

**BIG LAKE CITY COUNCIL
REGULAR MEETING MINUTES
OCTOBER 10, 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, Senior Planner Katie Larsen, Public Works Director Mike Goebel, Police Chief Sean Rifenberick, Fire Chief Tony Eisinger, 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. No one came forward. Mayor Orrock closed the Open Forum at 7:02 p.m.

5. PROPOSED AGENDA

Council Member Kampa motioned to adopt the proposed Agenda with the addition of item 12 – Closed Session. Seconded by Council Member May, unanimous ayes, agenda adopted.

6. CONSENT AGENDA

Council Member Heitz motioned to approve the Consent Agenda as presented. Seconded by Council Member Kampa, unanimous ayes, consent agenda approved. The Consent Agenda consists of: 6A) Approve Regular Council Meeting Minutes of September 26, 2007, 6B) Approve Council Workshop Meeting Minutes of October 3, 2007, 6C) Approve the Sale of Forfeited Vehicles at Auction, 6D) Approve City Administrator Employment Contract, 6E) Approve LELS Memorandum of Understanding, 6F) Set Special Council Meeting on November 7, 2007 and approve Resolution No. 2007-96 calling for a Public Hearing for the Final Assessments for the 2007 Street Improvement Project, 6G) Authorize Preparation of a Signal Justification Report for the Intersection of Highway 10 and 172nd Street, 6H) Approve Resolution No. 2007-97 approving a Snow Plowing Agreement with Big Lake Township, 6I) Set Special Council Meeting on October 16, 2007 at Becker City Hall for the Becker - Big Lake Ice Association Meeting, and 6J) Authorize Membership to Lake Association.

7. BUSINESS

7A. Donation Presentation – Big Lake American Legion Post No. 147

Gary Poslusny from the Big Lake American Legion Post No. 147 presented the Big Lake Police Department with a \$500.00 donation towards the K-9 program. Police Chief Rifenberick and the City Council thanked the Legion for their generous donation.

Council Member Kampa motioned to approve Resolution No. 2007-98 accepting a donation from the Big Lake American Legion Post No. 147 to the Big Lake Police Department to be used for the K-9 program. Seconded by Council Member May, unanimous ayes, motion carried.

7B. Big Lake Housing Study Presentation – Maxfield Research, Inc.

Brian Smith from Maxfield Research, Inc. presented the findings and recommendations contained in the Big Lake Housing Study Report. The report contains a housing market analysis and demand estimates. Mr. Smith explained that the purpose of the report was to assess the need for various types of housing in the City of Big Lake through 2015. The Scope of Work included a demographic overview, housing market conditions, housing demand calculations, and conclusions/recommendations. The study area included the City of Big Lake, Big Lake Township, and Orrock Township. Council Member Heitz questioned the formula used for determining the market for assisted living facilities and stated that he felt the report calculations seemed too low.

Council Member Heitz motioned to accept the findings and recommendations contained in the Big Lake Housing Study Report prepared by Maxfield Research, Inc. Seconded by Council Member Kampa, unanimous ayes, motion carried.

7C. Great River Energy Development Application

Nate Sparks reviewed the planners report for the Great River Energy development applications. The applicant has requested preliminary plat approval with a variance, final plat approval, rezoning, an Interim Use Permit, a Conditional Use Permit, and site and building plan review for their 15 acre parcel. The site is located west of 166th Street NW and north of the railroad tracks and is proposed to be rezoned to I-3. The application also includes the 5.6 acre area that Pete and Gayle Ahrens will continue to live at, and will remain zoned agricultural. Mr. Sparks also discussed the proposed Assessment Agreement that will be required as part of the project.

Dennis Cornelius with Amcon Construction reviewed their project and discussed the timeline for construction.

Council Member Heitz motioned to approve Resolution No. 2007-99 approving the preliminary plat with variance, final plat, rezoning, interim use permit, conditional use permit, and site and building plans for Peter Ahrens and Great River Energy for the properties located at 19624 and 19644 – 166th Street NW. Seconded by Council Member May, unanimous ayes, motion carried.

Council Member Kampa motioned to approve Ordinance No. 2007-12 approving a rezone from “A” – Agricultural to “I-3” – Isolated District. Seconded by Council Member Backlund, unanimous ayes, motion carried.

Council Member Heitz motioned to approve Resolution No. 2007-100 authorizing summary publication of Ordinance No. 2007-12. Seconded by Council Member Kampa, unanimous ayes, motion carried.

Council Member Heitz motioned to authorize the Mayor and City Administrator to enter into an Assessment Agreement with Great River Energy. Seconded by Council Member Kampa, unanimous ayes, motion carried.

