

**BIG LAKE CITY COUNCIL
REGULAR MEETING MINUTES
NOVEMBER 12, 2014**

1. CALL TO ORDER

Mayor Raeanne Danielowski called the meeting to order at 6:00 p.m.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

3. ROLL CALL

Council Members present: Dick Backlund, Raeanne Danielowski, Seth Hansen, and Mike Wallen. Council Member absent: Nick Christenson. Also present: Interim City Administrator/Finance Director Jessica Green, Police Chief Joel Scharf, City Clerk Gina Wolbeck, Building Official Mick Kaehler, Economic Development Manager Heidi Steinmetz, Liquor Store Manager Jan Muehlbauer, Fire Chief Paul Nemes, Consultant City Planner Ben Wikstrom, and City Engineer Brad DeWolf of Bolton & Menk, Inc.

4. OPEN FORUM

Mayor Danielowski opened the Open Forum at 6:01 p.m. No one came forward. Mayor Danielowski closed the Open Forum at 6:02 p.m.

5. PROPOSED AGENDA

Council Member Wallen motioned to adopt the proposed Agenda with the removal of item 8B. Seconded by Council Member Hansen, unanimous ayes, agenda adopted.

6. CONSENT AGENDA

Council Member Wallen motioned to approve the Consent Agenda as presented. Seconded by Council Member Hansen, unanimous ayes, consent agenda approved. The Consent Agenda consists of: 6A) Approve Council Meeting Minutes of October 22, 2014, 6B) Set

Council Gathering for Outgoing Council Member Recognition Event on Wednesday, December 10, 2014 at 5:00 p.m., 6C) Call for a Public Hearing at 6:00 p.m. on December 10, 2014 in the Big Lake City Council Chamber for the Adoption of the 2015 City of Big Lake Fee Schedule, 6D) Approve Resolution No. 2014-66 approving 2015 Tobacco License Renewals, 6E) Approve Resolution No. 2014-67 approving 2015 Therapeutic Massage License Renewals, 6F) Approve Temporary Personnel Policy Variance, 6G) Set a Special Council Gathering from on December 1, 2014 at 6:30 p.m. at the Ice Skating Rinks located behind City Hall for the Legacy Foundation Sponsored Tree Lighting Ceremony, and 6H) Set a Special Council Gathering on December 7, 2014 at 4:00 p.m. at the Big Lake High School Auditorium for the Legacy Foundation Sponsored Blenders Concert.

7. BUSINESS

7A. Canvassing Results of November 4, 2014 General Election

Gina Wolbeck provided election statistics and presented the resolution identifying the local election results of the November 4, 2014 General Election. Council Candidate Mike Wallen received the top vote count at 1,689 votes, Council Candidate Duane Langsdorf received the 2nd highest vote count at 1,292 votes, and Richard “Dick” Backlund received 1,277 votes. Wolbeck noted that Council Members Elect Mike Wallen and Duane Langsdorf will begin their four-year terms in January 2015.

Wolbeck also noted that there are no “automatic” recounts for municipal races. A candidate who qualifies under the Publicly Funded Municipal Recount statute has the option to ask for a recount with the costs being paid by the City. The difference between the votes cast for the winning candidate with the fewest votes (Langsdorf) and the candidate with the most votes from among the candidates who were not elected (Backlund) falls within the threshold that allows for a Publicly Funded Municipal Recount. The candidate has 7 days from the date of canvassing to present a written request for a recount to the City Clerk. The final date a recount can be requested is November 19th.

Council Member Hansen motioned to approve Resolution No. 2014-68 canvassing the results of the November 4, 2014 General Election. Seconded by Mayor Danielowski, vote passed with a vote of 3:1 with Council Members Backlund, Danielowski and Hansen voting aye, and Council Member Wallen abstaining. Motion carried.

7B. PUBLIC HEARING – Certification of Delinquent Utility Charges

Jessica Green reviewed the procedure for assessing past due utility charges and identified the final date the City would receive payments on these accounts prior to the assessment roll being delivered to the Sherburne County Auditor’s Office. The assessment amount has decreased significantly since the assessment notice was sent out to delinquent accounts

and is expected to continue to drop up until the deadline date of November 14, 2014. Council discussed the decreased certification dollars since last year noting the positive affect the shut off process has had on delinquencies.

Mayor Danielowski opened the Public Hearing at 6:11 p.m. No one came forward. Mayor Danielowski closed the public hearing at 6:12 p.m.

Council Member Backlund motioned to approve Resolution No. 2014-69 certifying past due utilities to Sherburne County for collection with the 2015 property taxes. Seconded by Council Member Wallen, unanimous ayes, motion carried.

7C. PUBLIC HEARING – Certification of Delinquent Weed/Grass Charges

Jessica Green reviewed the procedure for assessing past due weed, grass, and snow removal charges and identified the final date the City would receive payments on these accounts prior to the assessment roll being delivered to the Sherburne County Auditor's Office.

