

**BIG LAKE CITY COUNCIL
REGULAR MEETING MINUTES
AUGUST 8, 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 Planner/CDA Leslie Chmielewski, 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 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.

Mike Zigler, 651 Shoreacres Drive; Spoke on behalf of the Lake Association concerning Milfoil contamination in the lakes, and asked for a pledge of cooperation from the City. Mayor Orrock addressed concerns of the Lake Association and informed Council that the most prevalent way to address the milfoil concerns is to establish a Lake Improvement District which would be authorized by Sherburne County. Council directed the City Attorney to provide further information on these types of Lake Improvement Districts at the next meeting.

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

5. PROPOSED AGENDA

Council Member Kampa motioned to adopt the proposed Agenda. 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 July 25, 2007, 6B) Approve Council Budget Workshop Meeting Minutes of August 1, 2007, 6C) Award Bid for the CR 43 Interceptor Improvements, and 6E) Approve Resolution No. 2007-78 Authorizing the Fern Street Townhome Assessment Agreements.

6D) Approve Appointment of Volunteer Police Reserve Officers

Chief Rifemberick indicated that John Smolenski has rescinded his application to serve as a reserve officer due to time constraint concerns.

Council Member Kampa motioned to appoint Justin Boster and Cheryl Jelen as Volunteer Reserve Officers for the Big Lake Police Department. Seconded by Council Member May, unanimous ayes, motion carried.

Jim Thares introduced the new City Planner/Community Development Assistant, Leslie Chmielewski.

7. BUSINESS

7A. Single Sort Recycling Presentation – Waste Management

Sheldon Swensen from Waste Management provided Council with information on the Single Sort Recycling Program which would allow residents to mix all recyclables in a large garbage style covered container. Waste Management has seen increased participation in recycling programs throughout the state from 50% participation with the 2-sort programs, to between 80% - 90% participation with the single sort program. Currently, Big Lake's participation is below average.

Council questioned who would pay for the new recycling cart. Mr. Swensen explained that Waste Management would build the cost of the carts into the Contract and that the City would decide how much to charge its residents. Council directed staff to work with Waste Management to extend their Contract through 2008 maintaining the current program with more promotional materials that inform residents that the current program is a single sort program using the smaller carts.

7B. Variance for 20380 Gordon Lane

Nate Sparks reviewed the variance request submitted by Hy-Land Surveying for the single family residential property located at 20380 Gordon Lane. The request is for an “after the fact” variance to locate a home within the required 10 foot side yard setback to the east property line. The applicants are requesting a 9.6 inch variance as the dwelling has been located 9.2 feet from the side property line. When the structure was recently built, the wrong lot corner stake was used which resulted in the setback error.

Council Member Heitz motioned to approve Resolution No. 2007-79 approving a variance to the side yard setback requirement for a single family dwelling located at 20380 Gordon Lane. Seconded by Council Member Backlund, unanimous ayes, motion carried.

7C. Westside Comprehensive Plan Amendment for Cobblestone Commons

Nate Sparks reviewed the planners report for the application submitted by Dynamic’s Design & Land Company for an amendment to the Comprehensive Land Use Plan for the future project called Cobblestone Commons. The applicant intends to re-designate the mostly low-density residential guided parcel to a high-density residential site. The City Council and Planning Commission met jointly to discuss this request and it was determined that this area would be better designed with a tiered land use concept.

Council Member May motioned to approve Resolution No. 2007-80 approving an amendment to the Big Lake Comprehensive Land Use Plan changing certain residential land use designations on the Westside of the City. Seconded by Council Member Kampa, unanimous ayes, motion carried.

7D. Rezone and Comprehensive Plan Amendment for Briggs Apartments

Nate Sparks reviewed the planners report for the application submitted by Briggs Companies for rezoning from a B-3 to R-3 district, a Comprehensive Plan Amendment from Commercial to High Density Residential, and an Amendment to the Town Square Planned Unit Development. The applicants wish to construct a 30-unit apartment building on a 1.23 acre site located at 715 Martin Avenue.

Council invited Jim Thares to provide his comments on the City allowing this type of zoning change. Mr. Thares stated that the zoning change would be appropriate and informed Council the site zoned as commercial has been on the market for over a year with no buyers. Council Member May questioned if the whole building could be marketed only to seniors and staff reviewed Council’s option of placing a requirement on the applicant to market the site to seniors for a designated amount of time before opening it up to all potential renters. Mr. Sparks indicated that he will pass this information on to the applicant.

Council Member Kampa motioned to approve Ordinance No. 2007-09 amending Section 1042.03 of the Big Lake Municipal Code to provide for a change in zoning classification for 715 Martin Avenue. Seconded by Council Member Heitz, unanimous ayes, motion carried.

Council Member Heitz motioned to approve Resolution No. 2007-81 authorizing summary publication of Ordinance No. 2007-09. Seconded by Council Member Kampa, unanimous ayes, motion carried.

