

**AGENDA**  
**BIG LAKE CITY COUNCIL MEETING**  
**COUNCIL CHAMBERS**  
**SEPTEMBER 23, 2020**  
6:00 p.m.

- 1) **CALL TO ORDER**
- 2) **PLEDGE OF ALLEGIANCE**
- 3) **ROLL CALL**
- 4) **OPEN FORUM**
- 5) **PROPOSED AGENDA**
- 6) **CONSENT AGENDA**

Items on the Consent Agenda page are reviewed in total by the City Council and may be approved through one motion. Any item may be removed by any Council Member, staff member or person from the public for separate consideration. When removing any item from the Consent Agenda, the item number and description of the item should be clearly stated.

- 7) **BUSINESS**

- 7A. Liberty Bank Development Application – Site Plan, Variance and Conditional Use Permit
- 7B. Ordinance Amendment – Chapter 14 (Right of Way Management)
- 7C. Preliminary 2021 Tax Levy and Economic Development Authority Levy
- 7D. Proclamation – Manufacturer’s Week (October 1 – 7, 2020)
- 7E. Discontinuation of the Temporary Wage Increase for Non-Exempt Liquor Store Staff
- 7F. Monthly Department Reports

- 8) **ADMINISTRATOR’S REPORT**

- 9) **MAYOR & COUNCIL REPORTS AND COMMENTS/QUESTIONS**

Sub-Committee Updates (Reports are given only if meeting date was after the last Council Meeting)  
Council Member Hansen  
Council Member Knier - BLBYR  
Mayor Wallen – BLEDA  
Council Member Zettervall

- 10) **OTHER**

- 11) **ADJOURN**

Disclaimer: This agenda has been prepared to provide information regarding an upcoming meeting of the Big Lake City Council. This document does not claim to be complete and is subject to change.

**CITY COUNCIL MEETING COVID-19 NOTICE**

**Attendance at Meetings:** All attendees are expected to follow CDC recommendations and State of MN Executive Orders relating to the COVID-19 Pandemic. Some members of the City Council may participate in this Meeting via telephone or other electronic means on an as needed basis.

**BIG LAKE CITY COUNCIL  
CONSENT AGENDA  
SEPTEMBER 23, 2020**

- 6A. Approve List of Claims
- 6B. Approve Council Workshop Minutes of September 9, 2020
- 6C. Approve Council Meeting Minutes of September 9, 2020
- 6D. Approve Resolution Appointing Election Judges for the November 3, 2020 General Election
- 6E. Approve Personnel Policy Amendment Changing Core Hours
- 6F. Approve a Resolution approving a Therapeutic Massage License to Yan Liu to operate at Lily's Massage Located at 635 Rose Drive, Suite 2
- 6G. Approve Letter of Understanding with the International Union of Engineers, Local 49 Regarding On-Call Procedures
- 6H. Set Special Joint Powers Board Meeting at 4:00 p.m. on Wednesday, October 14, 2020 for a development application submitted by Cargill, Inc. for the property located at 20021 176<sup>th</sup> Street NW
- 6I. Approve Employment Status Change for Part-time Liquor Clerks Carol Larson and Tara Schowalter from Probationary to Permanent Part-time Status
- 6J. Approve Sherburne Soil and Water Conservation District AIS Volunteer Grant Extension



# AGENDA ITEM

Big Lake City Council

<b>Prepared By:</b> <i>Deb Wegeleben, Finance Director</i>	<b>Meeting Date:</b> 9/23/2020	<input type="checkbox"/> <b>Regular Agenda Item</b> <input checked="" type="checkbox"/> <b>Consent Agenda Item</b>	<b>Item No.</b> <b>6A</b>
<b>Item Description:</b> <i>List of Claims</i>	<b>Reviewed By:</b> <i>Clay Wilfahrt, City Administrator</i>		
	<b>Reviewed By:</b> (N/A)		

**ACTION REQUESTED**

Motion to Approve List of Claims paid dated 09/04/2020 through 09/16/2020, and Approve Payroll No. 19.

**BACKGROUND/DISCUSSION**

Attached is the List of Claims paid through 09/16/2020. Please contact me with any questions or concerns.

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*Any elected official who contracts or submits an invoice to the City for payment of services is required to abstain from the vote of said payment, and execute an "Affidavit of City Official Interested in Claim" form prior to receiving payment pursuant to MN Statute 471.87:*

**471.87 PUBLIC OFFICERS, INTEREST IN CONTRACT; PENALTY.**

Except as authorized in section [123B.195](#) or [471.88](#), a public officer who is authorized to take part in any manner in making any sale, lease, or contract in official capacity shall not voluntarily have a personal financial interest in that sale, lease, or contract or personally benefit financially therefrom. Every public officer who violates this provision is guilty of a gross misdemeanor.

**471.88 EXCEPTIONS.**

**Subdivision 1. Coverage.**

The governing body of any port authority, seaway port authority, economic development authority, watershed district, soil and water conservation district, town, school district, hospital district, county, or city, by unanimous vote, may contract for goods or services with an interested officer of the governmental unit in any of the following cases.

**Subd. 5. Contract with no bids required.**

A contract for which competitive bids are not required by law.

**ATTACHMENTS**

List of Claims



**\*Check Detail Register©**

Cks 9/4/2020 - 9/16/2020

		Check Amt	Invoice	Comment
<b>1010 US BANK</b>				
Paid Chk# 004852E 9/8/2020 <b>AMERITAS LIFE INSURANCE CO.</b>				
G 101-2183	Other Pre-Tax Insurance Payabl	\$140.24	ACH	VISION INSURANCE PREMIUMS FOR SEPTEMBER 2020
<b>Total AMERITAS LIFE INSURANCE CO.</b>		\$140.24		
Paid Chk# 004853E 9/8/2020 <b>MN DEPT OF REVENUE-SALES TAX</b>				
G 501-2176	Sales Tax Payable	\$48,242.00		SALES TAX PAYMENT FOR AUGUST 2020
G 301-2176	Sales Tax Payable	\$1,476.00		SALES TAX PAYMENT FOR AUGUST 2020
G 101-2176	Sales Tax Payable	\$1,150.00		SALES TAX PAYMENT FOR AUGUST 2020
<b>Total MN DEPT OF REVENUE-SALES TAX</b>		\$50,868.00		
Paid Chk# 004854E 9/16/2020 <b>PERA</b>				
G 101-2174	PERA Withholding Payable	\$13,276.87	ACH	PERA Payment for Pay Period #19 09/16/2020
G 101-2178	P.E.R.A. - Police/Fire Payable	\$13,479.47	ACH	PERA Payment for Pay Period #19 09/16/2020
<b>Total PERA</b>		\$26,756.34		
Paid Chk# 004856E 9/16/2020 <b>TASC</b>				
G 101-2183	Other Pre-Tax Insurance Payabl	\$165.38	ACH	FLEX Payment for Employee Portion/Pay Period #19 09/16/2020
<b>Total TASC</b>		\$165.38		
Paid Chk# 004857E 9/16/2020 <b>ICMA</b>				
G 101-2177	ICMA - RC Withholding Payable	\$1,849.00	ACH	ICMA Payment for Pay Period #19 09/16/2020
<b>Total ICMA</b>		\$1,849.00		
Paid Chk# 004859E 9/15/2020 <b>PAYROLL TAX - STATE</b>				
G 101-2172	State Withholding Payable	\$5,825.17	ACH	State Payroll Taxes for Pay Period #19 09/16/2020
<b>Total PAYROLL TAX - STATE</b>		\$5,825.17		
Paid Chk# 004860E 9/16/2020 <b>PITNEY BOWES INC</b>				
G 101-1551	Prepaid Postage	\$200.00		POSTAGE PURCHASE 9/11/2020
<b>Total PITNEY BOWES INC</b>		\$200.00		
Paid Chk# 083819 9/4/2020 <b>ABRAHAMSON, CARLA</b>				
E 101-300-75-25-4215	Uniforms/Clothing	\$56.00	973137	POLICE UNIFORMS
<b>Total ABRAHAMSON, CARLA</b>		\$56.00		
Paid Chk# 083820 9/4/2020 <b>ACE SOLID WASTE INC</b>				
E 101-200-50-25-4225	Sanitation/Garbage Removal	\$634.35		PUBLIC WORKS
E 501-000-00-25-4225	Sanitation/Garbage Removal	\$522.82		LIQUOR STORE
E 101-200-55-25-4225	Sanitation/Garbage Removal	\$505.42		LAKESIDE PARK
E 401-000-00-25-4225	Sanitation/Garbage Removal	\$251.91		WASTEWATER PLANT
E 101-100-20-25-4225	Sanitation/Garbage Removal	\$124.63		POLICE/LIBRARY BLDG
E 101-100-15-25-4225	Sanitation/Garbage Removal	\$117.97	6200350	CITY HALL
<b>Total ACE SOLID WASTE INC</b>		\$2,157.10		
Paid Chk# 083821 9/4/2020 <b>AFLAC</b>				
G 101-2183	Other Pre-Tax Insurance Payabl	\$180.96	Q9226	AUG PREMIUMS
<b>Total AFLAC</b>		\$180.96		
Paid Chk# 083822 9/4/2020 <b>ARTISAN BEER COMPANY</b>				
E 501-000-00-27-4263	Purchases - Beer	\$200.30	3435012	BEER
<b>Total ARTISAN BEER COMPANY</b>		\$200.30		
Paid Chk# 083823 9/4/2020 <b>ARVIG</b>				
E 101-300-75-25-4230	Telephone/Internet	\$371.00	000305939400	POLICE TELEPHONE INTERNET
<b>Total ARVIG</b>		\$371.00		



**\*Check Detail Register©**

Cks 9/4/2020 - 9/16/2020

		Check Amt	Invoice	Comment
<b>Paid Chk# 083824 9/4/2020 BEAUDRY</b>				
E 401-000-00-25-4585	Fuel Oil	\$1,414.53	1657060	FUEL FOR WASTEWATER
<b>Total BEAUDRY</b>		\$1,414.53		
<b>Paid Chk# 083825 9/4/2020 BERNICKS PEPSI</b>				
E 501-000-00-27-4267	Purchases - Non Alcoholic B	\$125.50		NA BEER
E 501-000-00-27-4274	Bottle/Keg Purchases - non t	\$60.00		KEG DEPOSIT
E 501-000-00-27-4265	Purchases - Mix/Pop	\$172.00	120726	MIX
E 501-000-00-27-4263	Purchases - Beer	\$3,844.70	120727	BEER
<b>Total BERNICKS PEPSI</b>		\$4,202.20		
<b>Paid Chk# 083826 9/4/2020 BOLTON &amp; MENK INC</b>				
E 175-000-00-20-4150	Engineering	\$45.00	0255213	2020 STREET PROJECT
E 198-000-50-20-4150	Engineering	\$2,908.00	0255216	SAFE ROUTE TO SCHOOL JUNE & JULY
<b>Total BOLTON &amp; MENK INC</b>		\$2,953.00		
<b>Paid Chk# 083827 9/4/2020 BREAKTHRU BEVERAGE</b>				
E 501-000-00-27-4265	Purchases - Mix/Pop	\$30.00		MIX
E 501-000-00-27-4264	Purchases - Wine	\$208.00		WINE
E 501-000-00-27-4263	Purchases - Beer	(\$622.00)	1081172188	CREDIT
E 501-000-00-27-4262	Purchases - Liquor	\$6,692.75	1081173439	LIQUOR
E 501-000-00-27-4262	Purchases - Liquor	(\$35.00)	2080286467	CREDIT
<b>Total BREAKTHRU BEVERAGE</b>		\$6,273.75		
<b>Paid Chk# 083828 9/4/2020 CASEYS BUSINESS MASTERCARD</b>				
E 101-200-55-25-4405	Motor Fuel	\$810.85		PARKS MOTOR FUEL
<b>Total CASEYS BUSINESS MASTERCARD</b>		\$810.85		
<b>Paid Chk# 083829 9/4/2020 CHARTER COMMUNICATIONS</b>				
E 101-200-50-25-4230	Telephone/Internet	\$215.48	016155208212	PUBLIC WORKS INTERNET
E 101-200-55-25-4230	Telephone/Internet	\$144.98	017101508212	LAKESIDE PARK WIFI
<b>Total CHARTER COMMUNICATIONS</b>		\$360.46		
<b>Paid Chk# 083830 9/4/2020 CORE &amp; MAIN LP</b>				
E 301-000-00-25-4387	Water Meters	\$439.39	M859994	WATER METERS
<b>Total CORE &amp; MAIN LP</b>		\$439.39		
<b>Paid Chk# 083831 9/4/2020 CRYSTAL SPRINGS ICE</b>				
E 501-000-00-27-4266	Purchases - Misc	\$204.12	3001425	ICE/WATER
<b>Total CRYSTAL SPRINGS ICE</b>		\$204.12		
<b>Paid Chk# 083832 9/4/2020 DAHLHEIMER DISTRIBUTING CO</b>				
E 501-000-00-27-4263	Purchases - Beer	\$1,375.30	112-03919	BEER
<b>Total DAHLHEIMER DISTRIBUTING CO</b>		\$1,375.30		
<b>Paid Chk# 083833 9/4/2020 DOWN RANGE TRAINING CONCEPTS</b>				
E 101-300-75-25-4215	Uniforms/Clothing	\$130.00	200827-001	POLICE UNIFORM
<b>Total DOWN RANGE TRAINING CONCEPTS</b>		\$130.00		
<b>Paid Chk# 083834 9/4/2020 IUOE LOCAL #49</b>				
G 101-2175	Other Withholding	\$490.00		PUBLIC WORKS UNION DUES
<b>Total IUOE LOCAL #49</b>		\$490.00		
<b>Paid Chk# 083835 9/4/2020 JOHNSON BROTHERS WHOLESALE</b>				
E 501-000-00-27-4264	Purchases - Wine	(\$37.78)	107524	CREDIT
E 501-000-00-27-4262	Purchases - Liquor	(\$20.71)	109252	CREDIT
E 501-000-00-27-4264	Purchases - Wine	(\$40.00)	109941	CREDIT
E 501-000-00-27-4262	Purchases - Liquor	(\$9.23)	110912	CREDIT
E 501-000-00-27-4262	Purchases - Liquor	(\$4.83)	111897	CREDIT



**\*Check Detail Register©**

Cks 9/4/2020 - 9/16/2020

		Check Amt	Invoice	Comment
E 501-000-00-27-4264	Purchases - Wine	(\$15.86)	111898	CREDIT
E 501-000-00-27-4262	Purchases - Liquor	(\$57.50)	111899	CREDIT
E 501-000-00-27-4262	Purchases - Liquor	(\$22.20)	112849	CREDIT
E 501-000-00-27-4262	Purchases - Liquor	(\$112.00)	1614764	CREDIT
E 501-000-00-27-4262	Purchases - Liquor	\$41.58	1614765	LIQUOR
E 501-000-00-27-4264	Purchases - Wine	\$144.00	1619688	WINE
E 501-000-00-27-4262	Purchases - Liquor	\$8,454.48	16229225	LIQUOR
E 501-000-00-27-4262	Purchases - Liquor	\$7,901.12	1624402	LIQUOR
E 501-000-00-27-4262	Purchases - Liquor	\$876.54	1625844	LIQUOR
E 501-000-00-27-4264	Purchases - Wine	\$160.32	1625845	WINE
E 501-000-00-27-4264	Purchases - Wine	\$4,018.88	1629226	WINE
E 501-000-00-27-4265	Purchases - Mix/Pop	\$72.00	1629227	MIX
E 501-000-00-27-4262	Purchases - Liquor	\$733.25	1629228	LIQUOR
E 501-000-00-27-4264	Purchases - Wine	\$194.30	1629229	WINE
E 501-000-00-27-4262	Purchases - Liquor	\$1,685.94	1629230	LIQUOR
<b>Total JOHNSON BROTHERS WHOLESALE</b>		<b>\$23,962.30</b>		
<hr/>				
Paid Chk# 083836	9/4/2020	<b>LAW ENFORCEMENT LABOR SERVICE</b>		
G 101-2175	Other Withholding	\$620.00		POLICE UNION DUES SEPT
<b>Total LAW ENFORCEMENT LABOR SERVICE</b>		<b>\$620.00</b>		
<hr/>				
Paid Chk# 083837	9/4/2020	<b>MIDWAY IRON INC.</b>		
E 101-200-55-25-4545	Repair/Maintenance Equipm	\$35.00	468768	PARKS TRAILER REPAIR
E 101-200-50-25-4545	Repair/Maintenance Equipm	\$250.00	468768	#32 & 08 REPAIRS
<b>Total MIDWAY IRON INC.</b>		<b>\$285.00</b>		
<hr/>				
Paid Chk# 083838	9/4/2020	<b>MN NCPERS LIFE</b>		
G 101-2180	PERA Life Insurance Payable	\$48.00		PERA LIFE SEPT
<b>Total MN NCPERS LIFE</b>		<b>\$48.00</b>		
<hr/>				
Paid Chk# 083839	9/4/2020	<b>PAUSTIS WINE COMPANY</b>		
E 501-000-00-27-4264	Purchases - Wine	\$240.00	99657	WINE
E 501-000-00-27-4269	Freight - In	\$4.50	99657	FRT
<b>Total PAUSTIS WINE COMPANY</b>		<b>\$244.50</b>		
<hr/>				
Paid Chk# 083840	9/4/2020	<b>PHILLIPS WINE &amp; SPIRITS</b>		
E 501-000-00-27-4262	Purchases - Liquor	\$1,184.30	6083094	LIQUOR
E 501-000-00-27-4264	Purchases - Wine	\$1,711.00	6083095	WINE
E 501-000-00-27-4265	Purchases - Mix/Pop	\$48.00	6083096	MIX
<b>Total PHILLIPS WINE &amp; SPIRITS</b>		<b>\$2,943.30</b>		
<hr/>				
Paid Chk# 083841	9/4/2020	<b>RMR SERVICES</b>		
E 301-000-00-25-4257	Contractors Hired	\$1,006.56	2020275	UB READS JUNE
E 401-000-00-25-4257	Contractors Hired	\$1,006.56	2020275	UB READS JUNE
E 601-000-00-25-4257	Contractors Hired	\$223.65	2020275	UB READS JUNE
E 301-000-00-25-4257	Contractors Hired	\$1,010.07	2020276	UB READS JULY
E 401-000-00-25-4257	Contractors Hired	\$1,010.07	2020276	UB READS JULY
E 601-000-00-25-4257	Contractors Hired	\$224.46	2020276	UB READS JULY
E 301-000-00-25-4257	Contractors Hired	\$1,010.61	2020277	UB READS AUG
E 401-000-00-25-4257	Contractors Hired	\$1,010.61	2020277	UB READS AUG
E 601-000-00-25-4257	Contractors Hired	\$224.58	2020277	UB READS AUG
<b>Total RMR SERVICES</b>		<b>\$6,727.17</b>		
<hr/>				
Paid Chk# 083842	9/4/2020	<b>ROYAL TIRE INC</b>		
E 101-200-55-25-4410	Tires	\$445.00	301-166070	PARKS UNIT 306 TIRES
<b>Total ROYAL TIRE INC</b>		<b>\$445.00</b>		
<hr/>				
Paid Chk# 083843	9/4/2020	<b>SHERWIN WILLIAMS CO</b>		



**\*Check Detail Register©**

Cks 9/4/2020 - 9/16/2020

		Check Amt	Invoice	Comment
E 101-200-50-25-4335	Striping	\$406.50	7020-9	STREET STRIPING
<b>Total SHERWIN WILLIAMS CO</b>		\$406.50		
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Paid Chk#	083844	9/4/2020	<b>SOUTHERN WINE &amp; SPIRITS OF MN</b>	
E 501-000-00-27-4262	Purchases - Liquor	\$6,522.18	1988429	LIQUOR
E 501-000-00-27-4265	Purchases - Mix/Pop	\$26.00	1988430	MIX
E 501-000-00-27-4264	Purchases - Wine	\$942.00	1988431	WINE
<b>Total SOUTHERN WINE &amp; SPIRITS OF MN</b>		\$7,490.18		
<hr/>				
Paid Chk#	083845	9/4/2020	<b>THE POLICE AND SHERIFFS PRESS</b>	
E 101-100-10-25-4212	Other Operations Expenses	\$17.55	137289	NEW PLANNER ID CARD
<b>Total THE POLICE AND SHERIFFS PRESS</b>		\$17.55		
<hr/>				
Paid Chk#	083846	9/4/2020	<b>UTILITY CONSULTANTS</b>	
E 401-000-00-20-4160	Testing	\$1,331.40	106173	WWTP TESTING
<b>Total UTILITY CONSULTANTS</b>		\$1,331.40		
<hr/>				
Paid Chk#	083847	9/9/2020	<b>AIS CONSULTING SERVICES, LLC</b>	
E 101-200-55-25-4257	Contractors Hired	\$490.00		EWM SURVEY
<b>Total AIS CONSULTING SERVICES, LLC</b>		\$490.00		
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Paid Chk#	083848	9/9/2020	<b>ARTISAN BEER COMPANY</b>	
E 501-000-00-27-4263	Purchases - Beer	\$53.50	3436234	BEER
<b>Total ARTISAN BEER COMPANY</b>		\$53.50		
<hr/>				
Paid Chk#	083849	9/9/2020	<b>BELL BOY CORPORATION-1</b>	
E 501-000-00-27-4265	Purchases - Mix/Pop	\$147.85		MIX
E 501-000-00-27-4269	Freight - In	\$3.83		FRT
E 501-000-00-27-4269	Freight - In	\$0.90		FRT
E 501-000-00-27-4269	Freight - In	\$9.90		FRT
E 501-000-00-27-4262	Purchases - Liquor	\$94.36	0085586300	LIQUOR
E 501-000-00-27-4264	Purchases - Wine	\$520.00	0085588600	WINE
E 501-000-00-25-4210	Operating Supplies	\$231.58	0101930000	SUPPLIES
<b>Total BELL BOY CORPORATION-1</b>		\$1,008.42		
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Paid Chk#	083850	9/9/2020	<b>BIG LAKE HARDWARE</b>	
E 101-100-20-25-4540	Repair/Maintenance Building	\$19.99		POLICE/LIBRARY BLDG REPAIRS
E 101-200-55-25-4540	Repair/Maintenance Building	\$11.68		PARK BLD REPAIRS
E 101-200-55-25-4535	Playground Maintenance	\$267.41		PLAYGROUND MAINT
E 101-300-75-25-4430	Vehicle Maintenance	\$43.95		POLICE VEHICLE MAINT
<b>Total BIG LAKE HARDWARE</b>		\$343.03		
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Paid Chk#	083851	9/9/2020	<b>BIG LAKE LUMBER</b>	
E 101-200-55-25-4210	Operating Supplies	(\$20.18)		DISCOUNT
E 101-200-55-25-4210	Operating Supplies	\$10.64	020080555	PARK SUPPLIES
E 101-200-55-25-4210	Operating Supplies	\$49.47	020080701	PARK SUPPLIES
E 101-200-55-25-4210	Operating Supplies	\$52.30	020080815	PARK SUPPLIES
E 101-200-55-25-4210	Operating Supplies	\$26.83	020080872	PARK SUPPLIES
<b>Total BIG LAKE LUMBER</b>		\$119.06		
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Paid Chk#	083852	9/9/2020	<b>BREAKTHRU BEVERAGE</b>	
E 501-000-00-27-4264	Purchases - Wine	\$296.00		WINE
E 501-000-00-27-4265	Purchases - Mix/Pop	\$64.10		MIX
E 501-000-00-27-4262	Purchases - Liquor	\$9,383.27	1081176328	LIQUOR
<b>Total BREAKTHRU BEVERAGE</b>		\$9,743.37		
<hr/>				
Paid Chk#	083853	9/9/2020	<b>CRYSTAL SPRINGS ICE</b>	
E 501-000-00-27-4266	Purchases - Misc	\$220.86	3001443	ICE/WATER



