motioned to approve Resolution No. 2007-68 authorizing summary publication of Ordinance No. 2007-08. Seconded by Council Member Heitz, unanimous ayes, motion carried.

7E. CUP for “On the Run” Menu Board Sign

Ned Noel reviewed the planners report for the CUP application submitted by Clement Haastrup for a menu board sign for the recently approved “On the Run” gas station, convenience store, restaurant, retail and car wash mixed use development.

Council Member Kampa motioned to approve Resolution No. 2007-69 approving a Conditional Use Permit for menu board signage for “On the Run”. Seconded by Council Member May, unanimous ayes, motion carried.

7F. Big Lake Marketplace Preliminary Plat Amendment

Ned Noel reviewed the planners report for the Preliminary Plat Amendment application submitted by Dynamic’s Design & Land Company. The amendment is required due to the re-alignment of 198th Avenue. The City has received all necessary signatures to begin the 429 road improvement process.

Council Member Heitz motioned to approve Resolution No. 2007-70 approving an amendment to the Preliminary Plat of Big Lake Marketplace. Seconded by Council Member Backlund, unanimous ayes, motion carried.

7G. Quiet Zone Study Feasibility Report

Brad DeWolf discussed the Quiet Zone Study Feasibility Report relating to establishing a railroad quiet zone for the City in which train horns would be silenced twenty-four hours a day. The proposed quiet zone would include intersections located at 200th Street (CR 17), Lake Street South (Hwy 25), Eagle Lake Road South, CR 43, and 172nd Street. Prior to establishing a Quiet Zone under the new quiet zone procedures, the City must make improvements to the existing crossings within the identified areas and obtain approval from MnDOT and Sherburne County on the roadways under their jurisdiction. Mr. DeWolf reviewed various options the City could use to gain approval on the establishment of a Quiet Zone with the least expensive option being non-traversable median improvements which could cost approximately \$170,700. Staff is seeking Council feedback on moving forward with the proposed project. Council discussed comments and complaints they have taken relating to the numerous train whistles each day in the City. Council directed the City Engineer's Office to contact MnDOT and Sherburne County to discuss approval and funding options.

7H. Project Status Report – City Engineer

Brad DeWolf reviewed the June 19, 2007 Engineers Report and answered questions from Council. Council discussed the open forum complaint relating to surmountable curbing and explained that the residents in the area requested that type of curbing so that they would be able to access their lots from the street. Council also discussed the berm areas in the Martin Avenue Phase II project behind the Lake Shopping Center. Mr. DeWolf indicated that the berms will be landscaped with bushes and trees and will be irrigated. Council requested that staff look into vacant properties in the Hidden Rivers Development, and that there are lots not being properly maintained in the development.

8. LIST OF CLAIMS

8A. Consider List of Claims

Council Member Kampa motioned to approve the List of Claims ranging from Check No. 51134 through Check No. 51248 with the exception of Check No. 51206. Seconded by Council Member Heitz, unanimous ayes, motion carried.

8B. Consider Audio Communications Payment in the Amount of \$13,456.27

Staff presented a re-issued check in the correct amount of \$13,264.57.

Council Member Heitz motioned to approve payment of Check No. 51257 payable to Audio Communications. Seconded by Mayor Orrock, 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

Scott Johnson presented the draft Joint Orderly Annexation Agreement for the Cobblestone orderly annexation petition. The 54 acre site is located west of Highway 25 and north of the Mississippi River. The City of Monticello has rescinded their Notice of Intent to Annex and staff is recommending Council approval of the designation of these parcels. The City and Township held the required Joint Public Informational Meeting on March 28, 2007 and the applicants are requesting designation as an Orderly Annexation Area with the properties being annexed in the future.

Council Member Kampa motioned to approve Resolution No. 2007-71 establishing the 54 acre Orderly Annexation Area identified as parcel numbers 10-335-2135, 10-335-2145, 10-335-2102, 10-335-2106, 10-335-2101, 10-335-2112, 10-335-1345, 10-335-2130, 10-335-1100, 10-335-1300, and 10-335-2140. Seconded by Council Member Heitz, unanimous ayes, motion carried.

Scott Johnson also discussed a request from a Council Member to sit in on entry level/non-supervisory interviews and asked for Council feedback on this request.

Council Member Backlund explained that he has attended various council meetings in other cities that have one or two Council Members who attend interviews and asked for Council discussion on if Big Lake Council Members should be doing this also.

Mayor Orrock explained that the City Administrator and Department Heads have the responsibility to conduct these types of interviews and that he feels Council should not be involved in the interviewing process unless the position is a department head or City Administrator position.

The general consensus of the Council was to continue with the current process for hiring new employees and that Council representatives should be appointed and included in interviews for all Department Head positions.

10. MAYOR & COUNCIL REPORTS and QUESTIONS/COMMENTS

Council Member Backlund: Updated Council on the recent Planning Commission meeting. Council Member Backlund also asked staff to check into signage at the entrance to Lakeside Park notifying users that there is no lifeguard on duty.

Council Member Heitz: Reviewed the June Transit Oriented Development Committee meeting and tour of the Ramsey Municipal Parking Ramp. Council Member Heitz also discussed the compost site and whether its current site will be adequate within the next couple of years.

Council Member Kampa: Reviewed the recent Public Safety Committee meeting. Council Member Kampa also informed the public of the upcoming National Night Out Event scheduled on Tuesday, August 7th beginning at 6:00 p.m.

Mayor Orrock: Discussed the Tour of the Lakes Workshop held earlier in the evening. Mayor Orrock also thanked the Spud Fest Committee for their hard work and congratulated them on a successful event.

Council Member May: Informed the public of the Skate Park Grand Opening event scheduled on Thursday, June 28th starting at 4:30 p.m. Council authorized waiving of parking fees at Lakeside Park from 4:00 p.m. to 5:00 p.m. for the public to attend this event.

Council Member May also informed Council that the National Night Out event normally held at the police station might be moved to the church lot next to City Hall. Staff will be contacting church representatives to discuss the use of this area.

11. OTHER

No other.

12. ADJOURN

Council Member May motioned to adjourn at 8:37 p.m. Seconded by Council Member Backlund, unanimous ayes, motion carried.

Clerk

Date Approved By Council _____