Mayor Danielowski opened the Public Hearing at 6:14 p.m. No one came forward. Mayor Danielowski closed the public hearing at 6:15 p.m.

Council Member Hansen motioned to approve Resolution No. 2014-70 certifying past due weed, grass and snow removal invoices to Sherburne County for collection with 2015 property taxes. Seconded by Council Member Backlund, unanimous ayes, motion carried.

7D. AMVets Lawful Gambling Application

Gina Wolbeck reviewed the Lawful Gambling application submitted by the American Veterans (AMVets) Organization to operate charitable gambling at Rack's, Inc. located at 16792 198th Avenue NW. The organization is applying to operate 5 of the 9 types of lawful gambling including paper pull-tabs, electronic pull-tabs, bingo, linked electronic bingo, and tipboards. Wolbeck explained that all forms of charitable gambling are regulated by the Minnesota Gambling Control Board. Staff has had discussions with representatives with the AMVets organization to discuss the 75% Trade Area Ordinance requirements. Wolbeck noted that the Applicant is aware that they are required to expend 75% of its lawful purpose expenditures in the Big Lake Trade Area and that the 75% must be donated directly within the boundaries of the City of Big Lake and Big Lake Township. Wolbeck also reviewed procedures that will be required from the Organization in relation to annual reporting and the process that will be followed if the Organization does not meet their 75% requirement.

Jim Wosika from AMVets discussed their organization and reviewed their goals for donating in the Big Lake area. Wosika noted that they have 13 different gambling sites and that most of the communities they operate in have some type of trade area requirement.

Council Member Hansen motioned to approve Resolution No. 2014-71 approving a charitable gambling license to the AMVets Organization at Rack's, Inc. located at 16792 198th Avenue NW contingent upon all required documentation/fees, and completion of a satisfactory background investigation. Seconded by Council Member Backlund, unanimous ayes, motion carried.

7E. Conditional Use Permit Application – 295 Crescent Street

Ben Wikstrom reviewed the planners report for the Conditional Use Permit Application submitted by Ken Geroux Construction and owners Bill and Mary Rose for the vacant lot located at 295 Crescent Street. Wikstrom noted that the applicant is proposing to construct a new home with an attached garage and driveway that would not meet the ordinance limit of 25% impervious surface for lots in the R5 Zoning District. The home, garage, and driveway will take up 2,412 square feet of this undersized 6,727 square foot lot, which equates to 38% of impervious cover. Wikstrom reviewed discussions held at the November 5th Planning Commission meeting. The Planning Commission voted unanimously to approve the CUP with specific conditions identified in the planning report. Wikstrom also presented additional conditions submitted by Bolton and Menk. Wikstrom also noted that the MNDNR did not respond to the request for comments.

Council Member Backlund motioned to Approve Resolution No. 2014-72 approving a Conditional Use Permit for the property located at 295 Crescent Street. Seconded by Council Member Hansen, unanimous ayes, motion carried.

7F. Variance Application – 5035 Bluff Road

Ben Wikstrom reviewed the planners report for the Variance Application submitted by John Jackson for the residential property located at 5035 Bluff Road. The applicant is requesting a variance to allow for construction of a shed that will be located two feet from the principal structure. The zoning ordinance requires accessory structures to be built a minimum distance of six feet from the principal structure. Wikstrom reviewed discussions held at the Planning Commission noting that the Planning Commission recommended approval of the variances by a 5:1 vote with specific conditions. Wikstrom also explained that there was considerable discussion regarding the state of the applicant's backyard and how many accessory structures are currently located on the site. The applicant indicated that he is currently in the process of removing many of the items and would have the area much cleaner prior to delivery of the shed. The applicant also indicated that he has already replaced the fence along the rear property line and intends to replace the remaining fence as time, weather, and money permits. Council encouraged the Planning Commission to review the possibility of changing the impervious surface requirement to greater than 25% in specific zoning districts. Discussion was also held on if the 2 foot setback is measured at

the overhang, or from the foundation. Wikstrom noted that his review is done based on the structure foundation.

Council Member Wallen motioned to approve Resolution No. 2014-73 approving an Accessory Structure from Principal Structure Setback, and Impervious Surface Coverage Variances for the property located at 5035 Bluff Road. Seconded by Council Member Backlund, unanimous ayes, motion carried.

7G. DONATION – Big Lake Area Jaycee’s

Joel Scharf reviewed the \$200 cash donation from the Big Lake Area Jaycee’s to the Police Department towards non-budgeted expenses within the department. Council thanked the Big Lake Area Jaycee’s for the generous donation.

Council Member Hansen motioned to approve Resolution No. 2014-74 accepting a \$200 cash donation from the Big Lake Area Jaycee’s to the Police Department towards non-budgeted expenses within the department. Seconded by Council Member Wallen, unanimous ayes, motion carried.