**\*Check Detail Register©**

Cks 9/4/2020 - 9/16/2020

		Check Amt	Invoice	Comment
<b>Total CRYSTAL SPRINGS ICE</b>		\$220.86		
Paid Chk# 083854	9/9/2020	<b>DAHLHEIMER DISTRIBUTING CO</b>		
E 501-000-00-27-4267	Purchases - Non Alcoholic B	\$94.75		NA BEER
E 501-000-00-27-4265	Purchases - Mix/Pop	\$218.00		MIX
E 501-000-00-27-4274	Bottle/Keg Purchases - non t	(\$30.00)		KEG RETURN
E 501-000-00-27-4263	Purchases - Beer	\$15,448.68	112-03926	BEER
E 501-000-00-27-4263	Purchases - Beer	\$2,511.50	112-03943	BEER
<b>Total DAHLHEIMER DISTRIBUTING CO</b>		\$18,242.93		
Paid Chk# 083855	9/9/2020	<b>DUFFY DEVELOPMENT CO.</b>		
G 150-2055	Escrow Payable	\$290.00		ESCROW OVERPAYMENT
<b>Total DUFFY DEVELOPMENT CO.</b>		\$290.00		
Paid Chk# 083856	9/9/2020	<b>GRANITE CITY JOBBING</b>		
E 501-000-00-27-4271	Purchases - Cigars	\$114.89		CIGARS
E 501-000-00-27-4265	Purchases - Mix/Pop	\$31.20		MIX
E 501-000-00-27-4269	Freight - In	\$4.25		FRT
E 501-000-00-27-4273	Purchaes - Cigarette non tax	\$893.00	198858	TOBACCO
<b>Total GRANITE CITY JOBBING</b>		\$1,043.34		
Paid Chk# 083857	9/9/2020	<b>IDEAL RADIATOR REPAIR, INC.</b>		
E 401-000-00-25-4430	Vehicle Maintenance	\$165.98	0058319	UNIT 180 REPAIRS
<b>Total IDEAL RADIATOR REPAIR, INC.</b>		\$165.98		
Paid Chk# 083858	9/9/2020	<b>INDIAN ISLAND WINERY</b>		
E 501-000-00-27-4264	Purchases - Wine	\$258.24	3329	WINE
<b>Total INDIAN ISLAND WINERY</b>		\$258.24		
Paid Chk# 083859	9/9/2020	<b>IUOE LOCAL 49 FRINGE BENEFIT</b>		
G 101-2185	Union Health Insurance - EE/ER	\$17,710.00		PUBLIC WORKS UNION INSURANCE
<b>Total IUOE LOCAL 49 FRINGE BENEFIT</b>		\$17,710.00		
Paid Chk# 083860	9/9/2020	<b>JOHNSON BROTHERS WHOLESALE</b>		
E 501-000-00-27-4262	Purchases - Liquor	\$124.68	1632280	LIQUOR
E 501-000-00-27-4264	Purchases - Wine	\$64.32	1632281	WINE
E 501-000-00-27-4262	Purchases - Liquor	\$105.00	1632393	LIQUOR
E 501-000-00-27-4262	Purchases - Liquor	\$4,688.99	1634550	LIQUOR
E 501-000-00-27-4264	Purchases - Wine	\$5,105.38	1634551	WINE
E 501-000-00-27-4263	Purchases - Beer	\$210.00	1634552	BEER
E 501-000-00-27-4265	Purchases - Mix/Pop	\$22.50	1634553	MIX
E 501-000-00-27-4262	Purchases - Liquor	\$6,662.95	1634554	LIQUOR
E 501-000-00-27-4264	Purchases - Wine	\$1,121.40	1634556	WINE
<b>Total JOHNSON BROTHERS WHOLESALE</b>		\$18,105.22		
Paid Chk# 083861	9/9/2020	<b>KNIFE RIVER</b>		
E 101-200-50-25-4325	Class 5/Concrete	\$113.40	788663	CRUSHED CONCRETE
<b>Total KNIFE RIVER</b>		\$113.40		
Paid Chk# 083862	9/9/2020	<b>LGI HOMES CORPORATE LLC</b>		
G 101-2057	Seed/Sod Escrow	\$1,860.00		LANDSCAPE ESCROW 18506 TRAVERSE LANE
G 101-2057	Seed/Sod Escrow	\$1,860.00		LANDSCAPE ESCROW 18492 TRAVERSE LN
G 101-2057	Seed/Sod Escrow	\$1,860.00		LANDSCAPE ESCROW 18478 TRAVERSE LN
G 101-2057	Seed/Sod Escrow	\$1,860.00		LANDSCAPE ESCROW 18462 TRAVERSE LN
G 101-2057	Seed/Sod Escrow	\$1,860.00		LANDSCAPE ESCROW 18956 ENGLE WOOD DR
G 101-2057	Seed/Sod Escrow	\$1,860.00		LANDSCAPE ESCROW 18962 ENGLE WOOD DR
G 101-2057	Seed/Sod Escrow	\$1,860.00		LANDSCAPE ESCROW 18974 ENGLE WOOD DR
G 101-2057	Seed/Sod Escrow	\$1,860.00		LANDSCAPE ESCROW 18996 ENGLE WOOD DR
G 101-2057	Seed/Sod Escrow	\$1,860.00		LANDSCAPE ESCROW 19010 ENGLE WOOD DR



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G 101-2057	Seed/Sod Escrow	\$1,860.00		LANDSCAPE ESCROW 19024 ENGLE WOOD DR
G 101-2057	Seed/Sod Escrow	\$1,860.00		LANDSCAPE ESCROW 19036 ENGLE WOOD DR
G 101-2057	Seed/Sod Escrow	\$1,860.00		LANDSCAPE ESCROW 19048 ENGLE WOOD DR
G 101-2057	Seed/Sod Escrow	\$1,860.00		LANDSCAPE ESCROW 19056 ENGLE WOOD DR
G 101-2057	Seed/Sod Escrow	\$1,860.00		LANDSCAPE ESCROW 19062 ENGLE WOOD DR
G 101-2057	Seed/Sod Escrow	\$1,860.00		LANDSCAPE ESCROW 19088 ENGLE WOOD DR
G 101-2057	Seed/Sod Escrow	\$1,860.00		LANDSCAPE ESCROW 19106 ENGLE WOOD DR
G 101-2057	Seed/Sod Escrow	\$1,860.00		LANDSCAPE ESCROW 19126 ENGLE WOOD DR
G 101-2057	Seed/Sod Escrow	\$1,860.00		LANDSCAPE ESCROW 19154 ENGLE WOOD DR
G 101-2057	Seed/Sod Escrow	\$1,860.00		LANDSCAPE ESCROW 19176 ENGLE WOOD DR
G 101-2057	Seed/Sod Escrow	\$1,860.00		LANDSCAPE ESCROW 19200 ENGLE WOOD DR
G 101-2057	Seed/Sod Escrow	\$1,860.00		LANDSCAPE ESCROW 19043 ENGLE WOOD DR
G 101-2057	Seed/Sod Escrow	\$1,860.00		LANDSCAPE ESCROW 19051 ENGLE WOOD DR
<b>Total LGI HOMES CORPORATE LLC</b>		<u>\$40,920.00</u>		
<b>Paid Chk# 083863 9/9/2020 NEUMAN, NATHAN</b>				
E 280-000-00-25-4257	Contractors Hired	\$200.00		FARMERS MARKET MUSIC
<b>Total NEUMAN, NATHAN</b>		<u>\$200.00</u>		
<b>Paid Chk# 083864 9/9/2020 PHILLIPS WINE &amp; SPIRITS</b>				
E 501-000-00-27-4262	Purchases - Liquor	\$1,827.95	6086649	LIQUOR
E 501-000-00-27-4264	Purchases - Wine	\$683.07	6086650	WINE
E 501-000-00-27-4265	Purchases - Mix/Pop	\$429.28	6086651	MIX
E 501-000-00-27-4262	Purchases - Liquor	(\$2.24)	609591	CREDIT
E 501-000-00-27-4262	Purchases - Liquor	(\$6.79)	612806	CREDIT
E 501-000-00-27-4262	Purchases - Liquor	(\$11.03)	612808	CREDIT
<b>Total PHILLIPS WINE &amp; SPIRITS</b>		<u>\$2,920.24</u>		
<b>Paid Chk# 083865 9/9/2020 PLUNKETTS PEST CONTROL</b>				
E 101-200-50-25-4540	Repair/Maintenance Building	\$75.00	6784790	PUBLIC WORKS BLDG
<b>Total PLUNKETTS PEST CONTROL</b>		<u>\$75.00</u>		
<b>Paid Chk# 083866 9/9/2020 PROGRESSIVE BUILDERS</b>				
G 101-2057	Seed/Sod Escrow	\$1,860.00		LANDSCAPE ESCROW 20434 NEDD ST
<b>Total PROGRESSIVE BUILDERS</b>		<u>\$1,860.00</u>		
<b>Paid Chk# 083867 9/9/2020 SHARPLINE LAWN CARE, LLC</b>				
E 275-000-00-25-4257	Contractors Hired	\$80.00	2063	BI WEEKLY MOWING FOR CITY PROPERTIES
<b>Total SHARPLINE LAWN CARE, LLC</b>		<u>\$80.00</u>		
<b>Paid Chk# 083868 9/9/2020 SHERBURNE CO SHERIFFS DEPT</b>				
E 101-105-15-20-4129	Computer Consultant	\$2,833.33	2020-08	IT SERVICES
<b>Total SHERBURNE CO SHERIFFS DEPT</b>		<u>\$2,833.33</u>		
<b>Paid Chk# 083869 9/9/2020 SHRED RIGHT</b>				
E 101-100-15-25-4212	Other Operations Expenses	\$16.00	534592	ADMIN EXPENSE
E 101-300-75-25-4212	Other Operations Expenses	\$31.20	534592	POLICE EXPENSE
<b>Total SHRED RIGHT</b>		<u>\$47.20</u>		
<b>Paid Chk# 083870 9/9/2020 SOUTHERN WINE &amp; SPIRITS OF MN</b>				
E 501-000-00-27-4262	Purchases - Liquor	\$3,460.31	1990906	LIQUOR
E 501-000-00-27-4265	Purchases - Mix/Pop	\$40.12	1990907	MIX
E 501-000-00-27-4264	Purchases - Wine	\$1,272.26	1990908	WINE
<b>Total SOUTHERN WINE &amp; SPIRITS OF MN</b>		<u>\$4,772.69</u>		
<b>Paid Chk# 083871 9/9/2020 T-MOBILE</b>				
E 101-400-56-25-4230	Telephone/Internet	\$28.29		RECREATION CORD CELL PHONE
E 101-100-30-25-4230	Telephone/Internet	\$48.72		BUILDING OFFICIAL CELL PHONE
E 101-100-10-25-4230	Telephone/Internet	\$29.86		CODE ENFORCEMENT CELL PHONE



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E 401-000-00-25-4230	Telephone/Internet	\$9.36		WWTP HOT SPOT
E 101-300-75-25-4230	Telephone/Internet	\$481.47		POLICE CELL PHONE/EXTENSION PHONE
E 301-000-00-25-4230	Telephone/Internet	\$18.45		PW IPADS
E 401-000-00-25-4230	Telephone/Internet	\$18.46		PW IPADS
E 101-200-50-25-4230	Telephone/Internet	\$35.94		PW IPADS
E 101-200-55-25-4230	Telephone/Internet	\$35.94		PW IPADS
E 101-100-10-25-4230	Telephone/Internet	\$28.29	969125403	PLANNER CELL PHONE
<b>Total T-MOBILE</b>		<b>\$734.78</b>		
<b>Paid Chk# 083872 9/9/2020 VARNER TRANSPORTATION LLC</b>				
E 501-000-00-27-4269	Freight - In	\$1,937.50		LIQUOR STORE FRT
<b>Total VARNER TRANSPORTATION LLC</b>		<b>\$1,937.50</b>		
<b>Paid Chk# 083873 9/9/2020 VIKING COCA-COLA</b>				
E 501-000-00-27-4265	Purchases - Mix/Pop	\$205.45	2574390	MIX
<b>Total VIKING COCA-COLA</b>		<b>\$205.45</b>		
<b>Paid Chk# 083874 9/9/2020 VINOCOPIA</b>				
E 501-000-00-27-4262	Purchases - Liquor	\$935.50		LIQUOR
E 501-000-00-27-4269	Freight - In	\$32.50		FRT
E 501-000-00-27-4264	Purchases - Wine	\$1,152.00	0262837-IN	WINE
<b>Total VINOCOPIA</b>		<b>\$2,120.00</b>		
<b>Paid Chk# 083875 9/9/2020 WATER LABORATORIES INC</b>				
E 301-000-00-20-4160	Testing	\$160.00	8129	TESTING
<b>Total WATER LABORATORIES INC</b>		<b>\$160.00</b>		
<b>Paid Chk# 083876 9/9/2020 WINE MERCHANTS</b>				
E 501-000-00-27-4264	Purchases - Wine	(\$80.00)	7293651	CREDIT
E 501-000-00-27-4264	Purchases - Wine	\$192.00	7297080	WINE
<b>Total WINE MERCHANTS</b>		<b>\$112.00</b>		
<b>Paid Chk# 083877 9/10/2020 ASP, ROGER</b>				
R 101-010-3125	Land Use Revenue	\$350.00		REFUND VARIANCE APP & ESCROW FEE 67 CRESCENT ST
G 101-2055	Escrow Payable	\$1,000.00		REFUND VARIANCE APP & ESCROW FEE 67 CRESCENT ST
<b>Total ASP, ROGER</b>		<b>\$1,350.00</b>		
<b>Paid Chk# 083878 9/10/2020 AXON ENTERPRISE, INC</b>				
E 101-105-75-25-4132	Electronic Data	\$3,321.00	SI-1678547	POLICE ELECTRONIC DATA
<b>Total AXON ENTERPRISE, INC</b>		<b>\$3,321.00</b>		
<b>Paid Chk# 083879 9/10/2020 BERG, RICHARD</b>				
E 101-300-75-25-4430	Vehicle Maintenance	\$50.42		VEHICLE MAINT
<b>Total BERG, RICHARD</b>		<b>\$50.42</b>		
<b>Paid Chk# 083880 9/10/2020 BERNICKS PEPSI</b>				
E 501-000-00-27-4263	Purchases - Beer	(\$0.80)	100010	CREDIT
E 501-000-00-27-4263	Purchases - Beer	\$65.00	123199	BEER
E 501-000-00-27-4274	Bottle/Keg Purchases - non t	\$30.00	123199	KEG DEPOSIT
E 501-000-00-27-4265	Purchases - Mix/Pop	\$156.03	123213	MIX
E 501-000-00-27-4263	Purchases - Beer	(\$171.00)	123214	CREDIT
E 501-000-00-27-4263	Purchases - Beer	\$2,284.00	123216	BEER
E 501-000-00-27-4267	Purchases - Non Alcoholic B	\$25.50	123216	NA BEER
E 501-000-00-27-4274	Bottle/Keg Purchases - non t	(\$60.00)	123216	KEG RETURN
E 501-000-00-27-4263	Purchases - Beer	(\$18.70)	90922	CREDIT
E 501-000-00-27-4263	Purchases - Beer	(\$15.00)	93974	CREDIT



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<b>Total BERNICKS PEPSI</b>		\$2,295.03		
<b>Paid Chk# 083881 9/10/2020 BIG LAKE CENTER OWNERS ASSOC.</b>				
E 501-000-00-25-4570	Electricity	\$16.45		PARKING LOT LIGHTS LIQUOR STORE
E 501-000-00-25-4570	Electricity	\$5.25		PARKING LOT SIGN LIQUOR STORE
E 501-000-00-25-4590	Water/Sewer Utilities	\$7.74		ASSOCIATION WATER/SEWER
E 501-000-00-25-4370	Grounds Maintenance	\$80.70		ASSOCIATION LAWN CARE
<b>Total BIG LAKE CENTER OWNERS ASSOC.</b>		\$110.14		
<b>Paid Chk# 083882 9/10/2020 C&amp;L DISTRIBUTING COMPANY</b>				
E 501-000-00-27-4263	Purchases - Beer	\$3,130.30	1067002221	BEER
E 501-000-00-27-4274	Bottle/Keg Purchases - non t	\$30.00	1067002221	KEG DEPOSIT
E 501-000-00-27-4263	Purchases - Beer	(\$401.50)	1067002222	CREDIT
E 501-000-00-27-4263	Purchases - Beer	\$1,206.40	1090023	BEER
E 501-000-00-27-4263	Purchases - Beer	\$132.00	961005227	BEER
E 501-000-00-27-4263	Purchases - Beer	\$710.00	961005233	BEER
E 501-000-00-27-4263	Purchases - Beer	\$17,478.45	961005266	BEER
E 501-000-00-27-4265	Purchases - Mix/Pop	\$144.00	961005266	MIX
E 501-000-00-27-4267	Purchases - Non Alcoholic B	\$240.35	961005266	NA BEER
E 501-000-00-27-4263	Purchases - Beer	\$60.50	961005268	BEER
E 501-000-00-27-4274	Bottle/Keg Purchases - non t	\$30.00	961005268	KEG DEPOSIT
E 501-000-00-27-4263	Purchases - Beer	\$23,459.90	961005292	BEER
E 501-000-00-27-4267	Purchases - Non Alcoholic B	\$38.00	961005292	NA BEER
E 501-000-00-27-4265	Purchases - Mix/Pop	\$59.97	961005292	MIX
E 501-000-00-27-4263	Purchases - Beer	\$1,401.50	961005293	BEER
E 501-000-00-27-4263	Purchases - Beer	(\$156.84)	968001194	CREDIT
E 501-000-00-27-4263	Purchases - Beer	(\$77.50)	968001204	CREDIT
E 501-000-00-27-4263	Purchases - Beer	(\$349.27)	OPEN CREDIT	CREDIT
<b>Total C&amp;L DISTRIBUTING COMPANY</b>		\$47,136.26		
<b>Paid Chk# 083883 9/10/2020 CENTERPOINT ENERGY</b>				
E 101-100-20-25-4580	Natural Gas	\$23.89	10178578-0	POLICE/LIBRARY
E 101-100-20-25-4580	Natural Gas	\$31.88	10178579-8	POLICE/LIBRARY
E 301-000-00-25-4580	Natural Gas	\$24.47	5769828-4	WELL #3
E 501-000-00-25-4580	Natural Gas	\$31.88	5780558-2	LIQUOR STORE
E 101-200-50-25-4580	Natural Gas	\$33.00	5793223-8	PUBLIC WORKS SHED
E 101-200-50-25-4580	Natural Gas	\$17.06	5808592-2	PUBLIC WORKS SHED
E 601-000-00-25-4580	Natural Gas	\$3.42	5819667-6	PUBLIC WORKS BLDG
E 101-200-50-25-4580	Natural Gas	\$16.15	5819667-6	PUBLIC WORKS BLDG
E 101-200-55-25-4580	Natural Gas	\$16.15	5819667-6	PUBLIC WORKS BLDG
E 301-000-00-25-4580	Natural Gas	\$16.15	5819667-6	PUBLIC WORKS BLDG
E 401-000-00-25-4580	Natural Gas	\$16.15	5819667-6	PUBLIC WORKS BLDG
E 401-000-00-25-4580	Natural Gas	\$21.06	5820083-3	SEWER
E 301-000-00-25-4580	Natural Gas	\$306.00	6122739-3	WATER TREATMENT FACILITY
E 101-100-20-25-4580	Natural Gas	\$34.49	8076448-3	POLICE/LIBRARY
E 101-100-15-25-4580	Natural Gas	\$68.02	9359272-3	CITY HALL
<b>Total CENTERPOINT ENERGY</b>		\$659.77		
<b>Paid Chk# 083884 9/10/2020 CRYSTAL SPRINGS ICE</b>				
E 501-000-00-27-4266	Purchases - Misc	\$190.62	3001521	ICE/WATER
E 501-000-00-27-4266	Purchases - Misc	\$20.79	3001542	ICE/WATER
<b>Total CRYSTAL SPRINGS ICE</b>		\$211.41		
<b>Paid Chk# 083885 9/10/2020 DAHLHEIMER DISTRIBUTING CO</b>				
E 501-000-00-27-4263	Purchases - Beer	\$18,105.23	112-03965	BEER
E 501-000-00-27-4265	Purchases - Mix/Pop	\$160.80	112-03965	MIX
E 501-000-00-27-4267	Purchases - Non Alcoholic B	\$27.95	112-03965	NA BEER
E 501-000-00-27-4274	Bottle/Keg Purchases - non t	(\$30.00)	112-03965	KEG RETURN



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E 501-000-00-27-4263	Purchases - Beer	(\$12.80)	1282276	CREDIT
<b>Total DAHLHEIMER DISTRIBUTING CO</b>		\$18,251.18		
<hr/>				
Paid Chk# 083886	9/10/2020	<b>DATA SUCCESS, INC</b>		
E 101-105-15-25-4130	Computers/Software	\$195.00	14622	DISASTER RECOVERY
<b>Total DATA SUCCESS, INC</b>		\$195.00		
<hr/>				
Paid Chk# 083887	9/10/2020	<b>DEAN CROAT CONSTRUCTION, INC.</b>		
G 101-2057	Seed/Sod Escrow	\$1,860.00		LANDSCAPE ESCROW 19375 KAREN LANE
G 101-2057	Seed/Sod Escrow	\$1,860.00		LANDSCAPE ESCROW 18328 FAIR MEADOWS CIRCLE
<b>Total DEAN CROAT CONSTRUCTION, INC.</b>		\$3,720.00		
<hr/>				
Paid Chk# 083888	9/10/2020	<b>DELEGARD TOOL CO</b>		
E 101-200-50-25-4385	Shop Materials	\$307.21	17459	SHOP TOOLS
<b>Total DELEGARD TOOL CO</b>		\$307.21		
<hr/>				
Paid Chk# 083889	9/10/2020	<b>DO ALL PRINTING</b>		
E 101-300-75-25-4210	Operating Supplies	\$475.90	48571	POLICE SUPPLIES
<b>Total DO ALL PRINTING</b>		\$475.90		
<hr/>				
Paid Chk# 083890	9/10/2020	<b>ECM PUBLISHERS, INC.</b>		
G 101-2055	Escrow Payable	\$67.50	791955	LIBERTY BANK ESCROW
<b>Total ECM PUBLISHERS, INC.</b>		\$67.50		
<hr/>				
Paid Chk# 083891	9/10/2020	<b>FREIDAY, SARA</b>		
E 101-100-15-25-4217	Cleaning Services	\$1,050.00	004220	CITY HALL/CLEANING
E 101-100-20-25-4217	Cleaning Services	\$1,075.00	004220	POLICE/LIBRARY CLEANING
<b>Total FREIDAY, SARA</b>		\$2,125.00		
<hr/>				
Paid Chk# 083892	9/10/2020	<b>GALLS LLC</b>		
E 101-300-75-25-4215	Uniforms/Clothing	\$322.97	016298730	POLICE UNIFORMS
E 101-300-75-25-4215	Uniforms/Clothing	\$65.00	016298974	POLICE UNIFORMS
<b>Total GALLS LLC</b>		\$387.97		
<hr/>				
Paid Chk# 083893	9/10/2020	<b>KUECHLE UNDERGROUND, INC</b>		
E 101-200-55-25-4257	Contractors Hired	\$11,276.57	2020-3	IRRIGATION VALVE @ HIGHLINE DRIVE
<b>Total KUECHLE UNDERGROUND, INC</b>		\$11,276.57		
<hr/>				
Paid Chk# 083894	9/10/2020	<b>LEAGUE OF MN CITIES</b>		
E 101-200-50-05-4016	WC Insurance	\$144.48	16428	WC DEDUCTIBLE/BRENTESEN
<b>Total LEAGUE OF MN CITIES</b>		\$144.48		
<hr/>				
Paid Chk# 083895	9/10/2020	<b>M&amp;M EXPRESS SALES &amp; SERVICE</b>		
E 101-200-55-25-4430	Vehicle Maintenance	\$3.61	275926	SPARK PLUG
E 101-200-55-25-4545	Repair/Maintenance Equipm	\$20.80	277699	PARK EQUIP FILTERS
E 101-200-55-25-4410	Tires	\$1,018.39	278942	TIRES FOR LAWN MOWERS
<b>Total M&amp;M EXPRESS SALES &amp; SERVICE</b>		\$1,042.80		
<hr/>				
Paid Chk# 083896	9/10/2020	<b>MHFA</b>		
E 116-000-00-25-4212	Other Operations Expenses	\$837.76		124 PARK AVE NSP ASSIST PROGRAM
<b>Total MHFA</b>		\$837.76		
<hr/>				
Paid Chk# 083897	9/10/2020	<b>MOTOROLA</b>		
E 101-300-75-25-4545	Repair/Maintenance Equipm	\$426.00	8280873575	POLICE REPAIRS
<b>Total MOTOROLA</b>		\$426.00		
<hr/>				
Paid Chk# 083898	9/10/2020	<b>OFFICE DEPOT</b>		
E 101-100-05-25-4210	Operating Supplies	\$2.81	119114609001	MAYOR/COUNCIL