7D. Briggs Apartment Development Application

Nate Sparks reviewed the planners report for the proposed Briggs Apartment project. The applicant has applied for a site and building plan review for a 30-unit market rate apartment building to be known as Town Square Apartment Homes. The 1.23 acre site is located at 715 Martin Avenue and is zoned R-3, High Density Residential. Council discussed

comments from the Planning Commission. The original proposal was for a living facility focused on 55+ aged populations, and that the facility is now being marketed for all populations.

Mike Olson from Brigg's Companies explained their concern with continuing to market the site strictly for seniors due to results from a market research analysis. Mr. Olson also reviewed their construction schedule. Council Member Heitz suggested that they could look into designating one floor of the building as senior housing only. Mr. Olson indicated that they would research the feasibility of this option.

Council Member May motioned to approve Resolution No. 2007-101 approving site and building plans for Briggs Properties, LLC for the construction of a 30-unit apartment building to be known as Town Square Apartment Homes and setting forth conditions to be met prior to issuance of a building permit for the site. Seconded by Council Member Backlund, unanimous ayes, motion carried.

8. LIST OF CLAIMS

8A. Consider List of Claims

Council Member Heitz motioned to approve the List of Claims ranging from Check No. 51988 through Check No. 52082 with the exception of Check No. 51989. Seconded by Council Member Kampa, unanimous ayes, motion carried.

8B. Consider Audio Communications Payment in the Amount of \$34.39

Council Member Kampa motioned to approve payment of Check No. 51989 payable to Audio Communications. Seconded by Council Member Heitz, 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

Police Chief Sean Rifenberick introduced the new K-9 officer Cullen Czech. Officer Czech reviewed staff's efforts of purchasing a new K-9 for the department. Staff is recommending the City work with Mark McDonough who is an independent import K-9 broker and who also provides K-9 training.

Council Member Kampa motioned to authorize the purchase of a new Big Lake Police Department K-9 at an amount not to exceed \$5,500.00. Seconded by Council Member May, unanimous ayes, motion carried.

10. MAYOR & COUNCIL REPORTS and QUESTIONS/COMMENTS

Council Member Backlund: reviewed the Joint Transportation Committee meeting. Council Member Backlund also stated his concern with the Esplanade project and the remarks made by Mayor Orrock.

Council Member Heitz: Provided an update of the October EDA Meeting and the Northstar Corridor Development Authority Meeting. Council Member Heitz also asked Brad DeWolf to provide a verbal update on the Esplanade project. Mr. DeWolf reviewed the schedule for the month of October. Council Member Heitz expressed his concern with comments made by Council Member Backlund and explained that Council Meetings are the forum that issues should be addressed at.

Council Member Kampa: Provided an update on the 3rd Quarter Fire Board Meeting. Fire Chief Eisinger informed Council of the upcoming Fire Prevention Week celebration scheduled at the fire hall on Sunday, October 14th. Council Member Kampa also expressed her disappointment in Council Member Backlund's recent Letters to the Editor and stated that she felt it was very unprofessional.

Mayor Orrock: Reviewed the October Joint Transportation Committee Meeting. Mayor Orrock also stated his dismay relating to communications with Council Member Backlund and feels that Mr. Backlund should focus on supporting and improving the City, instead of his own personal agendas. Mayor Orrock also explained his concern with Council Member Backlund making accusations to his employer. Discussion was held on if the City should invite the Esplanade contractor to an upcoming meeting.

Council Member May: Stated that she feels the Letters to the Editor submitted by Council Member Backlund were inappropriate and disrespectful to Council. Council Member May explained that the Council should work together as a Board, and that concerns should be addressed at meetings.

11. OTHER

Mayor Orrock motioned to recess the regular session at 8:13 p.m. to go to Closed Session for Attorney/Client Privilege allowed under MN Statute 13D.05, subd. 3b

12. CLOSED SESSION – Attorney/Client Privilege

Mayor Orrock opened the Closed Session at 8:18 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, City Engineer Brad DeWolf, and City Attorney Soren Mattick.

Soren Mattick updated Council on a Summons served to the City from a developer disputing his fees and also on the status of easement litigation. No action was taken by Council during Closed Session.

Council Member May motioned to close the Closed Session and reconvene the regular meeting at 8:36 p.m. Seconded by Council Member Heitz, unanimous ayes, motion carried.

Council Member Heitz motioned to approve the settlement agreement with David Stearns. Seconded by Council Member Kampa, unanimous ayes, motion carried.

Council Member Backlund discussed a phone call he received from a resident with concerns on the number of animals she is allowed to have in the City. Gina Wolbeck informed Council that current Ordinance limits the number of animals allowed to three. Council directed staff to look into clarifying the "types" of domesticated animals residents are allowed to have, and to keep the maximum number at three.

13. ADJOURN

Council Member Kampa motioned to adjourn at 8:44 p.m. Seconded by Council Member May, unanimous ayes, motion carried.

Gina Wolbeck
Clerk

Date Approved By Council _____ 10/24/07 _____