7H. DONATION – Big Lake Spud Fest Organization

Joel Scharf reviewed the \$250 cash donation from the Big Lake Spud Fest Organization to the Police Department towards the purchase of an ATV. Council thanked the Spud Fest Organization for the generous donation.

Council Member Backlund motioned to approve Resolution No. 2014-75 accepting a \$250 cash donation from the Big Lake Spud Fest Organization to the Police Department towards the purchase of an ATV. Seconded by Council Member Wallen, unanimous ayes, motion carried.

Council Member Wallen left the meeting at 6:48 p.m.

7I. Monthly Department Updates

Paul Nemes discussed recent activities of the Fire Department. Nemes also discussed upcoming training.

Joel Scharf updated Council on police statistics and calls for service year to date. Scharf also provided information on Sex Trafficking Conference attendance, Ebola Emergency Preparedness, Halloween activities, vandalism at the Northstar Maintenance Facility, the Salvation Army Bell Ringing Campaign, quarterly department training, the Bad Check Diversion Program, and the sale of a 2007 Crown Victoria.

Heidi Steinmetz reviewed efforts of the Economic Development Department. Steinmetz discussed the proposed Quick Trip project, the 2014 Farmer's Market wrap up meeting and beginning planning for the 2015 market, inquiries on the former Shade Tree building, reviewed discussions on the former police department building, and discussed the Lupulin Brewing ground breaking ceremony held at the end of October. Steinmetz also discussed open seats in the BLEDA and the Planning Commission. Ben Wikstrom reviewed activities in the Planning Department including discussions held regarding amendments to the City's Sign Ordinance.

Brad DeWolf from Bolton and Menk, Inc. provided an engineering update on various projects underway in the City. DeWolf discussed the Quiet Zone work currently under construction at the CR 43 crossing and the Eagle Lake Road South crossing, and noted that once both crossings are completed, the City will be submitting an application for Quiet Zone designation which has a 21 day review period.

Mayor Danielowski asked if we have the option to ask the County to consider covering the cost of extra alignment at the CR 43 crossing to allow for farm implement vehicles. Council directed staff to make a request to the County Engineer.

Mick Kaehler provided building permit information from September to November 12th. Kaehler also noted that the City has issued permits year to date totaling \$9,525,294.20 in property valuation.

Jessica Green provided the monthly finance update. Green also discussed the review of the upcoming 2015 fee schedule and recent training finance staff attended. Green also discussed the Bond closing that will occur on the 2014A Bond sale.

Jan Muehlbauer provided a liquor store update. Muehlbauer reviewed October sales figures, discussed the upcoming Fall Wine Fest on November 14th that will be held at the Friendly Buffalo, upcoming tastings scheduled every Friday and Saturday during the holiday season, and reviewed holiday hours for Thanksgiving. Muehlbauer also informed Council that their store inventory will be underway at the end of the year, noted that holiday displays are being built, and that the Liquor Store will be having Black Friday specials the day after Thanksgiving.

8. LIST OF CLAIMS

8A. Consider List of Claims

Council Member Hansen motioned to approve the List of Claims ranging from Check No. 67938 through Check No. 68097 with the exception of Check No. 68097 for future

consideration, Electronic Payments #2506E to #2515E, and Payroll No. 22. Seconded by Council Member Backlund unanimous ayes, motion carried.

8B. Consider Audio Communications Payment in the Amount of \$697.80

Item removed for future consideration.

9. ADMINISTRATOR'S REPORT

Jessica Green informed Council that the final Budget Meeting will be held next Wednesday at the Workshop and that the Public Comment Hearing is scheduled on Tuesday, November 25th at 5:00 p.m. Green also noted that the NSP audit has been closed out and provided an update on the status of NSP home sales. Green also thanked City Clerk Gina Wolbeck for her efforts during the 2014 elections.

10. MAYOR & COUNCIL REPORTS and QUESTIONS/COMMENTS

Mayor Danielowski: Reviewed the 3rd Quarter Fire Board Meeting. Mayor Danielowski discussed recent community events she attended including the Lupulin Ground Breaking Ceremony, and various Veteran's Day events. Mayor Danielowski also discussed the upcoming Beyond the Yellow Ribbon kick-off event scheduled on November 17th at the Friendly Buffalo, and the 2nd Annual Big Lake Tree Lighting Ceremony scheduled on December 1st beginning at 6:30 p.m.

Council Member Hansen: Reviewed the recent Planning Commission Meeting, and the recent Public Buildings Committee Meeting.

11. **OTHER** – No other.

12. ADJOURN

Council Member Hansen motioned to adjourn at 7:32 p.m. Seconded by Council Member Backlund, unanimous ayes, motion carried.

Gina Wolbeck
Clerk

Date Approved By Council _____ 12/10/14