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E 101-100-10-25-4210	Operating Supplies	\$2.81	119114609001	PLANNING
E 101-200-40-25-4210	Operating Supplies	\$2.81	119114609001	ENGINEERING
E 101-100-30-25-4210	Operating Supplies	\$5.62	119114609001	BUILDING
E 101-100-25-25-4210	Operating Supplies	\$5.62	119114609001	EDA
E 101-100-15-25-4210	Operating Supplies	\$36.62	119114609001	CITY HALL
E 101-200-50-25-4210	Operating Supplies	\$39.84	120216986001	STREET SUPPLIES
E 101-200-55-25-4210	Operating Supplies	\$39.84	120216986001	PARK SUPPLIES
<b>Total OFFICE DEPOT</b>		<b>\$135.97</b>		
<hr/>				
Paid Chk# 083899 9/10/2020 <b>OREILLY AUTOMOTIVE, INC</b>				
E 101-300-75-25-4430	Vehicle Maintenance	\$7.47	1532 234464	POLICE VEHICLE MAINT
<b>Total OREILLY AUTOMOTIVE, INC</b>		<b>\$7.47</b>		
<hr/>				
Paid Chk# 083900 9/10/2020 <b>PLAISTED COMPANIES INC.</b>				
E 101-200-50-25-4325	Class 5/Concrete	\$96.12	36231	CLASS 5
<b>Total PLAISTED COMPANIES INC.</b>		<b>\$96.12</b>		
<hr/>				
Paid Chk# 083901 9/10/2020 <b>ROLYAN BUOYS</b>				
E 101-200-55-25-4212	Other Operations Expenses	\$256.40	3679395	LAKESIDE PARK BUOYS
<b>Total ROLYAN BUOYS</b>		<b>\$256.40</b>		
<hr/>				
Paid Chk# 083902 9/10/2020 <b>RUSSELL SECURITY RESOURCE INC</b>				
E 101-100-20-25-4540	Repair/Maintenance Building	\$180.00	A37797	POLICE/LIBRARY REPAIRS
<b>Total RUSSELL SECURITY RESOURCE INC</b>		<b>\$180.00</b>		
<hr/>				
Paid Chk# 083903 9/10/2020 <b>SCHARF, JOEL</b>				
E 101-300-75-25-4210	Operating Supplies	\$35.56		POLICE SUPPLIES
<b>Total SCHARF, JOEL</b>		<b>\$35.56</b>		
<hr/>				
Paid Chk# 083904 9/10/2020 <b>SHARPLINE LAWN CARE, LLC</b>				
E 101-100-20-25-4370	Grounds Maintenance	\$316.69	2068	POLICE/LIBRARY GROUNDS MAINT
<b>Total SHARPLINE LAWN CARE, LLC</b>		<b>\$316.69</b>		
<hr/>				
Paid Chk# 083905 9/10/2020 <b>SHERBURNE COUNTY ATTORNEY</b>				
E 101-300-75-20-4181	Court Fines	\$1,071.26	6761	SHARED FINES
<b>Total SHERBURNE COUNTY ATTORNEY</b>		<b>\$1,071.26</b>		
<hr/>				
Paid Chk# 083906 9/10/2020 <b>SUBURBAN TIRE WHOLESALE INC</b>				
E 101-300-75-25-4410	Tires	\$246.00	0010172257	POLICE TIRES
E 101-300-75-25-4410	Tires	\$479.12	0010172307	POLICE TIRES
<b>Total SUBURBAN TIRE WHOLESALE INC</b>		<b>\$725.12</b>		
<hr/>				
Paid Chk# 083907 9/10/2020 <b>TOSHIBA FINANCIAL SERVICES</b>				
E 101-300-75-25-4208	Copies	\$175.19	423008432	POLICE COPIES
<b>Total TOSHIBA FINANCIAL SERVICES</b>		<b>\$175.19</b>		
<hr/>				
Paid Chk# 083908 9/10/2020 <b>VIKING COCA-COLA</b>				
E 501-000-00-27-4263	Purchases - Beer	\$187.20	2582513	BEER
E 501-000-00-27-4265	Purchases - Mix/Pop	\$321.10	2582514	MIX
<b>Total VIKING COCA-COLA</b>		<b>\$508.30</b>		
<hr/>				
Paid Chk# 083909 9/10/2020 <b>VONCO</b>				
E 401-000-00-25-4257	Contractors Hired	\$200.00	V2 000005720	LANDFILL SLUDGE FROM WWTP
<b>Total VONCO</b>		<b>\$200.00</b>		
<hr/>				
Paid Chk# 083910 9/10/2020 <b>XCEL ENERGY</b>				
E 101-200-55-25-4570	Electricity	\$20.75	51-001233342	ENGLEWOOD PARK
E 101-200-50-25-4575	Electricity (Street Lights)	\$3,401.50	51-4459098-1	STREET LIGHTS



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<b>Total XCEL ENERGY</b>		\$3,422.25		
<b>Paid Chk# 083911 9/14/2020 GOPHER STATE ONE CALL</b>				
E 401-000-00-25-4257	Contractors Hired	\$67.05		PUBLIC WORKS LOCATES
E 101-200-50-25-4257	Contractors Hired	\$67.05		PUBLIC WORKS LOCATES
E 301-000-00-25-4257	Contractors Hired	\$67.05	0080221	PUBLIC WORKS LOCATES
<b>Total GOPHER STATE ONE CALL</b>		\$201.15		
<b>Paid Chk# 083912 9/14/2020 OFFICE DEPOT</b>				
E 101-100-10-25-4210	Operating Supplies	\$2.79		PLANNING
E 101-200-40-25-4210	Operating Supplies	\$2.79		ENGINEERING
E 101-100-25-25-4210	Operating Supplies	\$5.59		EDA
E 101-100-30-25-4210	Operating Supplies	\$5.59		BUILDING
E 101-100-15-25-4210	Operating Supplies	\$36.41		CITY HALL
E 101-100-05-25-4210	Operating Supplies	\$2.79	114505718001	MAYOR/COUNCIL
<b>Total OFFICE DEPOT</b>		\$55.96		
<b>Paid Chk# 083913 9/14/2020 OREILLY AUTOMOTIVE, INC</b>				
E 101-200-55-25-4545	Repair/Maintenance Equipm	\$97.88	1532-224874	UNIT 326 REPAIRS
E 401-000-00-25-4545	Repair/Maintenance Equipm	(\$245.90)	1532-224954	CREDIT
E 401-000-00-25-4545	Repair/Maintenance Equipm	\$6.66	1532-226372	WASTEWATER REPAIRS
E 401-000-00-25-4545	Repair/Maintenance Equipm	\$97.64	1532-228264	LIFT STATION 10 REPAIRS
E 401-000-00-25-4545	Repair/Maintenance Equipm	\$47.98	1532-228452	LIFT STATION 10 REPAIRS
E 401-000-00-25-4545	Repair/Maintenance Equipm	(\$29.98)	1532-228454	CREDIT
E 401-000-00-25-4545	Repair/Maintenance Equipm	\$7.53	1532-228492	LIFT STATION 10 REPAIRS
E 401-000-00-25-4545	Repair/Maintenance Equipm	\$159.99	1532-232182	WASTEWATER REPAIRS
E 401-000-00-25-4545	Repair/Maintenance Equipm	\$107.50	1532-232193	WASTEWATER REPAIRS
E 401-000-00-25-4545	Repair/Maintenance Equipm	\$57.20	1532-232400	WASTEWATER REPAIRS
E 401-000-00-25-4545	Repair/Maintenance Equipm	\$49.95	1532-233391	LIFT STATION 2 REPAIRS
E 401-000-00-25-4545	Repair/Maintenance Equipm	\$6.90	1532-233571	LIFT 2 REPAIRS
E 101-200-50-25-4385	Shop Materials	\$55.75	1532-233954	SHOP SUPPLIES
E 101-200-55-25-4545	Repair/Maintenance Equipm	\$57.47	1532-234700	PARKS REPAIRS
E 101-200-55-25-4545	Repair/Maintenance Equipm	\$32.13	1532-234717	PARKS REPAIRS
E 101-200-50-25-4430	Vehicle Maintenance	\$15.99	1532-235233	UNIT 08 REPAIRS
E 101-200-55-25-4430	Vehicle Maintenance	\$28.68	1532-236087	UNIT 07 REPAIRS
E 401-000-00-25-4545	Repair/Maintenance Equipm	(\$32.13)	1532-236090	CREDIT
E 101-200-55-25-4430	Vehicle Maintenance	\$36.11	1532-236683	UNIT 07 REPAIRS
<b>Total OREILLY AUTOMOTIVE, INC</b>		\$557.35		
<b>Paid Chk# 083914 9/14/2020 PROGRESSIVE BUILDERS</b>				
G 101-2055	Escrow Payable	\$1,860.00		LANDSCAPE ESCROW 17086 LARKSPUR LANE
G 101-2055	Escrow Payable	\$1,860.00		LANDSCAPE ESCROW 20137 TRUMAN DR
<b>Total PROGRESSIVE BUILDERS</b>		\$3,720.00		
<b>Paid Chk# 083915 9/14/2020 ARTISAN BEER COMPANY</b>				
E 501-000-00-27-4263	Purchases - Beer	\$38.60	3437601	BEER
<b>Total ARTISAN BEER COMPANY</b>		\$38.60		
<b>Paid Chk# 083916 9/14/2020 BELL BOY CORPORATION-1</b>				
E 501-000-00-27-4269	Freight - In	\$25.20		FRT
E 501-000-00-27-4269	Freight - In	\$2.76		FRT
E 501-000-00-27-4262	Purchases - Liquor	\$1,740.55	0085737800	LIQUOR
E 501-000-00-27-4265	Purchases - Mix/Pop	\$165.18	0101981500	MIX
<b>Total BELL BOY CORPORATION-1</b>		\$1,933.69		
<b>Paid Chk# 083917 9/14/2020 BERNICKS PEPSI</b>				
E 501-000-00-27-4265	Purchases - Mix/Pop	\$161.40	125506	MIX
E 501-000-00-27-4263	Purchases - Beer	\$2,046.50	125507	BEER



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<b>Total BERNICKS PEPSI</b>		\$2,207.90		
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Paid Chk#	083918	9/14/2020	<b>BERTHIAUME, SCOTT</b>	
E	199-000-15-25-4540	Repair/Maintenance Building	\$1,095.20	CITY COUNCIL CHAMBERS
<b>Total BERTHIAUME, SCOTT</b>		\$1,095.20		
<hr/>				
Paid Chk#	083919	9/14/2020	<b>BIG LAKE FIRE DEPARTMENT</b>	
E	501-000-00-25-4902	Donations/Sponsorship	\$186.00	LIQUOR STORE FUNDRAISIER FOR FIRE DEPT
<b>Total BIG LAKE FIRE DEPARTMENT</b>		\$186.00		
<hr/>				
Paid Chk#	083920	9/14/2020	<b>BREAKTHRU BEVERAGE</b>	
E	501-000-00-27-4262	Purchases - Liquor	\$6,140.95	1081179500 LIQUOR
E	501-000-00-27-4264	Purchases - Wine	\$268.00	1081179500 WINE
E	501-000-00-27-4265	Purchases - Mix/Pop	\$82.00	1081179500 MIX
E	501-000-00-27-4263	Purchases - Beer	\$55.30	1081179501 BEER
<b>Total BREAKTHRU BEVERAGE</b>		\$6,546.25		
<hr/>				
Paid Chk#	083921	9/14/2020	<b>CHARTER COMMUNICATIONS</b>	
E	501-000-00-25-4230	Telephone/Internet	\$326.90	016166909032 LIQUOR STORE INTERNET
<b>Total CHARTER COMMUNICATIONS</b>		\$326.90		
<hr/>				
Paid Chk#	083922	9/14/2020	<b>CINTAS</b>	
E	101-200-50-25-4215	Uniforms/Clothing	\$87.53	PUBLIC WORKS UNIFORMS
E	101-200-55-25-4215	Uniforms/Clothing	\$87.53	PUBLIC WORKS UNIFORMS
E	301-000-00-25-4215	Uniforms/Clothing	\$87.53	PUBLIC WORKS UNIFORMS
E	401-000-00-25-4215	Uniforms/Clothing	\$87.53	PUBLIC WORKS UNIFORMS
E	601-000-00-25-4215	Uniforms/Clothing	\$18.44	12857225 PUBLIC WORKS UNIFORMS
E	501-000-00-25-4217	Cleaning Services	\$516.25	12857519 LIQUOR STORE CLEANING
<b>Total CINTAS</b>		\$884.81		
<hr/>				
Paid Chk#	083923	9/14/2020	<b>CORNER, ROSBY</b>	
E	280-000-00-25-4257	Contractors Hired	\$200.00	FARMERS MARKET MUSIC 9/16/20
<b>Total CORNER, ROSBY</b>		\$200.00		
<hr/>				
Paid Chk#	083924	9/14/2020	<b>DAHLHEIMER DISTRIBUTING CO</b>	
E	501-000-00-27-4263	Purchases - Beer	\$1,239.00	112-03988 BEER
<b>Total DAHLHEIMER DISTRIBUTING CO</b>		\$1,239.00		
<hr/>				
Paid Chk#	083925	9/14/2020	<b>GRANITE CITY JOBBING</b>	
E	501-000-00-27-4273	Purchaes - Cigarette non tax	\$1,073.14	199859 TOBACCO
E	501-000-00-27-4271	Purchases - Cigars	\$176.08	199859 CIGARS
E	501-000-00-27-4269	Freight - In	\$4.25	199859 FRT
E	501-000-00-25-4210	Operating Supplies	\$11.79	199861 SUPPLIES
<b>Total GRANITE CITY JOBBING</b>		\$1,265.26		
<hr/>				
Paid Chk#	083926	9/14/2020	<b>JOHNSON BROTHERS WHOLESALE</b>	
E	501-000-00-27-4262	Purchases - Liquor	(\$188.69)	112850 CREDIT
E	501-000-00-27-4262	Purchases - Liquor	(\$156.50)	112851 CREDIT
E	501-000-00-27-4264	Purchases - Wine	(\$144.00)	113318 CREDIT
E	501-000-00-27-4262	Purchases - Liquor	(\$3,004.50)	113728 CREDIT
E	501-000-00-27-4264	Purchases - Wine	(\$66.67)	114913 CREDIT
E	501-000-00-27-4262	Purchases - Liquor	\$257.40	143636 LIQUOR
E	501-000-00-27-4262	Purchases - Liquor	\$84.48	1636178 LIQUOR
E	501-000-00-27-4262	Purchases - Liquor	\$1,040.00	1640029 LIQUOR
E	501-000-00-27-4262	Purchases - Liquor	\$3,105.94	1640030 LIQUOR
E	501-000-00-27-4264	Purchases - Wine	\$1,929.66	1640031 WINE
E	501-000-00-27-4265	Purchases - Mix/Pop	\$16.00	1640032 MIX
E	501-000-00-27-4262	Purchases - Liquor	\$386.90	1640033 LIQUOR
E	501-000-00-27-4264	Purchases - Wine	\$211.00	1640034 WINE



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E 501-000-00-27-4264	Purchases - Wine	\$480.65	1640794	WINE
<b>Total JOHNSON BROTHERS WHOLESAL</b>		<b>\$3,951.67</b>		
<b>Paid Chk# 083927 9/14/2020 LUPULIN BREWING LLC</b>				
E 501-000-00-27-4263	Purchases - Beer	\$1,192.45	31826	BEER
<b>Total LUPULIN BREWING LLC</b>		<b>\$1,192.45</b>		
<b>Paid Chk# 083928 9/14/2020 MONTICELLO PRINTING</b>				
E 101-100-10-25-4210	Operating Supplies	\$47.00	123191	PLANNER BUSINESS CARDS
<b>Total MONTICELLO PRINTING</b>		<b>\$47.00</b>		
<b>Paid Chk# 083929 9/14/2020 NORTHLAND MECHANICAL</b>				
E 401-000-00-25-4545	Repair/Maintenance Equipm	\$298.75	86215	OIL PUMP WASTEWATER EQUIP REPAIRS
E 401-000-00-25-4545	Repair/Maintenance Equipm	\$1,640.00	86217	WASTEWATER BOILER REPAIRS
<b>Total NORTHLAND MECHANICAL</b>		<b>\$1,938.75</b>		
<b>Paid Chk# 083930 9/14/2020 PAUSTIS WINE COMPANY</b>				
E 501-000-00-27-4269	Freight - In	\$8.75		FRT
E 501-000-00-27-4264	Purchases - Wine	\$543.00	101028	WINE
<b>Total PAUSTIS WINE COMPANY</b>		<b>\$551.75</b>		
<b>Paid Chk# 083931 9/14/2020 PHILLIPS WINE &amp; SPIRITS</b>				
E 501-000-00-27-4262	Purchases - Liquor	\$135.00	6090255	LIQUOR
E 501-000-00-27-4262	Purchases - Liquor	\$2,976.27	6090256	LIQUOR
E 501-000-00-27-4264	Purchases - Wine	\$1,264.42	6090257	WINE
E 501-000-00-27-4265	Purchases - Mix/Pop	\$142.00	6090258	MIX
<b>Total PHILLIPS WINE &amp; SPIRITS</b>		<b>\$4,517.69</b>		
<b>Paid Chk# 083932 9/14/2020 SOUTHERN WINE &amp; SPIRITS OF MN</b>				
E 501-000-00-27-4262	Purchases - Liquor	\$12,937.42	1993297	LIQUOR
E 501-000-00-27-4264	Purchases - Wine	\$424.00	1993299	WINE
<b>Total SOUTHERN WINE &amp; SPIRITS OF MN</b>		<b>\$13,361.42</b>		
<b>Paid Chk# 083933 9/14/2020 VIKING COCA-COLA</b>				
E 501-000-00-27-4265	Purchases - Mix/Pop	\$203.35	2587007	MIX
<b>Total VIKING COCA-COLA</b>		<b>\$203.35</b>		
<b>Paid Chk# 083934 9/16/2020 A&amp;P LASER ENGRAVING</b>				
E 101-100-92-25-4251	Emergency Management	\$180.00		COVID SUPPLIES
<b>Total A&amp;P LASER ENGRAVING</b>		<b>\$180.00</b>		
<b>Paid Chk# 083935 9/16/2020 AUTOSTOP INC</b>				
E 101-300-75-25-4430	Vehicle Maintenance	\$89.74	0082369	POLICE UNIT 732
E 101-300-75-25-4430	Vehicle Maintenance	\$102.34	0082630	POLICE UNIT 726
E 101-300-75-25-4430	Vehicle Maintenance	\$357.58	0082729	POLICE FORD EXPLORER
E 101-300-75-25-4430	Vehicle Maintenance	\$77.33	0082744	POLICE UNIT 702
E 101-300-75-25-4430	Vehicle Maintenance	\$110.41	0082788	POLICE UNIT 728
E 101-300-75-25-4430	Vehicle Maintenance	\$99.67	0082813	POLICE UNIT 729
E 101-300-75-25-4430	Vehicle Maintenance	\$26.25	0082839	POLICE UNIT 726/18
<b>Total AUTOSTOP INC</b>		<b>\$863.32</b>		
<b>Paid Chk# 083936 9/16/2020 CAMPBELL KNUTSON PROFESSIONAL</b>				
E 101-100-10-20-4170	Legal	\$263.50		PLANNING LEGAL AUG
E 101-100-15-20-4170	Legal	\$1,527.03		ADM LEGAL AUG
E 101-200-50-20-4170	Legal	\$201.50		STREET CURB STOP AUG
E 101-300-75-20-4170	Legal	\$170.50		POLICE LEGAL AUG
E 101-100-25-20-4170	Legal	\$170.50		EDA LEGAL AUG
E 101-400-56-20-4170	Legal	\$279.00		FIX IT STATION AUG
G 150-2055	Escrow Payable	\$293.00		SANDHILL VILLAS ESCROW



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G 101-2055	Escrow Payable	\$543.00		BIG LAKE MARKETPLACE 9TH ADD ESCROW
G 101-2055	Escrow Payable	\$170.00		LIBERTY BANK ESCROW
G 101-2055	Escrow Payable	\$1,925.00		NYSTROM ESCROW
E 301-000-00-20-4170	Legal	\$325.50		WATER BANKRUPTCY
<b>tal CAMPBELL KNUTSON PROFESSIONAL</b>		<b>\$5,868.53</b>		
<hr/>				
Paid Chk#	083937	9/16/2020	<b>CLEARWAY COMMUNITY SOLAR LLC</b>	
E 101-200-50-25-4582	Solar	\$289.44		10 LAKE ST SST LIGHTING
E 101-200-55-25-4582	Solar	\$261.64		160 LAKE ST N SKATING RINK
E 401-000-00-25-4582	Solar	\$267.44		256 CRESCENT ST LIFT
E 101-200-55-25-4582	Solar	\$19.53		514 FOREST RD PARK
E 101-200-50-25-4582	Solar	\$21.61		160 LAKE ST N LIGHTS
E 501-000-00-25-4582	Solar	\$78.24		621 ROSE DR LIQUOR/JERKEY SHOP
E 101-200-50-25-4582	Solar	\$101.38		10 LAKE ST ST LIGHTS
E 401-000-00-25-4582	Solar	\$1,789.10		18889 CTY RD 68
E 301-000-00-25-4582	Solar	\$151.26		300 SHOREACRES DR PUMP
E 301-000-00-25-4582	Solar	\$696.81		601 MINNESOTA AVE PUMP
E 101-100-15-25-4582	Solar	\$1,818.07		160 LAKE ST CITY HALL
E 401-000-00-25-4582	Solar	\$70.42		19173 CTY RD 68 SEWER
E 501-000-00-25-4582	Solar	\$2,527.27		615 ROSE DR LIQUOR STORE
<b>Total CLEARWAY COMMUNITY SOLAR LLC</b>		<b>\$8,092.21</b>		
<hr/>				
Paid Chk#	083938	9/16/2020	<b>CRYSTAL SPRINGS ICE</b>	
E 501-000-00-27-4266	Purchases - Misc	\$198.72	3001604	ICE/WATER
<b>Total CRYSTAL SPRINGS ICE</b>		<b>\$198.72</b>		
<hr/>				
Paid Chk#	083939	9/16/2020	<b>FLOW MEASUREMENT &amp; CONTROL CO</b>	
E 499-000-00-25-4545	Repair/Maintenance Equipm	\$3,954.00	9069	REPLACE EFF METER
<b>tal FLOW MEASUREMENT &amp; CONTROL CO</b>		<b>\$3,954.00</b>		
<hr/>				
Paid Chk#	083940	9/16/2020	<b>HAWKINS, INC-1</b>	
E 399-000-00-25-4413	Equipment/Accessories	\$3,562.03	4787443	PUMP
E 301-000-00-25-4380	Chemicals	\$4,283.90	4788555	CHEMICALS WATER
E 401-000-00-25-4380	Chemicals	\$2,763.39	4788556	CHEMICALS WWTP
<b>Total HAWKINS, INC-1</b>		<b>\$10,609.32</b>		
<hr/>				
Paid Chk#	083941	9/16/2020	<b>HUBBARD ELECTRIC</b>	
E 101-100-92-25-4251	Emergency Management	\$1,783.55	7364	COVID - MOTION LIGHT
<b>Total HUBBARD ELECTRIC</b>		<b>\$1,783.55</b>		
<hr/>				
Paid Chk#	083942	9/16/2020	<b>INSPECTRON, INC.</b>	
E 101-100-30-25-4257	Contractors Hired	\$3,000.00		AUG BLDG CONSULT
<b>Total INSPECTRON, INC.</b>		<b>\$3,000.00</b>		
<hr/>				
Paid Chk#	083943	9/16/2020	<b>KNIFE RIVER</b>	
E 101-200-55-25-4210	Operating Supplies	\$113.40	338139	CONCRETE PADS
E 101-200-55-25-4210	Operating Supplies	(\$50.00)	338139	CREDIT
E 101-200-55-25-4325	Class 5/Concrete	\$681.50	59070	CONCRETE WORK ON PARK BENCH & PICNIC PADS
<b>Total KNIFE RIVER</b>		<b>\$744.90</b>		
<hr/>				
Paid Chk#	083944	9/16/2020	<b>LANDFORM</b>	
G 101-2055	Escrow Payable	\$2,020.25		LIBERTY BANK
G 101-2055	Escrow Payable	\$374.75		BIG LAKE MARKETPLACE 9TH ADD (LGL) CONSUL WORK
G 101-2055	Escrow Payable	\$382.50		SIEMERS ESCROW CONSUL WORK
G 101-2055	Escrow Payable	\$318.75		MITCH K FARMS 21537 LENA TRAIL CONSUL WORK
G 101-2055	Escrow Payable	\$786.25		NYSTROM & ASSOCIATES
E 101-100-10-20-4180	Other Consultants	\$5,928.75		CONSULT IN HOUSE WORK
E 101-100-10-20-4180	Other Consultants	\$63.75		CONSULT CITY MEETINGS