Council Member Kampa motioned to approve Resolution No. 2007-82 approving the Comprehensive Plan Amendment from Commercial to High Density Residential and an amendment to the Town Square Planned Unit Development. Seconded by Council Member Backlund, unanimous ayes, motion carried.

7E. I-3 Ordinance

Nate Sparks reviewed the planners report for the establishment of the new I-3 zoning district. The City has discussed the possible need for the regulation of outdoor storage and building materials in the Industrial Zoning districts and recently adopted an Ordinance limiting the amount of outdoor storage allowed in the I-2 District. The new I-3 district would allow for relaxed building standards and unlimited outdoor storage with the requirement for an Interim Use Permit instead of a Conditional Use Permit.

Council asked for clarification on specific sections of the proposed code and clarified that Council will retain the authority to consider zoning for specific properties.

Brian Ertel, owner of a parcel in the Marketplace Development; Explained that while he sees value in the City adding the I-3 Zoning District, he has concerns with how that district will affect his current property. Mr. Ertel explained that when they purchased the site, the entire area was zoned light industrial.

Richard Simonson, representing Options, Inc.; Stated that the Marketplace South area was to be more of an upscale development, and he has concerns with the aesthetics of how the development is being built out.

Council explained that both the City and Township of Big Lake have researched this area for placement of the I-3 district along the RR tracks as there is already a business located adjacent to the development that has substantial outdoor storage. The City has extensive screening and architectural standards in place for the protection of surrounding properties.

Council Member Kampa motioned to Approve Resolution No. 2007-83 approving amendments to the Big Lake Comprehensive Plan to further define Light Industrial and Industrial Land Uses in the Development Framework. Seconded by Council Member Heitz, unanimous ayes, motion carried.

Council Member Heitz motioned to Approve Ordinance No. 2007-10 adding Section 1062 to the Big Lake City Code adopting the I-3 Isolated Industrial Zoning District. Seconded by Council Member Backlund, unanimous ayes, motion carried.

Council Member Heitz motioned to Approve Resolution No. 2007-84 approving summary publication of Ordinance #2007-10. Seconded by Mayor Orrock, unanimous ayes, motion carried.

8. LIST OF CLAIMS

Council Member Heitz directed staff to shop in the immediate Big Lake area when at all possible to save on time and gas money.

Council Member Heitz motioned to approve the List of Claims ranging from Check No. 51426 through Check No. 51619. Seconded by Council Member May, unanimous ayes, motion carried.

9. ADMINISTRATOR'S REPORT

Scott Johnson informed Council that the Personnel Committee has recommended a restructure of the Police Department. Soren Mattick reviewed previous discussions relating to the possible restructure and discussions that have been held with the LELS Union to eliminate the Police Sergeant position. Mr. Mattick indicated that LELS has taken the position that the elimination of the Sergeants Position is within the authority of management. The elimination of the Sergeant position shall be effective immediately.

Mayor Orrock motioned to approve the elimination of the Police Sergeant position effective immediately and to authorize staff to negotiate a Memorandum of Understanding between the City and the LELS Union and bring back to a future Council Meeting for consideration. Seconded by Council Member Heitz, unanimous ayes, motion carried.

10. MAYOR & COUNCIL REPORTS and QUESTIONS/COMMENTS

Council Member Backlund: Reviewed the August 1st Planning Commission Meeting.

Council Member Heitz: Updated Council on the August NCDCA Meeting that was held in Big Lake and informed the public that the groundbreaking for the Northstar Maintenance

Facility has been rescheduled for September 6, 2007. Council Member Heitz asked staff to check into the audio problems on the City Government Cable Channel. Council Member Heitz also asked staff for an update on current road projects.

Council Member Kampa: Thanked all those who helped out with the National Night Out Event and asked staff to check into cleaning up the fire station grounds before the August 11th Fireman's Dance. Council Member Kampa also informed staff that the property on Montana Avenue still has not been cleaned up as directed by the City Council.

Mayor Orrock: Discussed the Joint Transportation Committee Meeting and also asked the police department to move the FEMA trailer to a different location.

11. OTHER

Mayor Orrock recessed the regular session at 8:35 p.m. to go to Closed Session for attorney/client privilege allowed under MN Statute 13D.05, subd. 3b, and to discuss an internal investigation allowed under MN Statute 13D.05, subd. 2.

12. CLOSED SESSION

12A. Attorney/Client Privilege

Soren Mattick reviewed documents that were served to the City in relation to a complaint filed by an employee. No action was taken by Council.

12B. Internal Investigation

Soren Mattick discussed the status of an internal investigation currently underway relating to complaints filed on the Police Chief. No action was taken by Council.

Council Member Heitz motioned to close the Closed Session and reconvene the regular meeting at 9:10 p.m. Seconded by Council Member May, unanimous ayes, motion carried.

13. ADJOURN

Council Member Kampa motioned to adjourn at 9:11 p.m. Seconded by Council Member May, unanimous ayes, motion carried.

Clerk

Date Approved By Council _____