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<b>Total LANDFORM</b>		\$9,875.00		
Paid Chk#	083945	9/16/2020	<b>LOCATORS AND SUPPLIES INC</b>	
E	101-200-50-25-4335	Striping	\$359.81	0287365-IN TRAFFIC CONES FOR STRIPING
<b>Total LOCATORS AND SUPPLIES INC</b>		\$359.81		
Paid Chk#	083946	9/16/2020	<b>NAPA AUTO PARTS</b>	
E	101-200-50-25-4545	Repair/Maintenance Equipm	\$32.96	972109 PW BLDG FURNACE MAINT
<b>Total NAPA AUTO PARTS</b>		\$32.96		
Paid Chk#	083947	9/16/2020	<b>NUTRIEN AG SOLUTIONS</b>	
E	101-200-55-25-4210	Operating Supplies	\$2,065.91	43568471 PARK FERTILIZER
<b>Total NUTRIEN AG SOLUTIONS</b>		\$2,065.91		
Paid Chk#	083948	9/16/2020	<b>OFFICE DEPOT</b>	
E	101-100-10-25-4210	Operating Supplies	\$2.82	PLANNING SUPPLIES
E	101-200-40-25-4210	Operating Supplies	\$2.82	ENGINEERING SUPPLIES
E	101-100-25-25-4210	Operating Supplies	\$5.64	EDA SUPPLIES
E	101-100-30-25-4210	Operating Supplies	\$5.64	BUILDING SUPPLIES
E	101-100-15-25-4210	Operating Supplies	\$36.68	CITY HALL SUPPLIES
E	101-100-10-25-4210	Operating Supplies	\$26.99	120804376001 PLANNER SUPPLIES
E	101-100-30-25-4210	Operating Supplies	\$166.02	120804376001 BUILDING SUPPLIES
E	101-100-05-25-4210	Operating Supplies	\$2.82	121378020001 MAYOR/COUNCIL SUPPLIES
<b>Total OFFICE DEPOT</b>		\$249.43		
Paid Chk#	083949	9/16/2020	<b>PATRIOT NEWS MN</b>	
E	101-400-56-25-4903	Movie In the Park	\$120.00	000982 MOVIE IN THE PARK AD
<b>Total PATRIOT NEWS MN</b>		\$120.00		
Paid Chk#	083950	9/16/2020	<b>PAUSTIS WINE COMPANY</b>	
E	501-000-00-27-4264	Purchases - Wine	\$244.50	99667 WINE
<b>Total PAUSTIS WINE COMPANY</b>		\$244.50		
Paid Chk#	083951	9/16/2020	<b>POTTERS INDUSTRIES</b>	
E	101-200-50-25-4335	Striping	\$692.00	91296215 STREET STRIPING
<b>Total POTTERS INDUSTRIES</b>		\$692.00		
Paid Chk#	083952	9/16/2020	<b>QUALITY FLOW SYSTEMS</b>	
E	499-000-00-25-4545	Repair/Maintenance Equipm	\$4,117.00	39640 PUMP PARTS
E	499-000-00-25-4545	Repair/Maintenance Equipm	\$2,000.00	39641 LIFT STATION SERVICE CHECK
<b>Total QUALITY FLOW SYSTEMS</b>		\$6,117.00		
Paid Chk#	083953	9/16/2020	<b>RED BULL DISTRIBUTION CO, INC</b>	
E	501-000-00-27-4265	Purchases - Mix/Pop	\$144.00	K-83294565 MIX
<b>Total RED BULL DISTRIBUTION CO, INC</b>		\$144.00		
Paid Chk#	083954	9/16/2020	<b>RYAN ROSE TRUCKING INC</b>	
E	199-000-75-70-4316	Capital Purchases/Improve	\$2,700.00	434 HUMVEE POLICE RTN TO SERVICE
<b>Total RYAN ROSE TRUCKING INC</b>		\$2,700.00		
Paid Chk#	083955	9/16/2020	<b>VERIZON WIRELESS</b>	
E	101-300-75-25-4230	Telephone/Internet	\$470.46	POLICE PHONES
E	101-300-75-25-4230	Telephone/Internet	\$41.44	POLICE 612-368-4073 #731
E	301-000-00-25-4230	Telephone/Internet	\$40.01	PUBLIC WORKS PHONE 763-647-0015-LAPTOP
E	301-000-00-25-4230	Telephone/Internet	\$41.44	PUBLIC WORKS PHONE 763-238-8260
E	101-300-75-25-4230	Telephone/Internet	\$31.50	9861916612 ESSENTIALS SUITE 14 LICENSES
<b>Total VERIZON WIRELESS</b>		\$624.85		
Paid Chk#	083956	9/16/2020	<b>WENCK ASSOCIATES, INC</b>	



**\*Check Detail Register©**

Cks 9/4/2020 - 9/16/2020

		Check Amt	Invoice	Comment
G 499-1600	Construction WIP	\$27,423.68	12005772	WWTP ENGINEERING AUG 2020
<b>Total WENCK ASSOCIATES, INC</b>		<b>\$27,423.68</b>		
<hr/>				
Paid Chk# 083957	9/16/2020	<b>WRUCK SEWER &amp; PORTABLE RENTALS</b>		
E 101-200-55-25-4225	Sanitation/Garbage Removal	\$781.00	5755	PARKS GARBAGE REMOVAL
a) <b>WRUCK SEWER &amp; PORTABLE RENTALS</b>		\$781.00		
<b>1010 US BANK</b>		<b>\$513,298.10</b>		

**Fund Summary**

<b>1010 US BANK</b>	
101 GENERAL FUND	\$171,883.93
116 2009 NSP GRANT	\$837.76
150 CAPITAL PROJECT/LOCAL DEVELOPM	\$583.00
175 CAPITAL PROJECT/STREET IMPROVE	\$45.00
198 INFRASTRUCTURE IMPRMNT FUND	\$2,908.00
199 EQUIP & BLDG REPLACEMENTS	\$3,795.20
275 ECONOMIC DEVELOPMENT AUTHORITY	\$80.00
280 FARMERS MARKET	\$400.00
301 WATER ENTERPRISE FUND	\$11,161.20
399 WATER -EQUIP/BLDG REPLCMNT FUN	\$3,562.03
401 SEWER ENTERPRISE FUND	\$13,673.11
499 SEWER-EQUIP/BLDG REPLCMNT FUND	\$37,494.68
501 LIQUOR ENTERPRISE FUND	\$266,179.64
601 STORM SEWER ENTERPRISE FUND	\$694.55
	<hr/>
	\$513,298.10



# AGENDA ITEM

Big Lake City Council

<b>Prepared By:</b> <i>Gina Wolbeck, City Clerk</i>	<b>Meeting Date:</b> 9/23/2020	<input type="checkbox"/> <b>Regular Agenda Item</b> <input checked="" type="checkbox"/> <b>Consent Agenda Item</b>	<b>Item No.</b> <b>6B</b>
<b>Item Description:</b> <i>September 9, 2020 City Council Workshop Minutes</i>		<b>Reviewed By:</b> <i>Clay Wilfahrt, City Administrator</i>	
		<b>Reviewed By:</b> <i>N/A</i>	

### **ACTION REQUESTED**

By approving this item on the Consent Agenda, Council would be approving the September 9, 2020 City Council Workshop Minutes as presented.

### **BACKGROUND/DISCUSSION**

The September 9, 2020 City Council Workshop Minutes are attached for Council's review

### **FINANCIAL IMPACT**

N/A

### **STAFF RECOMMENDATION**

N/A

### **ATTACHMENTS**

Workshop Minutes

**BIG LAKE CITY COUNCIL  
WORKSHOP MINUTES  
SEPTEMBER 9, 2020**

**1. CALL TO ORDER**

Mayor Wallen called the meeting to order at 5:00 p.m.

**2. ROLL CALL**

Council Members present: Seth Hansen, Paul Knier, Mike Wallen, and Scott Zettervall. Also present: City Administrator Clay Wilfahrt, Finance Director Deb Wegeleben, City Engineer Layne Otteson, Police Chief Joel Scharf, Community Development Director Hanna Klimmek, City Clerk Gina Wolbeck, Liquor Store Manager Greg Zurbey, and Big Lake Student Liaison Ella Dotzler.

**3. PROPOSED AGENDA**

Council Member Zettervall motioned to adopt the proposed Agenda as presented. Seconded by Council Member Knier, unanimous ayes, Agenda adopted.

**4. BUSINESS**

**4A. 2021 Budget Review**

Deb Wegeleben reviewed the draft 2021 budget including any scenarios that could arise in the coming budget years for 2021 - 2025. One area that was changed was the allocation of wages for specific job duties that pertain to the enterprise funds. In prior budgets, these duties were allocated to the general fund, but are now being proposed to be allocated to the water and sewer funds. Additionally, a \$0.10 increase to the night shift differential pay as well as a \$0.65/hour pay increase for the lead positions within the streets, parks, water, and wastewater departments are being proposed. Also included in this budget is the additional positions and services that could possibly be implemented in year 2021 including the fire position. Wegeleben clarified that Staff has not officially vetted these positions at this time, but needed to have an estimation of expenditures to set the preliminary budget. The allocation changes plus the increases discussed result to a \$51,193 savings to the General Fund. Wegeleben also noted that if Council wishes to maintain a flat tax rate, the transfer amounts could be increased.

Council Member Zettervall stated that the budget method doesn't really matter to him, but that his goal is to lower the tax rate 1% to 1.5%, and also expressed that we can re-adjust and reallocate before we set the final budget in December.

Council Member Hansen stated that he would prefer to set the tax rate at 49.83% which equates to a 5.82% levy increase.

Council Member Knier stated that he would be ok setting the tax rate the same as last year and re-evaluate before the final levy adoption. Knier also questioned whether we should have the

\$51,193 Locates wage paid for by the levy, or paid for by water bills. Wegeleben stated that how the wage is allocated is a Council decision, but historically the wage has been allocated in-part to the water and sewer funds as well as the general fund. Staff is proposing that that full wage and benefit package be allocated fully to enterprise funds. Mayor Wallen asked that from an accounting standpoint, does it make more sense to charge and apply the wage cost to the enterprise funds, or to the levy. Wegeleben noted that by allocating all costs to the appropriate enterprise funds it would reflect a truer picture of the cost of the operations of the funds. Clay Wilfahrt discussed that the media generally reports increases/decreases to the tax levy, not the tax rate.

Mayor Wallen discussed that most residents are concerned about what will their monthly cost will be for their tax payment. Wallen stressed that the City provides services that the public expects to continue, and clarified that the City can only affect levy increases/decreases on the City's portion of the tax payment, not what the County and School levy portions will be. Wallen stressed that we shouldn't be setting our levy amount based on what other entities are setting their levy amounts at, but should set our levy based on what services we should be providing to our citizens. Wallen stated that he would like to go with the 49.83% tax levy amount for the preliminary, and to continue looking at ways to reduce the levy at final adoption in December.

Council Member Zetervall discussed that if we use a model of keeping our tax rate the same every year and not grow City expenses, this could potentially let us put more money into our CIP fund and not have to increase our debt. Wegeleben noted that if property values go down and we keep the tax rate level, it will affect the general fund. Wegeleben also clarified that we can't cut the debt levy. Wilfahrt noted that it is hard to control property tax rates as there are factors out of our control such as fluctuations in property values set each year by the County. We can however control all the factors that go into the City's levy.

Council continued discussion on the Locates wage and whether the wage should be allocated to the general fund or to the appropriate enterprise funds. The general consensus of the Council was that we shouldn't subsidize wages that should be allocated to an enterprise fund. Direct costs for the service should be allocated to the appropriate funds. The general consensus of the Council was to bring forward adoption of a Preliminary Tax Levy of 49.83% for consideration at the September 23, 2020 meeting, and to continue budget discussions prior to final adoption in December.

#### **4B. City Hall Hours Discussion**

Clay Wilfahrt reviewed previous Council discussion at the last Workshop on how summer hours have worked at City Hall. Council had directed Staff to produce a survey available to citizens, contractors, and business owners and to report back to Council with the results. Wilfahrt reviewed the survey results which indicate that extending the current summer hours to be year-round is the most popular option. There was overwhelming support for consistent hours year-round, and some survey participants mentioned that they would like to see evening or weekend hours as well. Wilfahrt also reviewed that participants expressed that they prefer an extension of hours beyond "normal business hours", favoring the longer hours Monday – Thursday because they allow residents to come in before and after work. Wilfahrt also noted that there seems to be

a desire among some to push evening hours even further. Staff believes there is obvious support for making the current summer hours permanent. It accomplishes the public's preferences of keeping City Hall open later, while also keeping things consistent. Wilfahrt reviewed other alternatives including longer work hours Monday through Thursday and closing City Hall on Fridays, and the option to have City Hall open later on Wednesday evenings since many Staff are already working late on Wednesdays due to meetings. Staff's recommendation is to make the current "summer hours" permanent and asked for Council feedback.

The consensus of the Council was the need for consistent hours based on citizen feedback. Council directed Staff to bring back a Personnel Policy amendment to change core hours to 7:30 a.m. to 5:00 p.m. Monday through Thursday, and 7:30 a.m. to 11:30 a.m. on Fridays throughout the year.

#### **4C. Update on Street and Utility Repair Work**

Layne Otteson provided an update on repairs needed on street and utility work in 2020. With Council rejecting the ST2020-2 bids due to the high costs, Staff has been meeting with contractors to discuss the work needed to be done this year. Currently all work that was planned in the bid is still being considered. Several paving and utility contractors have been very receptive to work schedules, with one concrete contractor willing to quote the work so far. Otteson reviewed repairs needed to be completed this year. Street pavement repairs include large area patching and small sinkholes, and other repairs needed include water service insulation, a 12" water main break repair, sidewalk and pedestrian ramp upgrades, curb repairs, and a culvert pipe adjustment. Otteson noted that multiple quotes can be obtained for each work trade. The scope of the work will be adjusted to fall within the available funding of \$175,000 which will be provided by fund 196 and 399. Staff would provide project management and inspection to save costs. Staff recommended the City proceed with continuing to receive competing quotes from contractors and complete the work within budget.

Council directed to continue to move forward with obtaining quotes to complete the necessary work.

#### **4D. Utility Billing Discussion**

Deb Wegeleben reviewed water/sewer utility billing issues the City has recently experienced. Wegeleben discussed the option to place water/sewer billings on hold for properties that have been destroyed by fire or other natural disasters for a specific period of time. Staff recommended that the City hold all base fees for those property owners that have experienced these types of disasters for a period of one year. Wegeleben also discussed that in March 2020, Council authorized holding all late fees on utility bills due to the COVID Pandemic. Staff is seeking Council feedback on when Council feels it would be appropriate to charge late fees again. Wegeleben noted that currently there are \$173,400 in delinquencies, which will increase once we start charging late fees again. Wegeleben also provided an update on certification of delinquent balances that will be certified to the 2021 property taxes. There are currently 327 accounts with balances greater than \$100. Of these, there are 8 with balances of \$2,000 to \$4,000, 40 accounts that have balances of \$1,000 to \$2,000, and the remaining accounts are

less than \$1,000. Wegeleben also clarified that certified delinquent balances will be due and payable in one year.

The general consensus of the Council was to authorize Staff's recommendation to hold all base fees for those property owners that have experienced a fire or natural disaster until a Certificate of Occupancy is issued or for a period of up to one year from the date of the disaster.

Council also discussed re-establishing late fees on delinquent utility accounts. It was discussed that we are still under Executive Orders and a Pandemic. The City has been extremely accommodating to affected residents and business owners, but we have seen some that are habitually not paying their bills. At some point, we have to think about what is best for the community as a whole. Council directed that the City start charging late fees beginning with the September billing.

**4D. New Ideas Discussion** – No other discussion.

**5. OTHER** – No other.

**6. ADJOURN**

Council Member Hansen motioned to adjourn at 5:49 p.m. Seconded by Council Member Knier, unanimous ayes, motion carried.

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City Clerk

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Date Approved By Council



# AGENDA ITEM

Big Lake City Council

<b>Prepared By:</b> <i>Gina Wolbeck, City Clerk</i>	<b>Meeting Date:</b> 9/23/2020	<input type="checkbox"/> <b>Regular Agenda Item</b> <input checked="" type="checkbox"/> <b>Consent Agenda Item</b>	<b>Item No.</b> <b>6C</b>
<b>Item Description:</b> <i>September 9, 2020 City Council Regular Meeting Minutes</i>		<b>Reviewed By:</b> <i>Clay Wilfahrt, City Administrator</i>	
		<b>Reviewed By:</b> <i>N/A</i>	

## **ACTION REQUESTED**

By approving this item on the Consent Agenda, Council would be approving the September 9, 2020 City Council Regular Meeting Minutes as presented.

## **BACKGROUND/DISCUSSION**

The September 9, 2020 City Council Regular Meeting Minutes are attached for Council's review

## **FINANCIAL IMPACT**

N/A

## **STAFF RECOMMENDATION**

N/A

## **ATTACHMENTS**

Regular Meeting Minutes

**BIG LAKE CITY COUNCIL  
REGULAR MEETING MINUTES  
SEPTEMBER 9, 2020**

**1. CALL TO ORDER**

Mayor Mike Wallen 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: Seth Hansen, Paul Knier, Mike Wallen, and Scott Zettervall. Also present: City Administrator Clay Wilfahrt, Finance Director Deb Wegeleben, Community Development Director Hanna Klimmek, City Engineer Layne Otteson, Police Chief Joel Scharf, City Clerk Gina Wolbeck, Liquor Store Manager Greg Zurbey, Assistant Fire Chief Mark Hedstrom, and Big Lake Student Liaison Ella Dotzler.

**4. OPEN FORUM**

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

**5. PROPOSED AGENDA**

Council Member Zettervall motioned to adopt the proposed Agenda as presented. Seconded by Council Member Knier, unanimous ayes, Agenda adopted.

**6. CONSENT AGENDA**

Council Member Knier 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 List of Claims, 6B. Approve Council Workshop Minutes of August 26,

2020, 6C. Approve Council Meeting Minutes of August 26, 2020, 6D. Accept Resignation from Parks Advisory Committee Member Shane Fisher, 6E. Approve Parks Advisory Committee Recommendation to Appoint Scott Creighton and Jack Merwin to the vacant Parks Advisory Committee Seats. 6F. Approve Employment Status Change for Dana Mattson and Bruce Frandle from Probationary to Regular Employment Status, 6G. Approve Employment Status Change for Phil Kollar to Lead Water/Wastewater Operator II, 6H. Approve Resolution No. 2020-72 Accepting Federal Coronavirus Relief Funds, and 6I. Approve Resolution No. 2020-73 approving a Therapeutic Massage License to Hong Mei Liu to operate at Lily's Massage Located at 635 Rose Drive, Suite 2.

## **7. BUSINESS**

### **7A. Fire Department Donations**

Deb Wegeleben reviewed that the State of MN, through the Department of Defense Firefighter Program (FFP), has acquired equipment from the federal government for the suppression of fires and emergency response and is authorized under M.S. 88.065 and 84.085 to receive and furnish equipment to organizations providing fire suppression and/or emergency services. Wegeleben explained that the Big Lake Fire Department enrolled in the FFP Program which is administered by the Department of Natural Resources (DNR), and on July 31, 2020 received equipment consisting of a 2003 Bobcat S150 at an estimated value of \$21,900 which does not include shipping costs, and two shelter tents to be used for emergency shelter of up to 250 people with an estimated value of \$42,000 each. The shipping/handling fee for the Bobcat transport is \$3,000 which will be split 50/50 between the City and Township with each entity paying \$1,500. The City's portion of the donation that needs to be recognized is \$52,950; which is 50% of the total estimated value of the assets received.

Council Member Zettervall motioned to approve Resolution No. 2020-74 accepting donations valued at \$52,950.00 towards the Big Lake Fire Department from the Department of Defense Firefighter Program. Seconded by Council Member Knier, unanimous ayes, motion carried.

### **7B. Monthly Department Reports**

Fire Department – Assistant Fire Chief Mark Hedstrom provided statistical information on calls for service for the month of August. Hedstrom also reviewed small group training activities in August that included ladders and aerial operations, provided an update on the hiring status of new firefighters which have brought on six new firefighters, and discussed recent improvements to the Fire Hall work-out room. Hedstrom also discussed the addition of the Federal Q Siren from Engine II that was returned to service to honor all fire fighters who have served on the Department, reviewed the Department's involvement in local youth

fundraisers, and presented photos from the recent summer picnic that was attended by current and retired fire fighters and their family members.

Police Department – Joel Scharf updated Council on police statistics, calls for service, significant arrests, and self-initiated policing activities for the month of August. Scharf discussed new traffic safety signs, the Department’s involvement in recent community and neighborhood events, announced the upcoming ATV Run scheduled for September 26 at Lakeside Park, and discussed the 2016 Polaris wide-track snowmobile the Department secured through the RTD Program. Scharf noted that the snowmobile will be available for use by the Police Department as well as the Fire Department.

Engineering/Public Works Department – Layne Otteson provided an update on engineering projects underway in the City and activities in the Utilities Department. Otteson reviewed the Wastewater Treatment Plant expansion project, operations at the Wastewater Plant, and activities in the water division. Otteson also reviewed obtaining quotes for street and utility repairs, completion of the ADA Transition Plan, provided an update on the Safe Routes to School Improvement Project, lakeshore stabilization and upgrades, AIS inspections at Lakeside Park, education and enforcement relating to the Lake Mitchell Boat Launch, and reviewed Lake Outlet levels.

Council Member Knier asked if it is common practice for another City to bring sludge to our wastewater facility for processing. Otteson reviewed operations at the wastewater plant noting that while we generally don’t have the capacity to take on other community’s sludge product, we were able to accommodate the City of Otsego’s request this past month without the additional sludge affecting the City’s capacity. Otteson also discussed revenue the City receives for accepting this type of product. Knier also asked for an update on AIS inspections. Otteson reviewed MNDNR lake inspections as well as inspections conducted regularly by members of the BLCLA. Otteson also discussed boat inspections at Lakeside Park that are conducted by WaterGuards Staff.

Student Liaison – Ella Dotzler provided an update on plans the school district has for classes resuming and distance learning strategies for this fall during the COVID-19 pandemic. Dotzler noted that the school’s focus is on sanitation, separation of students, and small class sizes. The District will be re-evaluating their plan in the next two weeks as case numbers are updated. Dotzler also stated that District enrollment has increased more than initially predicted due to the introduction of online learning. Dotzler also discussed that the Big Lake School Board was notified that St. Cloud Prison cases would not be included as a determination for education delivery, which is no longer true. Had prison cases been omitted, schooling would be completely in-person.

Mayor Wallen asked Dotzler for an update on how students are handling the modified schedule. Dotzler reviewed what the “normal” modified scheduled will be and when asked

how she feels the schedule will work, Dotzler indicated that she feels the plan will not be sustainable. Mayor Wallen thanked Dotzler for her updates and for keeping the Council informed on school happenings.

**8. ADMINISTRATOR'S REPORT**

Clay Wilfahrt provided an update on the Police Union contract negotiations, and discussed changing City Hall hours to a permanent "summer hours" schedule which had overwhelming support from the public. Wilfahrt also provided an update on the CMRRPP Framework 2030 project noting that the first round of planning was focused on engagement, and informed Council that the second round will have more face to face time with community board members. Wilfahrt also indicated that new City Planner Lucinda Meyers will be taking over as the City's staff representation on the board.

**9. MAYOR & COUNCIL REPORTS and QUESTIONS/COMMENTS**

Mayor Wallen: Reviewed the 3<sup>rd</sup> Quarter Fire Board Meeting.

Council Member Hansen: Discussed the October CMRRPP Meeting.

Council Member Zettervall: Discussed the 3<sup>rd</sup> Quarter Fire Board Meeting, and the September Planning Commission Meeting.

**10. OTHER** – No other.

**11. ADJOURN**

Council Member Hansen motioned to adjourn at 6:38 p.m. Seconded by Council Member Knier, unanimous ayes, motion carried.

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Clerk

Date Approved By Council \_\_\_\_\_



# AGENDA ITEM

## Big Lake City Council

<b>Prepared By:</b> Gina Wolbeck, City Clerk	<b>Meeting Date:</b> 09/23/2020	<input type="checkbox"/> Regular Agenda Item <input checked="" type="checkbox"/> Consent Agenda Item	<b>Item No.</b> <b>6D</b>
<b>Item Description:</b> 2020 General Election - Judge Appointments		<b>Reviewed By:</b> Clay Wilfahrt, City Administrator	
		<b>Reviewed By:</b> N/A	

### **ACTION REQUESTED**

By approving this item on the Consent Agenda, Council would be approving a RESOLUTION appointing election judges for the 2020 General Elections.

### **BACKGROUND/DISCUSSION**

Election judge appointments are made by the City Council at least 25 days before the election. Staff is seeking Council approval on the attached Resolution approving the appointment of election judges for the November 3, 2020 General Election.

All judges are required to complete a 2-hour online training session and receive certification from the Sherburne County Auditor/Treasurer’s Office prior to serving. Head judges are required to complete an additional 1-hour Head Judge training as well. Required training will also be completed by City Staff who are assisting with the upcoming elections and these Staff members are listed as appointed judges on the attached resolution, but will only be assisting at polling sites as directed by the Head Judges at each Precinct.

Due to the COVID pandemic, the City is taking additional precautions as far as training and certification of additional Staff in case there is a need for coverage for the General Election. It is the City’s intent that these additional Staff members will only be utilized if members of the Staff Election Team (Gina/Janette/Deb) are unable to coordinate required election processes prior to Election Day, assist at Precincts on Election Day due to illness or quarantine restrictions, or we have an unexpected deficient number of judges available to work. On Election Day, the Head Judges from each Precinct are responsible for activities within their Precinct, and City Staff would only be on hand to help in whatever capacity the Head Judges request assistance. It is not our intention for City Staff to facilitate voting procedures on Election Day, only to have Staff available who are trained and certified to be present at a polling place on Election Day if requested by a Head Judge.

### **FINANCIAL IMPACT**

Regular election judges are paid \$10/hour; head judges are paid \$12/hour. Judges are also paid for their training, and receive mileage reimbursement.

### **STAFF RECOMMENDATION**

Staff recommends appointment of election judges as presented.

### **ATTACHMENTS**

Resolution approving appointment of judges serving at the November 3, 2020 General Election.

**CITY OF BIG LAKE  
MINNESOTA**

A general meeting of the City Council of the City of Big Lake, Minnesota was called to order by Mayor Mike Wallen at 6:00 p.m. in the Council Chambers of City Hall, Big Lake, Minnesota, on September 23, 2020. The following Council Members were present: Seth Hansen, Paul Knier, Mike Wallen, and Scott Zettervall. A motion to adopt the following resolution was made by Council Member \_\_\_\_\_ and seconded by Council Member \_\_\_\_\_.

**CITY OF BIG LAKE  
RESOLUTION NO. 2020-XX**

**A RESOLUTION APPOINTING ELECTION JUDGES FOR THE  
NOVEMBER 3, 2020 GENERAL ELECTION**

**WHEREAS**, the City of Big Lake will hold a General Election on November 3, 2020;  
and

**WHEREAS**, Minnesota Election Law 204B.21 requires that election judges in a municipality be appointed by the governing body; and

**WHEREAS**, the individuals listed on attached "Exhibit A" have agreed to perform the duties of election judge on November 3, 2020, and are certified by the Sherburne County Auditor's Office to perform the duties of an election judge.

**NOW THEREFORE, BE IT RESOLVED** by the Big Lake City Council to appoint the individuals listed on attached "Exhibit A" to be election judges at the November 3, 2020 General Election.



## EXHIBIT A

### Election Judges appointed to serve at the November 3, 2020 General Election

Judge Name
Bev Anderson
Jan Anderson
Gregg Bendtsen
Gwen Besser
Paula Bieniek
Bradley Cross – Head Judge
Audrey Davis
Kristi DeCamillis
Linda DeLorenzo
Ella Dotzler (Student Trainee)
Tom Hanson – Head Judge
Diana Hott
Trisha Jacobson
Brad Johnson – Head Judge (Training)
Cynthia Johnson
Deb Johnson
Janis Johnson
Su Johnson – Head Judge (Training)
Linda Keller Costello
Heather Kuikka
Deborah Lindboe
Cindy Lemm
Diane Newberry
Kim Noding
Dayna O’Brien
Lisa Odens
Donna Panayotoff
Paul Petersen
Martin Rainer
Tyler Richards
Liz Ruddock – Head Judge
Corrine Ralph
Jadyn Rust (Student Trainee)

Judge Name
Janette Rust – Election Assistant
Judy Schmidt
Sue Stang
Holly Swanson
Anna Thompson
Robert Tuttle
Gloria VandeBrake
Ron Vincent
Sally Vincent – Head Judge
Necole Vongphakdy – Head Judge
Deb Wegeleben – Election Assistant
Gina Wolbeck – Election Administrator
Judie Zaske – Head Judge
Petra Zimmerly

<b>COVID Emergency Judges</b>
<p>City Staff who are trained/certified election judges that will only be used in case of coverage needs at the direction of Head Election Judges at each Precinct</p>
Stacey Fox
Hanna Klimmek
Kati Peterson
Corrie Scott
Clay Wilfahrt



# AGENDA ITEM

Big Lake City Council

<b>Prepared By:</b> Clay Wilfahrt, City Administrator	<b>Meeting Date:</b> 9/23/2020	<input type="checkbox"/> <b>Regular Agenda Item</b> <input checked="" type="checkbox"/> <b>Consent Agenda Item</b>	<b>Item No.</b> <b>6E</b>
<b>Item Description:</b> Personnel Policy Amendment to change core hours		<b>Reviewed By:</b> Deb Wegeleben, Finance Director	
		<b>Reviewed By:</b> N/A	

**ACTION REQUESTED**

By approving this item on the Consent Agenda, Council would be approving an amendment to the City’s Personnel Policy setting core hours to 7:30 a.m. to 5:00 p.m. Monday through Thursday, and 7:30 a.m. to 11:30 a.m. on Fridays.

**BACKGROUND/DISCUSSION**

At the last Council meeting, the Council reviewed survey results from the public and from City staff, both of which overwhelmingly support a change in hours at City Hall. For that reason, Council directed staff to bring back the personnel policy to reflect the change in hours to 7:30 a.m. to 5:00 p.m. Monday through Thursday, and 7:30 a.m. to 11:30 a.m. on Fridays.

**FINANCIAL IMPACT**

None

**STAFF RECOMMENDATION**

Approve an amendment to the City’s Personnel Policy to change the core hours.

**ATTACHMENTS**

Revisions to page 22 of the City’s Personnel Policy



**CITY OF BIG LAKE  
RESOURCES & BENEFITS INFORMATION  
PERSONNEL POLICY AS OF 1/1/2017  
*Approved December 14, 2016***

***Change in Core Hours – 9/23/2020***

Revised September 23, 2020

## HOURS OF WORK

### Work Hours

Supervisors with the approval of the city administrator will establish employee work schedules and opportunities to work remotely. The regular workweek for full time employees is five eight-hour days in addition to a lunch period, Monday through Friday, except as otherwise approved by the city administrator in accordance with the customs and needs of the individual departments. - (See Addendum for union contract)

### Part-time, Seasonal and Temporary Positions

In order to comply with law while avoiding penalties, part-time employees will be scheduled with business needs and in manner that ensures positions retain part-time status under which intended. Effective January 1, 2016, employees in part-time and temporary positions will not be permitted to work more than a monthly average of 29 hours/week, including hours worked, paid leave (such as annual leave or holiday leave). All shifts, including schedule trades or picked-up shifts, must be pre-approved by supervisor. Working a shift without prior approval may result in discipline, up to and including termination of employment. In some rare instances, a part-time, seasonal or temporary employee maybe offered health insurance in order to comply with federal health care reform laws and regulations.

### Minors

The city will allow the hiring of minors age 15–17 for certain designated positions and with pre-approval from the city administrator or designee. The employment of minors shall conform to all applicable state and federal laws. Minors, under the age of 16, may not be employed during school hours unless they have special permission from their school superintendent and parents, according to applicable state law. Minors, 16 – 17 years of age, in high school cannot work before 5:00 AM on school days, or after 11:00 PM the evening before a school day. Minors, under the age of 16 cannot work before 7:00 AM and after 9:00 PM on any day. Minors cannot work more than forty (40) hours in a week or more than eight- (8) hours in any 24-hour period. The city shall have the discretion to utilize more restrictive rules when necessary to accommodate the needs of the city.

### Core Hours

To ensure employee availability and accountability to the public the city serves, all non-union full-time employees (exempt and non-exempt) are to be at work or available to the public and co-workers during the hours of 8:00 am to 4:30 pm, Monday through Friday 7:30 am to 5:00 pm, Monday through Thursday, and 7:30 am to 11:30 am on Fridays, unless away from the work site for a work related activity or on approved leave, except as otherwise approved by the city administrator in accordance with the customs and needs of the individual departments. The Liquor Store employee's core hours will be based on the hours of operation of the liquor store as scheduled by the store/assistant manager. (See Addendum for union contracts)

### Summer Hours – Non Union and Non Liquor Store Employees – now implemented year around

Summer hours' will begin Memorial Day and end Labor Day each year, the hours of operations will be Monday through Thursday, 7:30 am to 5:00 pm, and Friday, 7:30 am to 11:30 am.



# AGENDA ITEM

## Big Lake City Council

<b>Prepared By:</b> <i>Gina Wolbeck, City Clerk</i>	<b>Meeting Date:</b> 09/23/20	<input type="checkbox"/> <b>Regular Agenda Item</b> <input checked="" type="checkbox"/> <b>Consent Agenda Item</b>	<b>Item No.</b>  <b>6F</b>
<b>Item Description:</b> <i>New Therapeutic Massage License – Yan Liu at Lily’s Massage located at 635 Rose Drive, Ste. 2</i>		<b>Reviewed By:</b> <i>Clay Wilfahrt, City Administrator</i>	
		<b>Reviewed By:</b> <i>Joel Scharf, Police Chief</i>	

**ACTION REQUESTED**

By approving this item on the Consent Agenda, Council would be approving a Resolution approving a Therapeutic Massage License to Yan Liu at Lily’s Massage located at 635 Rose Drive, Ste. 2.

**BACKGROUND/DISCUSSION**

Staff has received an application for a Therapeutic Massage license for Yan Liu to practice Therapeutic Massage at Lily’s Massage located at 635 Rose Drive, Ste. 2, Big Lake, MN. Previously, Lily’s Massage has operated out of Suite 4 of this same commercial building. They are in the process of moving from Suite 4 to Suite 2 and Yan Liu, Hong Mei Liu, and Xuling Qin (Lily) will be licensed to perform Therapeutic Massage at Suite 2.

The license application fee of \$100.00 has been fully paid and the background investigation has been conducted and authorized by Police Chief Joel Scharf. All required application materials have been submitted as requested. Upon Council approval, the license will be effective September 24, 2020 through December 31, 2020.

**FINANCIAL IMPACT**

N/A

**STAFF RECOMMENDATION**

It is staff’s recommendation that Council approve a Therapeutic Massage license to Yan Liu to operate at Lily’s Massage located at 635 Rose Drive, Ste. 2, Big Lake, MN.

**ATTACHMENTS**

Resolution

**CITY OF BIG LAKE  
MINNESOTA**

A general meeting of the Big Lake City Council, Big Lake, Minnesota was called to order by Mayor Mike Wallen at 6:00 p.m. at Big Lake City Hall, Big Lake, Minnesota, on Wednesday, September 23, 2020. The following City Council Members were present: Seth Hansen, Paul Knier, Mike Wallen, and Scott Zettervall. A motion to adopt the following resolution was made by Council Member \_\_\_\_\_ and seconded by Council Member \_\_\_\_\_.

**BIG LAKE CITY COUNCIL  
RESOLUTION NO. 2020-XX**

**A RESOLUTION APPROVING A THERAPEUTIC MASSAGE LICENSE TO YAN LIU  
TO OPERATE AT LILY'S MASSAGE LOCATED AT  
635 ROSE DRIVE, STE. 2, BIG LAKE, MN.**

**WHEREAS**, Chapter 3, Section 395 of the Big Lake City Code regulates the licensing and practice of Therapeutic Massage in the City of Big Lake; and

**WHEREAS**, Yan Liu has submitted a license application to perform Therapeutic Massage at Lily's Massage at the location described as 635 Rose Drive, Suite 2, Big Lake, MN.

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Big Lake, Minnesota, that the above listed individual is hereby authorized to perform therapeutic massage at the respective location as designated through December 31, 2020 contingent upon the following conditions:

1. Receipt of the required licensing fees from applicant.
2. Receipt of completed application.
3. Satisfactory results from the applicant's background investigation.
4. Recommendation of approval received from the Big Lake Police Chief and the City Clerk.

Adopted by the Big Lake City Council this 23<sup>rd</sup> day of September, 2020.

---

**Mike Wallen, Mayor**

Attest:

---

**Gina Wolbeck, City Clerk**

The following Council Members voted in favor:

The following Council Members voted against or abstained:

Whereupon the motion was duly passed and executed.

DRAFTED BY:

City of Big Lake

160 Lake Street North

Big Lake, MN 55309

STATE OF MINNESOTA     )  
  )SS.  
COUNTY OF SHERBURNE)

The foregoing instrument was acknowledged before me this \_\_\_\_ day of September 2020 by Mike Wallen and Gina Wolbeck, the Mayor and City Clerk respectively of the City of Big Lake, a Minnesota municipal corporation, on behalf of the corporation.

---

Notary Public



Have you ever been convicted of any felony, crime, or violation of any city ordinance other than traffic related? Yes  No

If Yes, please complete the following:

Date of arrest \_\_\_\_\_ Municipality of arrest \_\_\_\_\_

Charge \_\_\_\_\_

Date of conviction \_\_\_\_\_ Sentence received \_\_\_\_\_

Have you ever had a license denied, revoked, or suspended? Yes  No

If Yes, please complete the following:

Where? \_\_\_\_\_ When? \_\_\_\_\_

Type of license \_\_\_\_\_

Reason for revocation: \_\_\_\_\_

Have you ever been committed for one of the following: Yes  No

Psychological problems \_\_\_\_\_ Inebriation \_\_\_\_\_ Drug Use \_\_\_\_\_ Alcohol Use \_\_\_\_\_

Other \_\_\_\_\_

At what location(s) in the City will you perform massages?

635 Rose Dr Ste 2 Big Lake MN

Will you be leasing property for therapeutic massage business: Yes  No

If Yes, please provide the owner's name, address, and phone number:

\_\_\_\_\_  
Name Address Telephone

List the name and address of two (2) persons who are residents of Sherburne County who can attest to your character:

Steve Schmitz  
Name Address Telephone

David Sandeen  
Name Address Telephone

Please provide your principal address for the last 10 years?

1231 Rose PL Roseville MN 55113  
Street City State Zip

Have you ever received formal training in massage?

Yes  No

If Yes, please complete the following:

Name of School & Address: American Academy of Acupuncture and Oriental  
 Address of School: 1925 West Courtney Road B-2 Roseville, MN 55113 Medicor  
 Dates Attended: January 2015 - November 12 2015  
 Total Hours of Training: 885 Hours  
 Type of Diploma Received: Chinese Tuina Massage  
 By Whom is the School Accredited: NCBTMB

Please read the following statements carefully. By signing below, you agree to and are bound by each item:

- I have received from the City of Big Lake a copy of the Therapeutic Massage Ordinance and will familiarize myself with its provisions.
- I understand that a criminal conviction will not bar me from obtaining a license unless the conviction is directly related to the occupation for which the license is sought and there is no showing of sufficient rehabilitation and present fitness to perform the duties of the occupation. I understand that failure to reveal a criminal conviction is falsification of the application and constitutes grounds for denial of the license.
- The information I have provided on this application is truthful. I authorize the City of Big Lake to investigate the information and contact persons/organizations named on this application.

Signature of Applicant Yan Zi Date 9.8.2020

Attach along with this application:

1. Evidence of the applicant's educational qualifications, including originals or certified copies of degrees, diplomas, and certificates from a certified school, and where training was received (only required for new applicants).
2. A recent photograph of yourself.
3. Birth certificate or naturalization papers (only required for new applicants).
4. Payment of required non-refundable fee (as per attached Fee Schedule).

# National Certification Board for Therapeutic Massage & Bodywork

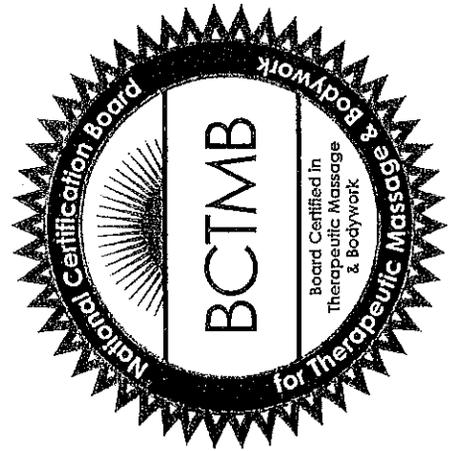


*This is to certify that*

**Yan Liu**

*has fulfilled the highest and most rigorous standards prescribed by the National Certification Board for Therapeutic  
Massage & Bodywork, and is hereby recognized for this significant achievement and awarded the esteemed designation of*

***Board Certified in Therapeutic Massage & Bodywork***



*Patricia B. Rosnick*

President

333476-00

Board Certification Number

05/02/2021

Expiration Date

The American Academy of  
Acupuncture and Oriental Medicine  
upon recommendation of the graduation committee  
has conferred upon

**Yan Liu**

**The Certificate of Chinese Tuina Massage Program**

with all its privileges and obligations.

Given at Roseville, in the state of Minnesota,  
this twenty-second day of June, two thousand and fifteen.



Changzhen Gong, Ph.D.

President

**Academic Record**  
**Chinese Tuina Massage Program II**

**American Academy of Acupuncture and Oriental Medicine**

OFFICE OF THE REGISTRAR,  
1925 WEST COUNTY ROAD B-2, ROSEVILLE, MN 55113  
PHONE: 651-631-0204 FAX: 651-631-0361

A transcript is official when it bears the academy's signature

Student: Liu, Yan

SSN:

Date: November 12, 2015

Subj	Nbr	Title	Grade	Credit Earned	Subj	Nbr	Title	Grade	Credit Earned
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**WINTER 2015**

TN	TN1101	TCM Theory	A	4.00
TN	TN1102	TCM Pathology	A	2.00
TN	TN1103	Meridians & Points I	A	4.00
TN	TN1104	Anatomy & Physiology I	A	2.00
TN	TN1105	Introduction to Tuina	A	1.00
TN	TN2101	TCM Diagnostics I	A	2.00
TN	TN2106	Tuina Techniques	B	2.00

**SUMMER 2015**

TN	TN2102	TCM Diagnostics II	A	2.00
TN	TN2103	Meridians & Points II	A	4.00
TN	TN2104	Anatomy & Physiology II	A	2.00
TN	TN2105	Anatomy & Physiology III	B	4.00
TN	TN2107	Clinical Observation	S	1.00
TN	TN3101	Tuina in Internal Medicine	A	2.00
TN	TN3102	Tuina in Sports Medicine	A	3.00
TN	TN3103	Tuina in Pediatrics	A	2.00
TN	TN3104	Tuina for Health Maintenance	A	1.00
TN	TN3105	Practice Mgmt., Ethics & Prof	A	1.00
TN	TN3106	Clinical Practice	S	2.00

**FALL 2015**

TN	TN4101	Kinesiology	A	2.00
TN	TN4102	Overview: Massage History	A	1.00
TN	TN4103	Western Pathology I	B	2.00
TN	TN4104	Western Pathology II	A	2.00
TN	TN4105	Physiology of Soft Tissue Mani	A	2.00
TN	TN4106	Massage Assessment and Tr	A	2.00
TN	TN4107	Ethics and Professional Issues	A	2.00
TN	TN4108	Practice Management	A	2.00

**SUMMARY**

Total credit required	56
Total credit completed	56
Date of graduation	November 12, 2015
Certificate Granted	Certificate in Chinese Tuina Massage II

1 Academic Credit = 15 Hours

1 Clinical Credit = 30 Hours

Program Total = 870 Hours

Hours Completed: 885 Hours

*Chang*  
11-12-2015



# AGENDA ITEM

Big Lake City Council

<b>Prepared By:</b> Clay Wilfahrt, City Administrator	<b>Meeting Date:</b> 9/23/2020	<input type="checkbox"/> <b>Regular Agenda Item</b> <input checked="" type="checkbox"/> <b>Consent Agenda Item</b>	<b>Item No.</b> <b>6G</b>
<b>Item Description:</b> Letter of Understanding regarding on-call procedures between the City of Big Lake and the International Union of Engineers, Local 49	<b>Reviewed By:</b> Layne Otteson, City Engineer <b>Reviewed By:</b> Hanna Klimmek, Community Development Director		

**ACTION REQUESTED**

By approving this item on the Consent Agenda, Council would be approving a Letter of Understanding regarding on-call procedures between the City of Big Lake and the International Union of Engineers, Local 49.

**BACKGROUND/DISCUSSION**

Recently there has been some confusion regarding on-call pay and how it would be administered. Representatives from the Union, Public Works leadership, and administration negotiated the attached letter. It has been reviewed and approved by the City Attorney. It is a purely procedural change that should not have additional cost to the City.

**FINANCIAL IMPACT**

None.

**STAFF RECOMMENDATION**

Approval of a Letter of Understanding regarding on-call procedures between the City of Big Lake and the International Union of Engineers, Local 49.

**ATTACHMENTS**

Letter of Understanding

September 23, 2020

Dear William:

Recently I was made aware of some confusion in how on-call pay would be divided between the Water and Wastewater division and the Streets and Parks division. After a couple of meetings on the subject, we have agreed to use the following process:

1. When an on-call Water and Wastewater employee receives a call from dispatch that pertains to streets and parks work, they will forward it on to Streets and Parks via a phone call to the streets and parks superintendent, or if he/she doesn't answer, the streets and parks lead. The water and wastewater employee will be compensated per the contract for receiving and forwarding the call.
2. The Streets and Parks Superintendent will call in an employee. The Order in which the employees will be called will be based on the current overtime list.
3. The Streets and Parks employee will respond and will be compensated under the emergency call-in section of the contract.

We agreed that we will use this process, and review its effectiveness during the next round of contract negotiations.

Respectfully,

Clay Wilfahrt  
City Administrator  
City of Big Lake



## AGENDA ITEM

Big Lake City Council  
Big Lake Township Board

<b>Prepared By:</b> <i>Gina Wolbeck, City Clerk</i>	<b>Meeting Date:</b> 9/23/2020	<input type="checkbox"/> <b>Regular Agenda Item</b> <input checked="" type="checkbox"/> <b>Consent Agenda Item</b>	<b>Item No.</b> <b>6H</b>
<b>Item Description:</b> <i>Call for a Special Meeting of the Joint Powers Board</i>		<b>Reviewed By:</b> <i>Clay Wilfahrt, City Administrator</i>	
		<b>Reviewed By:</b> <i>Lucinda Meyers, City Planner</i>	

### **ACTION REQUESTED**

By approving this item on the Consent Agenda, Council would be setting a Special Joint Powers Board Meeting on Wednesday, October 14, 2020 at 4:30 p.m. in the Big Lake City Council Chambers to hold a public hearing on a development application submitted by Cargill, Inc. for the property located at 20021 176<sup>th</sup> Street NW.

### **BACKGROUND/DISCUSSION**

The Big Lake City Council and Big Lake Township Board are being asked to set a Special Joint Powers Board Meeting on Wednesday, October 14, 2020 at 4:30 p.m. in the Big Lake City Council Chambers to hold a public hearing on a development application submitted by Cargill, Inc. for the property located at 20021 176<sup>th</sup> Street NW. The applicant has requested consideration of a Conditional Use Permit to allow an increase in the amount of impervious surface on a property located in the Shoreland Overlay District.

### **FINANCIAL IMPACT**

N/A

### **STAFF RECOMMENDATION**

Set special JPB meeting as requested.

### **ATTACHMENTS**

Meeting Notice

## **BIG LAKE CITY COUNCIL AND TOWN BOARD NOTICE OF JOINT POWERS BOARD MEETING**

NOTICE IS HEREBY GIVEN that the Big Lake Joint Powers Board (comprised of the Big Lake City Council and the Big Lake Town Board) will meet on Wednesday, October 14, 2020 at 4:30 p.m. in the Big Lake City Council Chambers, located at 160 Lake Street North, Big Lake, Minnesota. This meeting is being held to hold a public hearing for the following development application:

- **PUBLIC HEARING** – Conditional Use Permit application to allow an increase in the amount of impervious surface on a property located in the Shoreland Overlay District at the Cargill Facility located at 20021 176<sup>th</sup> Street, Big Lake, MN.

Gina Wolbeck  
City Clerk  
City of Big Lake

Post Dates: September 17, 2020 through October 14, 2020)



# AGENDA ITEM

Big Lake City Council

<b>Prepared By:</b> Greg Zurbey, Liquor Manager	<b>Meeting Date:</b> 9/23/2020	<input type="checkbox"/> <b>Regular Agenda Item</b> <input checked="" type="checkbox"/> <b>Consent Agenda Item</b>	<b>Item No.</b> <b>61</b>
<b>Item Description:</b> Employment Status Change for Part-time Liquor Clerks Carol Larson and Tara Schowalter		<b>Reviewed By:</b> Clay Wilfahrt, City Administrator <b>Reviewed By:</b> Deb Wegeleben, Finance Director	

**ACTION REQUESTED**

By approving this item on the Consent Agenda, Council would be approving an employment status change for Part-time Liquor Clerks Carol Larson and Tara Schowalter from probationary to permanent part-time employment status effective 10/9/2020.

**BACKGROUND/DISCUSSION**

Part-time Liquor Store clerks Carol Larson and Tara Schowalter have completed their 6-month probationary period and have both received positive employment reviews. They will move from Step 1 to Step 2 on the City pay scale.

**FINANCIAL IMPACT**

Move from Step 1 to Step 2 on the City pay scale.

**STAFF RECOMMENDATION**

Staff recommends Council approve an employment status change for part-time Liquor Store Clerks Carol Larson and Tara Schowalter from probationary to permanent part-time employment status.

**ATTACHMENTS**

N/A



# AGENDA ITEM

Big Lake City Council

<b>Prepared By:</b> Layne R. Otteson P.E. City Engineer / Utilities Manager PW20-064	<b>Meeting Date:</b> 9/23/2020	<input type="checkbox"/> Regular Agenda Item <input checked="" type="checkbox"/> Consent Agenda Item	<b>Item No.</b> <b>6J</b>
<b>Item Description:</b> Grant extension for 2021 AIS inspection with Sherburne Soil and Water Conservation District		<b>Reviewed By:</b> Clay Wilfahrt City Administrator Deb Wegeleben Finance Director	

## **ACTION REQUESTED**

By approving this item on the Consent Agenda, Council would accept a 1 year extension for the 2020 grant providing 100 hours of AIS inspection reimbursement and direct staff to execute extension with the Sherburne Soil and Water Conservation District.

## **BACKGROUND/DISCUSSION**

This past spring, the City was successful in receiving a grant with the Sherburne Soil and Water Conservation District to provide reimbursement for 100 hours of AIS inspection. Inspectors would educate boaters and minimize risk of Aquatic Invasive Species (AIS) introduction at the Lakeside Park boat launch. The Big Lake Community Lake Association also received a grant for providing 100 hours for volunteer inspections.

Unfortunately, the State didn't allow volunteers to be trained and the grant could not be utilized. This year, the only AIS inspection performed at Lakeside Park boat launch were through a contract utilizing WaterGuards, LLC inspectors.

Sherburne Soil and Water Conservation District has offered to extend the grant for one full year to the City. The Big Lake Community Lake Association (BLCLA) has agreed to extend their grant for one year. The combined coverage of the City and BLCLA will provide for 200 hours of lake protection from AIS.

## **FINANCIAL IMPACT**

The reimbursement covers 100 hours provided by volunteers performing the inspections. There is no cost to City but there will be staff time required to administer. The grant is for \$1,200. The City has already received \$900 of the grant.

## **STAFF RECOMMENDATION**

The extension will allow the City and BLCLA to provide volunteer inspections in 2021. Staff recommends the City Council approve requested action.

## **ATTACHMENTS**

- Contract Extension with SCSWD
- 2020 Contract (executed)

# AMENDMENT TO AIS GRANT AWARD CONTRACT

Organization City of Big Lake	Contract Number AIS-FY20-11	Amendment Number 1	Amendment Type Date: <input checked="" type="checkbox"/> Amount: <input type="checkbox"/> Organization Representative: <input type="checkbox"/>
----------------------------------	--------------------------------	-----------------------	--

The parties whose names are signed below hereby agree that the above-referenced AIS Grant Award Contract is amended as follows:

## IT IS AGREED THAT:

The end date of the contract will be extended one full year. New date deadlines are as follows:

- Item 5 of original contract – start date of activities will be no later than 9/1/2021
- Item 6 of original contract – practices / activities will be completed by 12/1/2021
- Item 9 of original contract – deliverables will be sent to the Sherburne SWCD no later than 12/1/2021

The reason for this date change is that the AIS Volunteer program was not administered by the Minnesota Department of Natural Resources (MN DNR) in 2020 due to the COVID-19 pandemic. Thus, City of Big Lake volunteers were not able to complete work consistent with this grant award. Activities will be undertaken in 2021 as long as the MN DNR resumes the AIS Volunteer program.

The original contract, as numbered, shall remain in full force and effect, except for those changes made necessary by this amendment.

This amendment is to take effect on the date of the last signature hereto.

Date	Award Recipient Representative
------	--------------------------------

## Technical Assessment and Cost Estimate

I have reviewed the project components and timeline as originally proposed and find that the **amended** estimated quantities, costs or completion date described above are practical and reasonable.

Date	Technical Representative
------	--------------------------

## Organization Approval

Approved Date	Authorized Signature
---------------	----------------------

## SHERBURNE COUNTY AIS GRANT AWARD CONTRACT

### General Information

Organization <b>Sherburne Soil &amp; Water Conservation District</b>	Contract Number <b>AIS-FY20-11</b>	Amendment <input type="checkbox"/> Date(s) _____	Canceled <input type="checkbox"/> Date: _____
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\* If contract amended, attach amendment form(s) to this contract.

### Applicant

Organization <b>City of Big Lake</b>	Address <b>160 Lake Street N</b>	City/State <b>Big Lake, MN</b>	Zip code <b>55309</b>
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\* If a group contract, this must be filed and signed by the group spokesperson as designated in the group agreement and the group agreement attached to this form.

### AIS Request

Project Title and Grant Category (AIS Management Planning, AIS Control or Volunteer Incentive) <b>Lakeside Park AIS Inspection</b>	Total Project Cost Estimate <b>\$1,200.00</b>
---	--

### Contract Information

I (we), the undersigned, do hereby request cost-share assistance to help defray the cost of completing the following practice(s) or activities listed in this contract. It is understood that:

1. The organization is responsible for full establishment, implementation, maintenance and conclusion of all practices or activities that are applied under this program to ensure that the conservation objective of the practice is met.
2. Practice(s) or activities must be planned and carried out in accordance with technical standards and specifications of the: **Minnesota Department of Natural Resources (MN DNR) or other agencies as applicable**
3. Increases in the practice / activity units or cost must be approved by the SWCD District Manager through amendment of this contract as a condition to increase the cost share payment.
4. Should the anticipated expenditures, as outlined within the applicant's proposal budget, amount to a lesser total; the Sherburne SWCD reserves the right to adjust the cost sharing proportions appropriately. Expenditures by the applicant exceeding the proposal budget total will not result in an increase of grant award -- the total award amount listed on Page 2 of this document may be considered a maximum amount allocated for this project.
5. This contract, when approved by the SWCD District Manager, will remain in effect unless canceled by mutual agreement, except where installations of practices or activities covered by this contract have not been started by **9/1/2020**, this contract will be automatically terminated on that date.
6. Practices / activities will be completed by **12/1/2020** unless this contract is amended by mutual consent to reschedule the work and funding.
7. Items of cost for which reimbursement is claimed are to be supported by invoices/receipts for payments and will be verified by the organization board as practical and reasonable. The SWCD District Manager has the authority to make adjustments to the costs submitted for reimbursement.
8. Payment of the grant award will include an initial 75% of the total grant award amount, followed by a remaining 25% payment to be made following the acceptance and approval of project deliverables by Sherburne SWCD.
9. Deliverables will be sent to the Sherburne SWCD no later than **12/1/2020**. Deliverables for this project will include:

Project Deliverables	<b>Volunteer hour logs certifying 100 hrs, data collection sheets, program narrative summary</b>
----------------------	--

**Organization Representative's Signatures**

The signature indicates agreement to:

1. Obtain all MN DNR or other applicable permits required in conjunction with the installation of the practice or implementation of activity prior to starting the practice / activity.
2. Be responsible for the operation and maintenance of conservation practices and activities applied under this program.
3. Provide copies of all receipts indicating proof of payment for grant eligible items (i.e. herbicide costs, contractor invoices, required volunteer documentation, partner donated funds, etc.).

Date <b>04-08-2020</b>	Organization <b>City of Big Lake</b>
Representative Signature 	
Address, if different from applicant information:	

**Technical Assessment and Cost Estimate**

I have the appropriate technical expertise and have reviewed the site where the above listed practice is to be installed and find it is needed and that the estimated quantities and costs are practical and reasonable.

Date <b>4/10/2020</b>	Technical Representative 
--------------------------	---

**Amount Authorized for Financial Assistance**

The SWCD Manager has authorized the following for financial assistance, not to exceed the Total Award Amount listed below.

- \$ 900.00 (75% of total) distributed following signature of Award Contract
- \$ 300.00 (25% of total) distributed following approval of project deliverables
- \$ 1,200.00 (Total Award Amount) from the **Sherburne County AIS Program**

Date <b>4/10/2020</b>	Authorized Signature 	Total Amount Authorized <b>\$ 1,200.00</b>
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# AGENDA ITEM

## Big Lake City Council

<b>Prepared By:</b> <i>T.J. Hofer through Kevin Shay, Consultant Planner</i>	<b>Meeting Date:</b> 9/23/2020	<b>Item No.</b> <b>7A</b>
<b>Item Description:</b> <i>Development Application for Site Plan, Variance and Conditional Use Permit for Liberty Bank at 730 Humboldt Drive (PID 65-538-0110)</i>	<b>Reviewed By:</b> <i>Lucinda Meyers, City Planner</i> <b>Reviewed By:</b> <i>Hanna Klimmek, EDFP, Community Development Director and Clay Wilfahrt, City Administrator</i>	

**60-DAY REVIEW DEADLINE:** *October 11, 2020*

### **ACTION REQUESTED**

The City Council is asked to make a motion approving or denying the following with conditions as presented:

1. A Resolution approving the Site Plan and Conditional Use Permit and denying the Variance for the Liberty Bank project located at 730 Humboldt Drive.

### **BACKGROUND/DISCUSSION**

#### **APPLICATION:**

Miller Architects & Builders LLC, on behalf of Liberty Bank Minnesota, the applicant, has submitted a development application requesting the following:

- Site Plan approval
- Conditional Use Permit for a “Changeable Electronic Sign”
- A variance to exceed the maximum square footage allowed for a “Changeable Electronic Sign”

The applicant submitted a complete application on August 12, 2020. State Statute dictates that the City must act upon a development application within 60 days of the receipt of a complete application. The City can extend the review for an additional 60 days, if needed, by providing written notice to the Applicant.

#### **PROPOSED DEVELOPMENT:**

The subject application is for a 2,813 sq. ft. bank with four drive-through lanes, three teller lanes and one ATM lane. As part of the request, the applicant is requesting a Conditional Use Permit (CUP) for the use of a Changeable Electronic Sign and a variance to exceed the allowable area of an electronic sign.

**ANALYSIS OF REQUEST**

**CONDITIONAL USE PERMIT REQUESTED:**

The applicant is requesting a conditional use permit to allow a Changeable Copy Sign Electronic in the B-3 district.

**VARIANCE REQUESTED:**

The applicant has submitted an application for a variance to exceed the amount of sign area allowed for a Changeable Copy Sign Electronic from an allowed 24 sq. ft. to 66 sq. ft.

**DEVELOPMENT APPLICATION ANALYSIS:**

*PROPERTY CHARACTERISTICS:*

The existing 1.2-acre property is currently undeveloped land. There are no existing structures on the site. The parcel lies west of Casey’s General Store and to the east of the Northstar Professional Building. The property is zoned B-3 General Business and guided for Business.

*EXISTING ZONING AND LAND USE:*

<b>Zoning</b>	B-3 General Business
<b>Future Land Use</b>	Business
<b>Existing Land Use</b>	Vacant Land
<b>Topography</b>	Relatively flat with minor topography changes

*SURROUNDING ZONING AND LAND USE:*

<b>Direction</b>	<b>Zoning</b>	<b>Future Land Use Plan</b>	<b>Existing Land Use</b>
North	B-3 General Business	Business	Commercial
South	B-3 General Business	Business	Vacant
East	B-3 General Business	Business	Commercial
West	B-3 General Business	Business	Commercial

*PROPOSED SITE PLAN*

Lot Standards

The site plan complies with all B-3 zoning district dimensional standards, as shown on the following table:

<b>Standard</b>	<b>Proposed Size</b>	<b>Code Requirements (min.)</b>
-----------------	----------------------	---------------------------------

Lot Area	52,272 sq. ft.	20,000 sq. ft.
Lot Width	Varies, 140 – 170 ft.	100 ft.
Maximum Height	23 ft.	35 ft.

### Setbacks

The site plan shows setbacks in compliance with what is required in the B-3 District.

Standard	Principal Structure	Parking
South Lot Line (Front)	30 ft.	10 ft.
West Lot Line (Front)	30 ft.	10 ft.
North Lot Line (Rear)	30 ft.	10 ft.
East Lot Line (Side)	10 ft.	10 ft.

The site plan meets both parking and structure setbacks.

### Building Height

The applicant is proposing a building height of 23 ft. The code allows a maximum building height of 35 ft. The proposed building height meets code standards.

### Sidewalks

The site currently has a sidewalk built along the north side of Humboldt Drive NW. The applicant is planning on removing portions of the sidewalk and replacing as needed to address accessibility issues.

### *PARKING*

Banks and credit unions are considered service establishments where one space is required for every 200 square feet of floor area, minus 10% to account for unusable space. This would require 13 spaces for the proposal. Staff believes that with 12 parking stalls and the capacity for 20 stacking spaces in the drive through will adequately serve the site.

### *LANDSCAPING*

The City's zoning ordinance requires a landscaping plan with every site plan application, which the applicant has provided. The Zoning Code requires one overstory tree per 50 linear feet of the site perimeter. The site perimeter is 943 linear feet which means the site requires 18.86 trees, rounded up to 19 trees. The landscape plan shows a total of two (2) coniferous trees, seven (7) deciduous trees, four (4) ornamental trees (equivalent to 1.3 trees) and 56 shrubs (equivalent to 18.6 trees) for a total of 29 trees.

Two (2) ornamental trees and three (3) shrubs proposed by the applicant are not found on the approved list of trees in the City Code. Trees that are not approved in the City Code require approval by the Zoning Administrator. The applicant has listed two (2) Amur Maple (*Acer Ginnala*) on the landscape schedule. The Minnesota Department of Natural Resources consider the Amur Maple to be an invasive species. The City

Council should discuss if the Zoning Administrator should approve the use of Amur Maple in the City. Staff is comfortable approving the following proposed species that are not identified on the approved species list: Purple Leaf Sand Cherry, Spirea Goldmound, Viburnum American Cranberry and “Blue” Shadow Fothergilla. Staff has included two (2) conditions related to the landscape schedule. The first condition is to list the Plant E (Purple Leaf Sand Cherry) as a shrub and the second is to correct the spelling of Plant I (Viburnum American Cranberry).

The Code states that at least 50% of the required trees must be overstory coniferous or deciduous trees. The remaining 50% can be replaced with ornamental trees or shrubs at a rate of 3:1. At least 25% of the trees must be deciduous and at least 25% must be coniferous. The applicant is showing eight (8) overstory trees where nine (9) are required. Staff has included a condition that the landscaping plan be revised to include another overstory tree.

City Code Section 1027 requires that all commercial uses install irrigation system to ensure survivability of landscape materials. Staff has included a condition that an irrigation system be installed.

#### *UTILITIES*

The applicant is proposing to connect to municipal water and sewer by accessing the existing services to the north of the proposed site. The code requires that all new utilities shall be placed underground.

#### *STORM WATER MANAGEMENT*

An infiltration basin is planned for the southwest corner of the site. The infiltration basin will be the only form of storm water management on the site.

#### *BUILDING DESIGN STANDARDS*

The building design should be guided by the City of Big Lake Downtown Design Standards (Downtown Standards), but is not required to comply with the regulations established in the Standards as the property is located in the Transitional Zone of the Downtown District. The building meets the Downtown Standards in the following ways:

- The building has incorporated an identifiable ground level base element made of concrete masonry units.
- The building height meets the requirement of the underlying zoning district.
- No entry is projecting into the public right-of-way.
- Canopies, awnings, and other similar architectural features do not project more than three feet into public right-of-way.
- The building is not utilizing roll-down security doors visible to the public.
- The building is utilizing a flat roof.
- Mechanical equipment is not visible.
- Franchise design is consistent with the Downtown Standards and is integrated into the architectural context of the building.
- The lighting provides full lighting of the property.
- Trees that are being removed in the public right-of-way are planned to be replaced.
- Exterior trash storage is fully screened.

- Utility lines are placed underground.

The building design is consistent with the Design Requirements outlined in City Code Section 1108.

### *LIGHTING*

The applicant has submitted a lighting and photometric plan. A total of seven (7) freestanding lights are proposed. The applicant has not provided details on the proposed lighting fixtures. Staff has included the submittal of lighting detail sheets as a condition of approval.

The photometric plan shows the lighting to be in compliance with the glare restrictions in City Code Section 1032.07.

### *SIGNAGE*

Three (3) signs are proposed, one (1) free standing sign along CR 10 and two (2) wall signs on the north and west sides of the building. The applicant is requesting a CUP and Variance for the freestanding sign which will be discussed later on in this report.

Freestanding signs are allowed up to seventy-five (75) sq. ft. of sign area. The applicant is proposing a freestanding sign that features a combination both electronic changeable copy and standard sign area. The upper portion of the freestanding sign is forty (40) sq. ft. of sign area; the lower portion of the freestanding sign is a sixty-six (66) sq. ft. electronic changeable copy sign. The total sign area proposed is 106 sq. ft.

Changeable copy signs are allowed in the B-3 district through a CUP, and are limited to twenty-four (24) sq. ft. in the B-3 District. As mentioned above, the applicant is proposing a sixty-six (66) sq. ft. electronic community message board. The total sign area proposed (106 sq. ft.) exceeds the allowed seventy-five (75) sq. ft. of sign area on a freestanding sign allowed within the B-3 district by thirty-one (31) sq. ft. Freestanding signs are allowed up to a height of thirty feet (30') in the B-3 district and the applicant is proposing twenty-five feet (25').

Wall signs are allowed in business districts; however, the total area of wall signs cannot exceed twenty-percent (20%) of the area of the total building front. The west side of the building has a total square footage of 1,142 sq. ft.- allowing a maximum of 228.4 sq. ft. of wall sign area. Each proposed wall sign is twenty-two (22) sq. ft. for a total of forty-four (44) sq. ft. The wall signs comply with Chapter 13 of the City Code.

### **CONDITIONAL USE PERMIT:**

Section 1300.08 of the Big Lake City Code allows for one (1) Changeable Copy Signs Electronic in the B-3 district through a conditional use permit. The subsection reads as follows:

#### *1300.08: SIGNS REQUIRING CONDITIONAL USE PERMIT:*

*Subd. 1. Changeable Copy Signs Electronic. In the B-3 General Business District, one (1) electronic message sign no larger than twenty four (24) square feet per side may be permitted on a lot. In the B-2 Community Business District, one (1) electronic message sign no larger than sixteen (16) square feet per side may be permitted on a lot. An electronic message is a sign that is intended*

*to show messages and graphics that are changed by electrical pulsations. This type of sign shall only be permitted in B-2 and B-3 business districts or for public buildings, provided that a conditional use permit is approved by the City. The applicant for such a sign shall demonstrate that the light intensity and frequency shall not be disruptive to traffic, pedestrians or other land uses on adjacent lots.*

When considering a CUP application, the City Council should ensure the intent of the ordinance is met. The CUP language in the ordinance reads as follows:

*The Planning Commission shall hold the public hearing to consider the application and the possible adverse effects of the proposed conditional use permit. The judgment of the Planning Commission with regard to the application shall be based upon (but not limited to) the following factors:*

- a. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the objectives of the Comprehensive Plan, including public facilities and capital improvement plans.*

The Comprehensive Plan guides this area for business. The sign is in a logical place and serves the business which will advance the goals of the comprehensive plan.

- b. The proposed action meets the purpose and intent of this Ordinance and the intent of the underlying zoning district.*

The Code conditionally allows for these types of signs to be used in the B-3 zoning district. The sign serves to advertise the business and the business meets the goals of the zoning district.

- c. The proposed use can be accommodated with existing public services and will not overburden the City's service capacity.*

The proposed sign will have little to no impact on the public services.

- d. There is an adequate buffer yard or transition provided between potentially incompatible uses or districts.*

The surrounding uses are zoned the same as the subject property and would be allowed to install this type of sign. No buffering or transitions are required as there are no potentially incompatible uses.

- e. The proposed use is or will be compatible with present and future land uses of the area.*

This area is intended to be businesses and consists of businesses around the subject property. The use of a Changeable Copy Sign Electronic is appropriate for the use.

- f. The proposed use conforms with all performance standards contained within this Ordinance.*

The use conforms to the performance standards contained in the Zoning Ordinance.

- g. Traffic generation by the proposed use is within capabilities of streets serving the property.*

The traffic generation will not be affected by a sign.

- h. In addition to the above general criteria, the proposed conditional use permit meets the criteria specified for the various zoning districts outlined as follows.*

The use of a Changeable Copy Sign Electronic will not cause traffic hazards or congestion if constructed to the limits of the code. There are no nearby residences to be affected.

Staff supports the use of a Changeable Copy Sign Electronic as is allowed by the City Code. The sign will allow the business to customize messages and the applicant has stated they intend to allow the sign to be used for community messaging purposes as well.

**VARIANCE:**

The proposed plan requires a variance to exceed the allowed sign area for a changeable copy sign electronic from the allowed twenty-four square feet (24 SF) to sixty-six (66 SF). The Planning Commission must determine whether the criteria below are met:

*In addition, as may be applicable, all of the following criteria must be met:*

- a. That because of the particular physical surroundings, lot shape, narrowness, shallowness, slope or topographical conditions of the specific parcel of land involved, practical difficulties to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.*

The applicant has not identified any practical difficulties that require a larger sign. The subject property is located on Highway 10 where cars travel at a fast speed; however, the Sign Ordinance was created with this in mind and has established a limit of twenty-four square feet (24 SF).

- b. That the conditions upon which a petition for a variance is based are unique to the parcel of land for which the variance is sought and are not applicable, generally, to other property within the same zoning classification.*

The conditions of this property are not unique. Many businesses exist along the corridor that are subject to the same signage standards as this project.

- c. That the purpose of the variance is not based exclusively upon a desire to increase the value or income potential of the parcel of land.*

The request is not based exclusively on economic considerations.

- d. That the alleged practical difficulties are caused by this Ordinance and have not been created by any persons having an interest in the parcel of land and are not self-created difficulties.*

The applicant has not identified any practical difficulty in complying with the ordinance which would warrant a variance from the standards. The request is simply a desire for a larger sign.

- e. *That the granting of the variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood.*

The variance may have a negative impact on the light and traffic. The light from the sign will be significantly greater than if the sign were the allowed size. The size of the sign could have a negative effect on traffic, because of the distraction the size creates.

- f. *That the granting of the variance will not be detrimental to the public welfare or injurious to other land or improvements in the neighborhood in which the parcel of land is located.*

The variance will not hinder other nearby properties from making improvements.

- g. *The variance is the minimum action required to eliminate the practical difficulties.*

The applicant has not identified any practical difficulty that requires the sign variance nor provided information suggesting that this is the minimum action necessary.

- h. *The variance does not involve a use which is not allowed within the respective Zoning District.*

A changeable copy sign electronic is allowed by conditional use in the B-3 zoning district.

- i. *The variance is in harmony with the general purposes and intent of the Ordinance.*

The variance is not in harmony with the general purposes of the Ordinance. The Sign Ordinance was created in part to regulate the number, location, size, type, illumination and other physical characteristics of signs within the City in order to promote public health, safety, and welfare and to enable the fair and consistent use of authority to enforce these sign restrictions. Allowing such a large deviation from the code doesn't create harmony with the Ordinance.

- j. *The variance is consistent with the comprehensive plan.*

The variance is consistent with the Comprehensive Plan.

- k. *The property owner proposes to use the property in a reasonable manner not permitted by the Ordinance.*

The property owner is using the property for a reasonable manner.

- l. *The variance will not alter the essential character of the locality.*

The variance will alter the essential character of the area by introducing a sign that is nearly three (3) times as large as allowed.

Staff is not supportive of the variance based on the findings above. The applicant has not proved that any hardship exists or that any unique situation exists. The City Council should discuss if the variance should be denied or approved if the variance findings can be met.

## **DEVELOPMENT FEES**

### *SEWER ACCESS CHARGES (SAC) AND WATER ACCESS CHARGES (WAC) FEES*

These fees, which are used to fund investments in expanding the capacity of the City's sewer and water plants and infrastructure as the City grows, are collected at the time of building permit issuance. The 2020 fee schedule sets the fees on a per unit basis at \$3,585 for the WAC fee and \$5,325 for the SAC fee. Because the fees are due at the time of building permit issuance, the amount is subject to change if the fee schedule is updated.

## **PLANNING COMMISSION PUBLIC HEARING**

The Planning Commission reviewed the development application at a special meeting scheduled on September 8, 2020. The applicant was the only person to speak at the public hearing and had no issues with staff's recommendation or conditions.

The Planning Commission discussed the proposed sign variance and whether the size was appropriate. Ultimately it was concluded that a variance was not warranted as there was no practical difficulty. It was further discussed if the sign ordinance should be reviewed to see if an amendment to allow larger signage would be appropriate. The Planning Commission also discussed the proposed tree species and went with staff recommendation to adjust the landscape plan.

The Planning Commission passed a motion recommending approval of the site and conditional use permit and recommended denial of the variance as drafted by staff with a 6-0 vote.

## **OTHER STAFF COMMENTS:**

### **Engineering and Public Works:**

Engineer's memo attached as Attachment C.

### **Fire Department**

No comment.

### **Police Department**

No comment.

## **Other Comments.**

No other comments.

## **FINANCIAL IMPACT**

NA

## **STAFF RECOMMENDATION**

Staff is recommending approval of the Site Plan and CUP and denial of the Variance for the Liberty Bank project. Staff's recommendation of approval comes with the following conditions:

## **PLANNING AND ZONING CONDITIONS**

1. The site plan shall be approved, in accordance with the approved plans and the following:
  - a. The landscaping plan shall be revised in the following ways:
    - i. The landscaping plan shall show one (1) more overstory tree to be in compliance with the landscaping requirements.
    - ii. The Amur Maple shall be substituted with an approved tree from the City's list of approved trees.
    - iii. Plant E (Purple Leaf Sand Cherry) shall be listed as a shrub in the planting details.
    - iv. Plant I (Viburnum American Cranberry) shall have its spelling corrected to accurately reflect what will be planted.
  - b. Plans shall be revised to show an irrigation system for all landscaping.
  - c. Drainage and utility easements must be shown on the utility plan.
  - d. Detail sheets shall be provided for the lighting fixtures.
  - e. The freestanding sign shall be redesigned to comply with the requirements in Section 1300.08 Subd. 1.
2. The applicant shall comply with the Engineer's Memos, dated August 21, 2020 and August 24, 2020.
3. The review and approval of the site improvement pursuant to the requirements of City adopted building and fires codes shall be in addition to the site plan review process. The site plan approval process does not imply compliance with the requirements of these codes.
4. All construction plans officially submitted to the City shall be treated as a formal agreement between the Applicant and the City. Once approved, no changes, modifications, or alterations shall be made to any plan detail, standard, or specification without prior submittal of a plan modifications request to the City Planner for review and approval.
5. Prior to the issuance of any permit for land alteration, the applicant shall provide a financial guarantee (letter of credit or escrow payment) in the amount 125% of the estimated cost to furnish and plant materials including irrigation, mulch, and other landscape materials.
6. The security shall be maintained for at least one (1) year after the date that the last landscape materials have been planted. Upon a showing by the applicant and such inspection as may be made by the City,

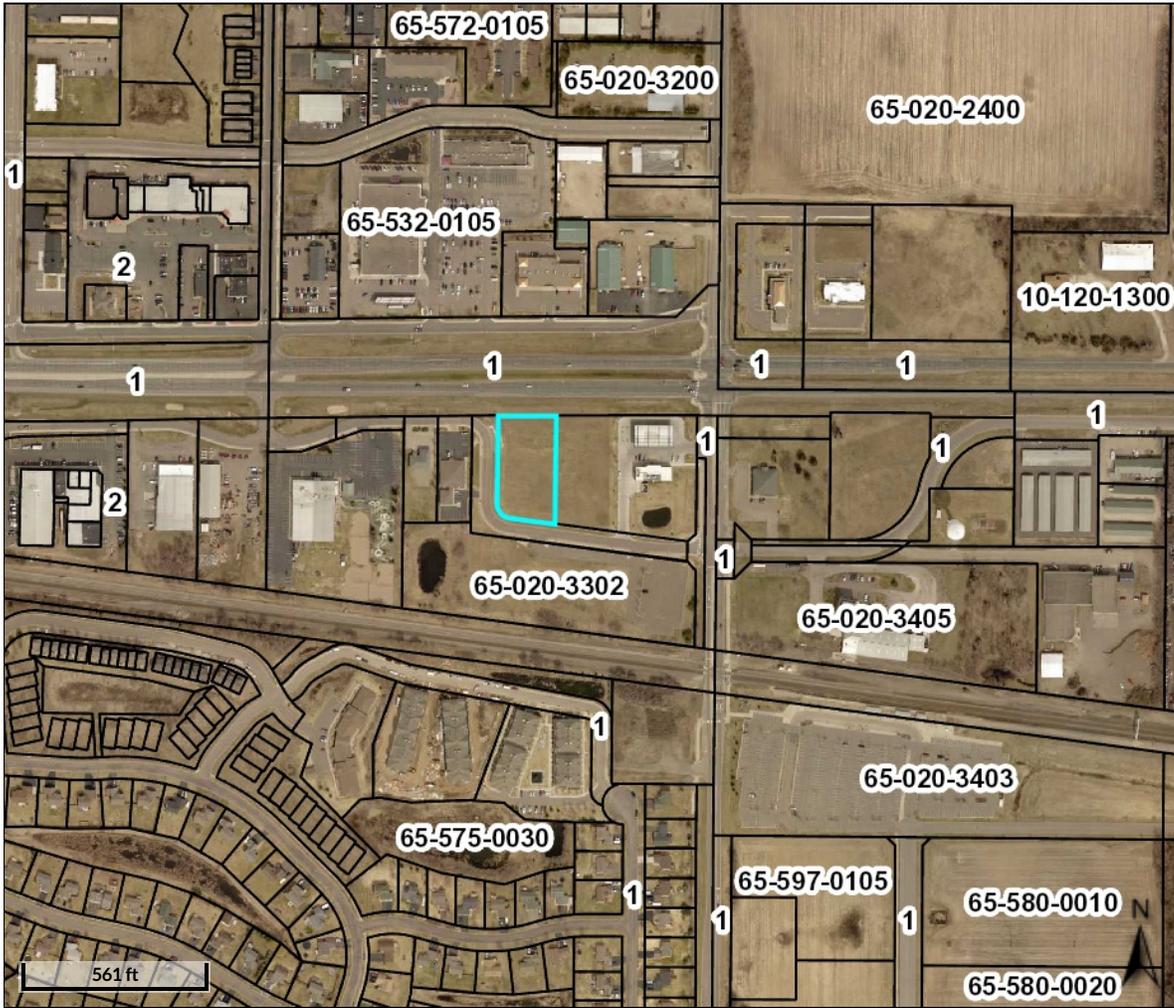
that portion of the security may be released by the City equal to one hundred twenty-five percent (125%) of the estimated cost of the landscape materials which are alive and healthy at the end of such year. Any portion of the security not entitled to be released at the end of the year shall be maintained and shall secure the applicant's responsibility to remove and replant landscape materials which are not alive or are unhealthy at the end of such year and to replant missing trees. Upon completion of replanting said landscape materials, the entire security may be released. Any ornamental grass planted shall be guaranteed for a full two (2) years from the time planting is completed.

7. Sewer Access Charges (SAC) and Water Access Charges (WAC) will be collected at the time of building permit issuance.
8. Signs are not approved as part of the site plan approval and must obtain a sign permit.
9. Building permits must be obtained in addition to sign permits for sign structures exceeding eight (8) feet six (6) inches in height.
10. Any conditions of the Planning Commission, City Council, Staff, consultants, or other agencies responsible for the review of this development application shall be addressed.

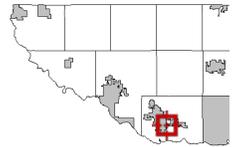
***ATTACHMENTS***

- Attachment A: Site Location Map
- Attachment B: Public Hearing Notice
- Attachment C: Engineer's Memo from Bolton & Menk dated August 21, 2020
- Attachment D: Engineer's Memo from the City of Big Lake dated August 24, 2020
- Attachment E: Applicant's Narrative
- Attachment F: Site Plan
- Attachment G: Building Elevations and Plans
- Attachment H: Resolution approving the Site Plan and Conditional Use and denying the variance.

 **Beacon**<sup>TM</sup> Sherburne County, MN



Overview



Legend

- Exempt Wetlands**
- Not Classified
  - General Development
  - Natural Environment
  - Recreational Development
  - Parcels
  - Streams

<b>Parcel ID</b>	65-538-0110	<b>Alternate ID</b>	n/a	<b>Owner Address</b>	2842 SECOND ST S
<b>Sec/Twp/Rng</b>	20-33-27	<b>Class</b>	233-Commercial Preferred		PO BOX 40
<b>Property Address</b>	730 HUMBOLDT DR BIG LAKE	<b>Acreage</b>	1.2		SAINT CLOUD MN 56302

**District** BIG LAKE CITY  
**Brief Tax Description** n/a

(Note: Not to be used on legal documents)

**Disclaimer:** Every attempt has been made to ensure that the information contained on this web site is valid at the time of publication. Sherburne County reserves the right to make additions, changes, or corrections at any time and without notice. Additionally, Sherburne County disclaims any and all liability for damages incurred directly or indirectly as a result of errors, omissions or discrepancies and is not responsible for misuse or misinterpretation. Data is updated periodically. For the most current information contact the appropriate county department.

**Disclaimer for St Cloud Parcels:** Sherburne County information about St Cloud properties are limited to classification and value. Any questions regarding additional information please contact the City of St Cloud's assessor office.

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## -Public Notice Ad Proof-

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# Ad Proof

Enlarged

**CITY OF BIG LAKE  
SHERBURNE COUNTY,  
MINNESOTA  
REVISED  
NOTICE OF PUBLIC  
HEARING**

NOTICE IS HEREBY GIVEN that the Big Lake Planning Commission has rescheduled its September 2, 2020 meeting to **Tuesday, September 8, 2020** at 6:00 p.m. in the Big Lake Council Chambers located at 160 Lake Street North, and will hold a public hearing during this meeting to consider a Site and Building Plan, Conditional Use Permit and Variance from Miller Architects, to construct a new Liberty Bank building with site improvements and a freestanding dynamic display sign at 730 Humboldt Drive NW (PID 65-538-0110) and legally described as:

That part of Lot 1, Block 1, COBBLESTONE, according to the recorded plat thereof, Sherburne County, Minnesota, lying westerly of the following described line: Commencing at the northeast corner of said Lot 1; thence South 89 degrees 37 minutes 22 seconds West, plat bearing, along the north line of said Lot 1, a distance of 85.27 feet; thence westerly, on said north line, along a tangential curve, concave to the south, having a radius of 54407.16 feet and a central angle of 00 degrees 20 minutes 58 seconds, a distance of 331.80 feet to the point of beginning of the line to be described; thence South 00 degrees 08 minutes 29 seconds West, not tangent to the last described curve, a distance of 320.06 feet to the south line of said Lot 1 and said line there terminating.

Both oral and written comments will be considered by the Planning Commission. If you desire to be heard in reference to these matters, you should attend this hearing or submit written comments to City Hall prior to the public hearing. Comments can be emailed to kshay@biglakemn.org.

Respectfully,  
Kevin Shay,  
Consultant City Planner  
612-638-0228  
kshay@biglakemn.org  
Published in the  
Star News  
August 29, 2020  
1069760

Date: 08/25/20

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BIG LAKE

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Fax: (763) 263-0133

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August 21, 2020

Kevin Shay, Consultant City Planner  
via e-mail: [kshay@biglakemn.org](mailto:kshay@biglakemn.org)

RE: Liberty Bank  
City of Big Lake, Minnesota  
Project No.: W18.120307

Dear Kevin,

We have reviewed the construction plans dated July xx, 2020 which were submitted for the above referenced project and have the following comments:

1. The applicant shall submit a drainage report complete with a narrative, calculations, and drainage area maps.
2. Concrete curb and gutter should be considered along the east side of the proposed east access.
3. Sheet C7 shall include dimensions for the proposed accesses and parking areas.
4. The applicant shall enter into a stormwater maintenance agreement for the proposed infiltration basin.
5. All storm sewer piping shall be RCP, PVC, or A-2000.
6. The proposed storm sewer connection to the existing catch basin shall be core-drilled.
7. A sanitary sewer clean-out shall be installed within 5 feet of the building.
8. Tracer wire shall be installed with the proposed sanitary sewer and water services and shall be brought to the surface at all clean out and curb stop locations. Tracer wire shall be 12 AWG coated green for sewer and blue for water.
9. Concrete sidewalk within city right-of-way shall be a minimum of 5-inches thick. All joints shall be saw-cut.
10. The applicant shall obtain a city right of way permit prior to construction.
11. The applicant shall obtain a NPDES Phase II construction stormwater permit prior to construction.
12. Revised plans shall be labeled "Final Plans for Construction".
13. All construction shall be in accordance with the City of Big Lake Standards.

We recommend that revised plans incorporating the comments above be submitted to the City of Big Lake for review prior to a building permit being issued for the site.

If you have any questions on the above, please call.

Sincerely,

**Bolton & Menk, Inc.**

**Jared Voge, P.E.**  
Principal Engineer



# MEMORANDUM

**To:** Kevin Shay, City Planner **PW20-058**  
**From:** Layne R. Otteson, City Engineer  
**Date:** August 24, 2020  
**Re:** Engineering Comments for Liberty Bank Site Plan CUP and Variance

I have reviewed the submitted engineering plans from Schultz Engineering and Site Design. Engineering plans are not signed and the following comments are more generalized than typical to allow for approval advancement but subject to further design review and approvals by the City Engineer. My engineering comments recognize the timing requirements for approval and are as follows:

1. Applicant shall provide drainage/hydraulic calculations and subject to rate control, infiltration and pre-treatment requirements. Those items completed with the Applicant's engineer during final design review.
2. Project is within the City's Wellhead Protection Area and may be subject to additional groundwater protection.
3. Additional construction details shall be required, typically on a detail sheet.
4. Additional notes related to street and utility work required to be revised and added.
5. Adjust south entrance to be perpendicular and better align with existing driveway. Aligning east curb lines would be acceptable.
6. Meet ADA/PROWAG requirements for pedestrian facilities.
7. Concrete curbing required per Code.
8. Permits required including NPDES, MNDOT, City water and sewer, City right of way, etc.
9. Work will require permits from City including water/sewer and right of way.
10. Storm sewer maintenance agreement for any on-site facilities shall be needed.
11. Final Landscaping plan shall be subject to review and approval by the City Engineer.
12. All construction shall be in accordance with the City of Big Lake Standards (specs and details) unless otherwise approved by the City Engineer.
13. **Final engineering plans shall be signed and submitted to the City Engineer for FORMAL review and additional comment.** Final plans shall be approved by the City Engineer and be stamped for construction by the City Engineer. Engineering plans (site grading, street, utilities, etc.) not approved by the City Engineer shall not be on the project site.
14. Owner/Contractor shall provide utilities ties and record drawings to the City Engineer at conclusion of project.

LO/lo  
Cc: File



Development | Architectural Design | Construction Services

July 27, 2020

City of Big Lake  
Attn: Mr. Kevin Shay – City Planner  
160 Lake Street North  
Big Lake, MN 55309

RE: Liberty Bank Minnesota – Site Plan Review Submittal

Dear Mr. Shay,

Miller Architects & Builders LLC, on behalf of their client Liberty Bank Minnesota, is submitting our development application, design information, and required fees so that we may be placed on the September 2<sup>nd</sup>, 2020 planning commission agenda for following reviews and approvals:

1. A site plan review approval for the overall building design and parking layout, landscaping design, and civil engineering design for the proposed project.
2. A conditional use permit approval for the use of a “Changeable Electronic Sign” incorporated into a freestanding sign located on the premises.
3. A variance request approval to increase the allowable area of an electronic sign from 24 square feet each side to 66 square feet each side.

The reason for the variance request is Liberty Bank Minnesota’s strong commitment to the communities they serve and the uniqueness of the proposed site. Part of Liberty Bank’s success is derived from their ability to connect with their communities. One way, perhaps the most important way they do this is by allowing the community the use of their electronic message boards for notifications on upcoming local and national events, worthy causes, or simple messages that affect all community members. A recent example of this would be when Liberty Bank displayed the names and pictures of all the graduating seniors from a local high school during the recent pandemic because their formal graduation was cancelled. This type of community involvement was met with praise from the highest levels of the local municipality and is what separates Liberty Bank Minnesota from other similar institutions.

In order to get the community messages out, we require that people will be able to see the sign effectively. This site presents challenges to this due to the allowable speed limit posted on the major road where the sign will be viewed. The speed limit is currently 50 mph providing less time for viewing and forces a limited attention span from the viewers. Generally speaking, advertising signs located along highways with faster speed limits are "billboards" and they reach sizes in excess of 300 square feet (12' x 25') and are sized for that very reason. One just has to look 200 yards away (to the east) to see that 2 billboards are in place for that very reason.

The overall intent of the larger electronic sign face is to provide information to the community, about the community. The purpose would be to display and promote a sense of pride for all the community. Very little business advertising will be produced with the electronic sign. We feel the sign size we are requesting is within the harmonious nature of the signs currently in the Jefferson Boulevard corridor and would not distract from or adversely affect other business in the area.

Thank you for your time and energy in reviewing this matter for us. We look forward to addressing our ideas to the Planning Commission and City Council.

Sincerely,

**MILLER ARCHITECTS & BUILDERS, LLC**

A handwritten signature in black ink, appearing to read 'Bradley A. Torok', with a long, sweeping underline that extends to the right.

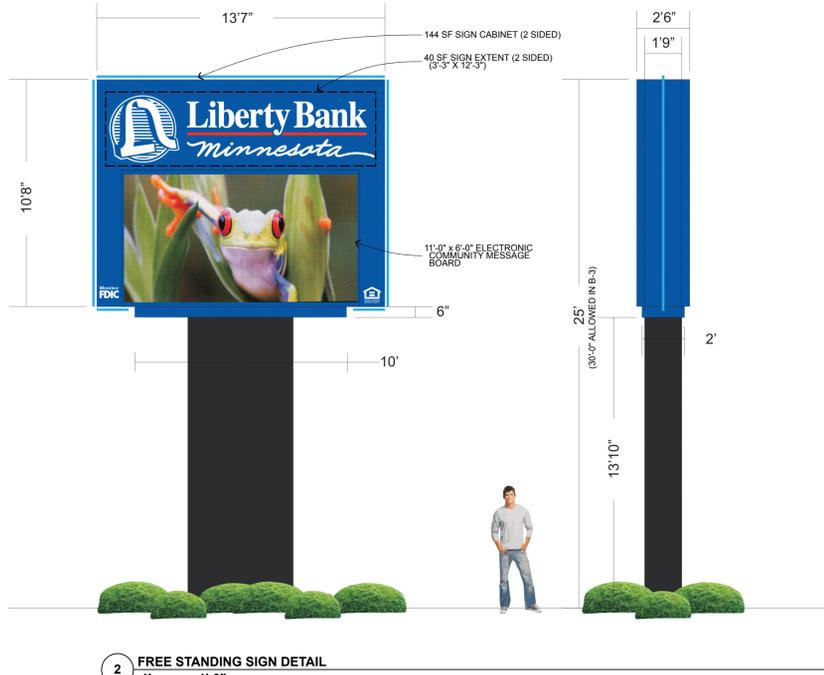
Bradley A. Torok, AIA  
Director of Architecture

**GENERAL NOTES - SITE PLAN**

1. THE GENERAL CONTRACTOR SHALL STAKE OUT BUILDING AND PAVING SURFACES PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, NOTIFY THE ARCHITECT OF ANY DISCREPANCIES BETWEEN THE PLANS AND IN-FIELD DIMENSIONS FOR RESOLUTION.
2. CONTRACTORS SHALL COMPLETELY FAMILIARIZE THEMSELVES WITH THE SITE CONDITIONS PRIOR TO SUBMITTING BIDS.
3. VERIFY THE LOCATIONS OF ALL UTILITY LINES PRIOR TO CONSTRUCTION. CONTACT DIGGERS HOTLINE FOR FURTHER INFORMATION.
4. PROVIDE SITE GRADING TO ACHIEVE POSITIVE DRAINAGE AWAY FROM THE BUILDING AND ENTRANCES. SEE CIVIL DRAWINGS FOR GRADING AND DRAINAGE REQUIREMENTS.
5. CONTRACTOR SHALL MAINTAIN TEMPORARY SITE ACCESS AND EMPLOY SOIL CONSERVATION TECHNIQUES AS REQUIRED BY THE LOCAL MUNICIPALITY. ALL CARE SHALL BE TAKEN TO MINIMIZE DISTURBANCES TO ADJACENT STRUCTURES AND SITE ELEMENTS. IN-PLACE ELEMENTS DAMAGED BY CONSTRUCTION OPERATIONS TO BE REPLACED TO MATCH EXISTING CONDITIONS.
6. PAVING TO BE CONSTRUCTED WITH MAXIMUM 2% SLOPE AT HANDICAP ACCESS AISLES AND ACCESS PATH TO ENTRY (TYP U.N.O.)
7. NEW SIDEWALKS TO MATCH EXISTING ELEVATIONS WHERE NEW ABUTS EXISTING.
8. ALL DISTURBED AREAS TO RECEIVE SO2 (U.N.O.)
9. PATCH EXISTING PAVING WHERE NEW CONSTRUCTIONS ABUT EXISTING. PATCH AGGREGATE BASE AND SUB-BASE AS OCCURS TO MATCH ADJACENT EXISTING CONDITIONS. MATCH EXISTING PAVING ELEVATIONS WHERE NEW ABUTS EXISTING.
10. PROVIDE CURBSIDE SIDEWALKS AT LOCATIONS WHERE NEW SIDEWALKS ABUT PAVING / HARD SURFACED AREAS.
11. ALL SOODED, SEEDED AND LANDSCAPED MULCHED AREA TO RECEIVE SUBSURFACE IRRIGATION SYSTEM INCORPORATING FLOW METERING AND MOISTURE SENSING DEVICES. DIMENSIONS ARE TO FACE OF CURB (U.N.O.)
12. SIDEWALKS AND HANDICAP ACCESS RAMP TO BE CONSTRUCTED WITH A 2% MAX. CROSS SLOPE AND 1% MAX SLOPE IN THE DIRECTION OF TRAVEL.
13. TOP OF SIDEWALK / STOOP SLAB OUTSIDE OF ENTRY / EXIT DOORS SHALL BE HELD 1/8" BELOW FINISHED FLOOR.
14. PROVIDE PRECAST CONCRETE SPLASH BLOCK AT ALL OVERFLOW ROOF DRAIN LEADERS THAT OUTLET INTO VEGETATION.

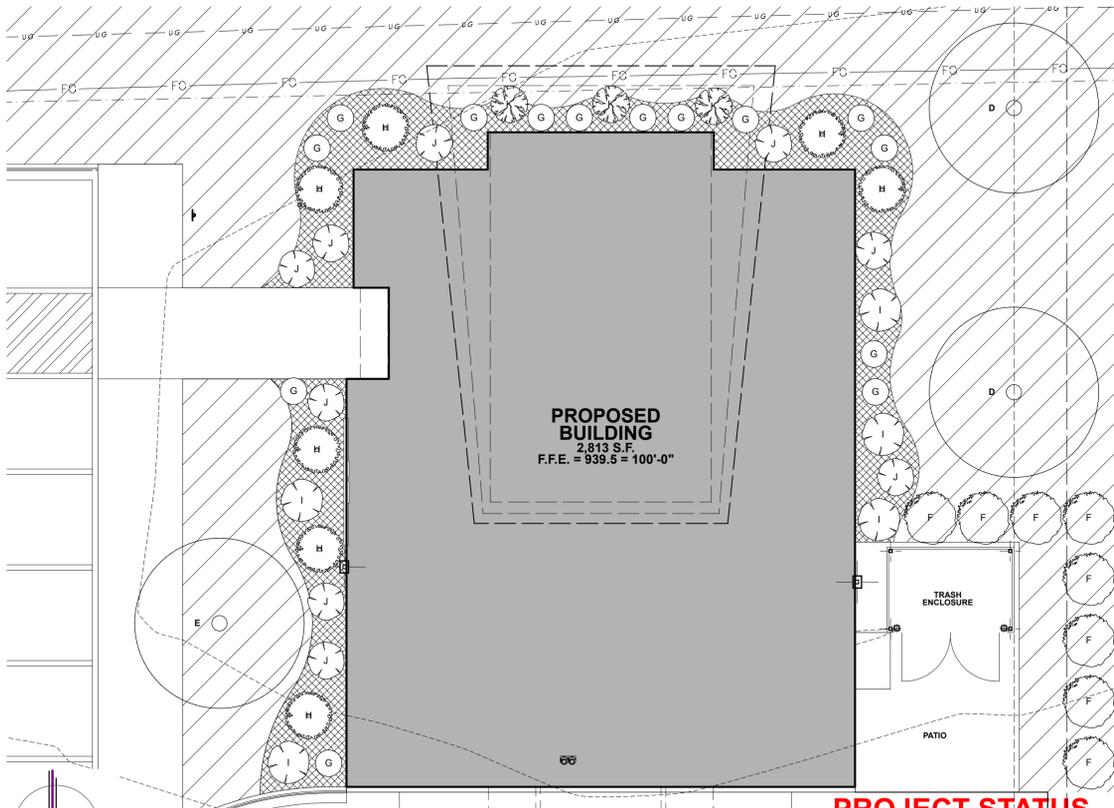
**LANDSCAPE REQUIREMENTS**

REQUIREMENTS: - 1 TREE PER 50LF OF SITE PERIMETER  
 - 50% OF TREES TO BE OVERSTAY TREES WITH REMAINING TO BE SUBSTITUTED FOR SHRUBS/ORNAMENTAL TREES AT 3:1 RATIO  
 CALCULATIONS: 943 LF / 50 = 18.86 OVERSTAY TREES REQ.  
 PROVIDED: SEE PLAN



2 FREE STANDING SIGN DETAIL  
 1" = 1'-0"

LANDSCAPE SCHEDULE						
ID	QUAN.	COMMON NAME	BOTANICAL NAME	SIZE	SPC'G	COMMENTS
A	4	BOULEVARD LINDEN	TILLAMERICANA 'BOULEVARD'	2" CALIPER	N/A	OVERSTORY TREE
B	3	RIVER BIRCH	BETULA NIGRA	2" CALIPER	N/A	OVERSTORY TREE
C	2	BLACK HILLS SPRUCE	PICEA GLAUCA	6 FT	N/A	OVERSTORY TREE
D	2	AMUR MAPLE	ACER GINNALA	1 1/2" DIA.	N/A	ORNAMENTAL TREE
E	2	PURPLE LEAF SAND CHERRY	PRUNUS X CISTENA	1 1/2" DIA.	N/A	ORNAMENTAL TREE
F	12	EMERALD ARBORVITAE	THUJA OCCIDENTALIS 'EMERALD'	2 1/2" GAL.	N/A	SHRUB
G	14	SPIREA GOLDMOUND	SPIREA JAPONICA 'GOLDMOUND'	2 1/2" GAL.	48"	SHRUB
H	7	'ARCTIC FIRE' DOGWOOD	CORNUS 'ARCTIC FIRE'	2 1/2" GAL.	N/A	SHRUB
I	5	VIBURNUM AMERICAN CRANBERRY	VIBURNUM TRILOBUM 'COMPACTA'	2 1/2" GAL.	48"	SHRUB
J	15	'BLUE' SHADOW FOTHERGILLA	FOTHERGILLA X INTERMEDIA 'BL.UE' SHADOW	2 1/2" GAL.	60"	SHRUB
K	3	OWNER PROVIDED	TO BE DETERMINED	2 1/2" GAL.	48"	SHRUB



3 LANDSCAPE PLAN  
 1/8" = 1'-0"



1 SITE PLAN PRESENTATION  
 1" = 20'

**Miller**  
 ARCHITECTS & BUILDERS

320.251.4109 | 320.251.4693 fx  
 3335 West St Germain Street  
 PO Box 1228  
 St Cloud, MN 56302

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Architect under the laws of the State of MINNESOTA.

Signature: \_\_\_\_\_ SIGNING ARCHITECT  
 Reg. No.: ARCH. LIC. # \_\_\_\_\_ Date: \_\_\_\_\_ ISSUED

**LIBERTY BANK MINNESOTA**  
**BIG LAKE BRANCH**  
 730 HUMBOLT DR  
 BIG LAKE, MINNESOTA 55309

**REVISIONS**

Issue ID	Issue Name	Issue Date

**SHEET TITLE**  
 SITE PLAN, LANDSCAPE PLAN

**DRAWN BY:** \_\_\_\_\_ **DATE:** \_\_\_\_\_ **PROJ. NO.** \_\_\_\_\_  
**DRAWN BY:** 7/27/20 **PROJECT NO.** \_\_\_\_\_

**SHEET NO.**  
**A-101**



VIEW FROM NORTHWEST



VIEW FROM NORTHEAST



VIEW FROM SOUTHWEST



VIEW FROM NORTHWEST



VIEW FROM NORTHEAST

**Miller**  
ARCHITECTS & BUILDERS

320.251.4109 | 320.251.4693 fx  
3335 West St Germain Street  
PO Box 1228  
St Cloud, MN 56302

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Architect under the laws of the State of MINNESOTA.

Signature : SIGNING ARCHITECT

Reg. No. : ARCH. LIC. # Date : ISSUED

**LIBERTY BANK MINNESOTA**  
**BIG LAKE BRANCH**  
**730 HUMBOLT DR**  
**BIG LAKE, MINNESOTA 55309**

REVISIONS		
Issue ID	Issue Name	Issue Date

SHEET TITLE		
RENDERINGS		
DRAWN BY:	DATE:	PROJ. NO.
DRAWN BY	7/27/20	PROJECT NO.

SHEET NO.  
**A-106**

**PROJECT STATUS**  
**Not For Construction**

**CITY OF BIG LAKE  
MINNESOTA**

A general meeting of the City Council of the City of Big Lake, Minnesota was called to order by Mayor Mike Wallen at 6:00 p.m. in the Council Chambers of City Hall, Big Lake, Minnesota, on Wednesday, September 23, 2020. The following Council Members were present: Seth Hansen, Paul Knier, Mike Wallen, and Scott Zettervall. A motion to adopt the following resolution was made by Council Member \_\_\_\_\_ and seconded by Council Member \_\_\_\_\_.

**CITY OF BIG LAKE  
RESOLUTION NO. 2020-XX**

**RESOLUTION APPROVING A SITE PLAN AND CONDITIONAL USE PERMIT AND  
DENYING A VARIANCE FOR LIBERTY BANK LOCATED AT  
730 HUMBOLDT DRIVE (PID 65-538-0110)**

**WHEREAS**, the City of Big Lake Planning Commission conducted a public hearing on September 8, 2020 to consider the following:

- A Site Plan for a bank with drive-through facilities.
- A Conditional Use Permit to permit a changeable copy sign electronic.
- A Variance to exceed the allowable square footage of a changeable copy sign electronic.

**WHEREAS**, the Planning Commission conducted a public hearing on September 8, 2020 and recommended, with a 6-0 vote, that the City Council approve the site plan and conditional use permit and deny the variance subject to the conditions identified herein; and

**WHEREAS**, notice of public hearing on said motion has been duly published and posted in accordance with the applicable Minnesota Statutes and persons interested in said applications were afforded the opportunity to present their views and objections related to the project; and

**WHEREAS**, the City Council makes the following findings of fact and decision:

- A. The Legal Description of the subject property is: That part of Lot I, Block I, COBBLESTONE, according to the recorded plat thereof, Sherburne County, Minnesota, lying westerly of the following described line: Commencing at the northeast corner of Lot 1; thence south 89 degrees 37 minutes 22 seconds West, plat bearing, along the north line of said Lot I; a distance of 85.27 feet; thence westerly, on said north line, along a tangential curve, concave to the south, having a radius of 54407.16 feet the and a central angle of 00 degrees 20 minutes 58 seconds, a distance of 331.80 feet to the point of beginning of the line to be described; thence south 00 degrees 08 minutes 29 seconds West, not tangent to the last described curve, a distance of 320.06 feet to the south line of said Lot I and said line there terminating.
- B. The Site Location Map showing the project location within the City is attached as Exhibit A.
- C. The applicant's site plan is attached as Exhibit B.
- D. A conditional use permit is approved to allow for a changeable copy sign electronic subject to the following findings:

- 1. *The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the objectives of the Comprehensive Plan, including public facilities and capital improvement plans.*

The Comprehensive Plan guides this area for business. The sign is in a logical place and serves the business which will advance the goals of the comprehensive plan.

- 2. *The proposed action meets the purpose and intent of this Ordinance and the intent of the underlying zoning district.*

The Code conditionally allows for these types of signs to be used in the B-3 zoning district. The sign serves to advertise the business and the business meets the goals of the zoning district t.

- 3. *The proposed use can be accommodated with existing public services and will not overburden the City's service capacity.*

The proposed sign will have little to no impact on the public services.

- 4. *There is an adequate buffer yard or transition provided between potentially incompatible uses or districts.*

The surrounding uses are zoned the same as the subject property and would be allowed to install this type of sign. No buffering or transitions are required as there are no potentially incompatible uses.

5. *The proposed use is or will be compatible with present and future land uses of the area.*

This area is intended to be businesses and consists of businesses around the subject property. The use of a Changeable Copy Sign Electronic is appropriate for the use.

6. *The proposed use conforms with all performance standards contained within this Ordinance.*

The use conforms to the performance standards contained in the Zoning Ordinance.

7. *Traffic generation by the proposed use is within capabilities of streets serving the property.*

The traffic generation will not be affected by a sign.

8. *In addition to the above general criteria, the proposed conditional use permit meets the criteria specified for the various zoning districts outlined as follows.*

The use of a Changeable Copy Sign Electronic will not cause traffic hazards or congestion if constructed to the limits of the code. There are no nearby residences to be affected.

- E. A variance to exceed the allowed square footage of a changeable copy sign electric is denied based on the following findings:

1. *That because of the particular physical surroundings, lot shape, narrowness, shallowness, slope or topographical conditions of the specific parcel of land involved, practical difficulties to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.*

The applicant has not identified any practical difficulties that require a larger sign. The subject property is located on Highway 10 where cars travel at a fast speed; however, the Sign Ordinance was created with this in mind and has established a limit of 24 sq. ft.

2. *That the conditions upon which a petition for a variance is based are unique to the parcel of land for which the variance is sought and are not applicable, generally, to other property within the same zoning classification.*

The conditions of this property are not unique. Many businesses exist along the corridor that are subject to the same signage standards as this project.

3. *That the purpose of the variance is not based exclusively upon a desire to increase the value or income potential of the parcel of land.*

The request is not based exclusively on economic considerations.

4. *That the alleged practical difficulties are caused by this Ordinance and have not been created by any persons having an interest in the parcel of land and are not self-created difficulties.*

The applicant has not identified any practical difficulty in complying with the ordinance which would warrant a variance from the standards. The request is simply a desire for a larger sign.

5. *That the granting of the variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood.*

The variance may have a negative impact on the light and traffic. The light from the sign will be significantly greater than if the sign were the allowed size. The size of the sign could have a negative effect on traffic, because of the distraction the size creates.

6. *That the granting of the variance will not be detrimental to the public welfare or injurious to other land or improvements in the neighborhood in which the parcel of land is located.*

The variance will not hinder other nearby properties from making improvements.

7. *The variance is the minimum action required to eliminate the practical difficulties.*

The applicant has not identified any practical difficulty that requires the sign variance nor provided information suggesting that this is the minimum action necessary.

8. *The variance does not involve a use which is not allowed within the respective Zoning District.*

A changeable copy sign electronic is allowed by conditional use in the B-3 zoning district.

9. *The variance is in harmony with the general purposes and intent of the Ordinance.*

The variance is not in harmony with the general purposes of the Ordinance. The Sign Ordinance was created in part to regulate the number, location, size, type, illumination and other physical characteristics of signs within the City in order to promote public health, safety, and welfare and to enable the fair and consistent use of authority to enforce these sign restrictions. Allowing such a large deviation from the code does create harmony with the Ordinance.

10. *The variance is consistent with the comprehensive plan.*

The variance is consistent with the Comprehensive Plan.

11. *The property owner proposes to use the property in a reasonable manner not permitted by the Ordinance.*

The property owner is using the property for a reasonable manner.

12. *The variance will not alter the essential character of the locality.*

The variance will alter the essential character of the area by introducing a sign that is nearly three times as large as allowed.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Big Lake that it hereby approves the site plan and conditional use permit and denies the variance subject to the following conditions:

- A. The site plan shall be approved, in accordance with the approved plans and the following conditions:

1. The landscaping plan shall be revised in the following ways:

- a. The landscaping plan shall show one (1) more overstory tree to be in compliance with the landscaping requirements.
- b. The Amur Maple shall be substituted with an approved tree from the City's list of approved trees.
- c. Plant E (Purple Leaf Sand Cherry) shall be listed as a shrub in the planting details.
- d. Plant I (Viburnum American Cranberry) shall have the spelling corrected to accurately reflect what will be planted.

- B. Plans shall be revised to show an irrigation system for all landscaping.
- C. Drainage and utility easements must be shown on the utility plan.
- D. Detail sheets shall be provided for the lighting fixtures.
- E. The freestanding sign shall be redesigned to comply with the requirements in Section 1300.08 Subd. 1.
- F. The applicant shall comply with the Engineer's Memos dated August 21, 2020 and August 24, 2020
- G. The review and approval of the site improvement pursuant to the requirements of City adopted building and fires codes shall be in addition to the site plan review process. The site plan approval process does not imply compliance with the requirements of these codes.
- H. All construction plans officially submitted to the City shall be treated as a formal agreement between the Applicant and the City. Once approved, no changes, modifications, or alterations shall be made to any plan detail, standard, or specification without prior submittal of a plan modifications request to the City Planner for review and approval.
- I. Prior to the issuance of any permit for land alteration, the applicant shall provide a financial guarantee (letter of credit or escrow payment) in the amount 125% of the estimated cost to furnish and plant materials including irrigation, mulch, and other landscape materials.
- J. The security shall be maintained for at least one (1) year after the date that the last landscape materials have been planted. Upon a showing by the applicant and such inspection as may be made by the City, that portion of the security may be released by the City equal to one hundred twenty-five percent (125%) of the estimated cost of the landscape materials which are alive and healthy at the end of such year. Any portion of the security not entitled to be released at the end of the year shall be maintained and shall secure the applicant's responsibility to remove and replant landscape materials which are not alive or are unhealthy at the end of such year and to replant missing trees. Upon completion of replanting said landscape materials, the entire security may be released. Any ornamental grass planted shall be guaranteed for a full two (2) years from the time planting is completed.
- K. Sewer Access Charges (SAC) and Water Access Charges (WAC) will be collected at the time of building permit issuance.
- L. Signage is not approved as part of the site plan approval. Sign permits shall be applied for/received for the installation of all signage.

M. Building permits must be obtained in addition to sign permits for sign structures exceeding eight (8) feet six (6) inches in height.

N. Any conditions of the Planning Commission, City Council, Staff, consultants, or other agencies responsible for the review of this development application shall be satisfied.

Adopted by the Big Lake City Council on the 23<sup>rd</sup> of September 2020.

\_\_\_\_\_  
**Mayor Mike Wallen**

Attest:

\_\_\_\_\_  
**Gina Wolbeck, City Clerk**

The following Council Members voted in favor:

The following Council Members voted against or abstained:

Whereupon the motion was duly passed and executed.

Attachments:

Exhibit A – Site Location Map

Exhibit B – Applicant’s Site Plan

Drafted By:  
City of Big Lake  
160 North Lake Street  
Big Lake, MN 55309

STATE OF MINNESOTA    )  
  ) SS.  
COUNTY OF WRIGHT    )

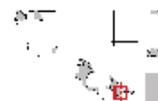
The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of September, 2020, by the Mayor and City Clerk of the City of Big Lake, a Minnesota municipal corporation, on behalf of the corporation.

\_\_\_\_\_  
Notary Public

# EXHIBIT A SITE LOCATION MAP



### Overview



### Legend

- Exempt Wetlands
- Not Classified
- General Development
- Natural Environment
- Recreational Development
- Parcels
- Streams

Parcel ID	65-538-0110	Alternate ID	n/a	Owner Address	2842 SECOND STS
Sec/Twp/Rng	20-33-27	Class	233-Commercial Preferred		PO BOX 40
Property Address	730 HUMBOLDT DR	Acreage	1.2		SAINT CLOUD MN 56302
	BIG LAKE				
District	BIG LAKE CITY				
Brief Tax Description	n/a				

(Note: Not to be used on legal documents)

Disclaimer: Every attempt has been made to ensure that the information contained on this web site is valid at the time of publication. Sherburne County reserves the right to make additions, changes, or corrections at any time and without notice. Additionally, Sherburne County disclaims any and all liability for damages incurred directly or indirectly as a result of errors, omissions or discrepancies and is not responsible for misuse or misinterpretation. Data is updated periodically. For the most current information contact the appropriate county department.

Disclaimer for St Cloud Parcels: Sherburne County information about St Cloud properties are limited to classification and value. Any questions regarding additional information please contact the City of St Cloud's assessor office.

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# AGENDA ITEM

Big Lake City Council

<b>Prepared By:</b> <i>Lucinda Meyers, City Planner</i>	<b>Meeting Date:</b> 9/23/2020	<input checked="" type="checkbox"/> <b>Regular Agenda Item</b> <input type="checkbox"/> <b>Consent Agenda Item</b>	<b>Item No.</b> <b>7B</b>
<b>Item Description:</b> <i>Ordinance amending City Code Chapter 14 to Regulate Small Cell Wireless Facility Equipment and Associated Street Light Fixtures and Poles Installed in the Public Right of Way.</i>	<b>Reviewed By:</b> <i>Clay Wilfahrt, City Administrator</i> <b>Reviewed By:</b> <i>Hanna Klimmek, Community Development Director</i>		

## ACTION REQUESTED

**Motion to approve an ORDINANCE amending Chapter 14 of the Big Lake City Code regulating small cell wireless facility equipment and associated street light fixtures and poles installed in the right-of-way, and approve summary publication RESOLUTION.**

## BACKGROUND/DISCUSSION

The Council discussed possible amendments to the City’s Right-of-Way Ordinance during workshops held on May 27 and July 22, 2020. The amendment establishes provisions for the regulation of small cell wireless facility equipment and street light fixtures and poles to which they are affixed. The City Attorney has reviewed the proposed ordinance since it was last reviewed by the Council on July 22. They have suggested minor revisions for purposes of consistency with state law and federal administrative orders. These suggestions have been incorporated into the ordinance amendment and are summarized below.

1. Section 1400.06, Subd. 1 (e), reference to Minn. Stat. 300.06 has been removed. This statute was repealed and its requirement replaced elsewhere in statute. See Minn. Stat. § 47.16. Reference is unnecessary.
2. Section 1400.09, Subd. 7, reference to *small wireless facility* has been removed. Under Minn. Stat. § 237.163 subd. 3b (a) A local government unit may not require the placement of small wireless facilities on any specific wireless support structures other than the wireless support structure proposed in the permit application.
3. Section 1400.09, Subd. 8 (a), reference to *small wireless facility* has been removed. Under Minn. Stat. § 237.163 subd. 3b (b) a local unit of government may not limit the placement of small wireless facilities by minimum separation distances between small wireless facilities. The City may have minimum separation requirements for wireless support structures.
4. Section 1400.10, Subd. 1., deadlines have been modified. Under the FCC’s Declaratory Ruling and Third Report and Order cities have 60 days to review applications for collocations of small wireless facilities on existing structures and 90 days to review applications for attachment of small wireless facilities using a new structure. The remedy under the FCC’s order is not that the application is deemed approved, but the applicant may seek relief in court. The city has an opportunity to establish that its failure to act was reasonable under the circumstances.

5. Section 1400.10, Subd. 3 (a), was initially proposed and has been removed. It stated:  
[The 90-day deadline for action on a small wireless facility permit application may be tolled if:] *The city received applications from one or more applicants seeking approval of permits for more than 30 small wireless facilities within a seven-day period. In such case, the city may extend the deadline for all such applications in writing of such extension.* The FCC has taken the position that the same shot clock that applies to single applications also applies to batched applications. This is an area where state statute and the FCC Declaratory Ruling and Order appear to be in conflict.

#### **FINANCIAL IMPACT**

A fee will be established for the Small Wireless Facility Permit. Staff will research other communities to help determine an appropriate amount to propose for Council consideration during the upcoming 2021 Fee Schedule Workshop.

#### **STAFF RECOMMENDATION**

Staff recommends approval of an ORDINANCE amending Chapter 14 of the Big Lake City Code regulating small cell wireless facility equipment and associated street light fixtures and poles installed in the right-of-way, and approve summary publication RESOLUTION.

#### **ATTACHMENTS**

- 4A. Small Cell Aesthetic Guidelines Discussion Item - from May 27, 2020 Workshop
- 4B. Review Proposed Guidelines for Small Cell Facilities - from July 22, 2020 Workshop
- Ordinance Amendment to City Code Chapter 14, Right-of-Way Management
- Resolution Authorizing Summary Publication of Adopted Ordinance



**WORKSHOP ITEM**  
**Big Lake City Council**

<b>Prepared By</b> <i>Amy Barthel, City Planner</i>	<b>Meeting Date:</b> 5/27/2020	<b>Item No.</b> <b>4A</b>
<b>Item Description:</b> <i>Small Cell Aesthetic Guidelines Discussion</i>	<b>Reviewed By:</b> <i>Hanna Klimmek, Community Development Director</i> <b>Reviewed By:</b> <i>Clay Wilfahrt, City Administrator</i>	

**COUNCIL DIRECTION REQUESTED**

**Discuss aesthetic standards for small cell facilities.**

**BACKGROUND/DISCUSSION**

With evolving technology and the new 5G network, it is anticipated that more small cell facilities will be installed throughout the City in the coming years. This discussion is intending to continue the conversation as to what type of design standards Council should adopt for small cells, in addition to the existing standards.

On April 10, 2019 Big Lake City Council approved the Small Cell Wireless Facility Aesthetic Requirements (attached), as encouraged by Minnesota Legislature. The Council adopted the standards with the intention to protect the look and location of Small Cell installations within public rights-of-way. The continued conversation is aimed at questioning whether Council feels that adopting more standards will be beneficial for the City.

Below are examples of aesthetic requirements that can be added to our design requirements, and are as follows:

- Fully conceal cables, wires and connectors on the support structure and match the color of the support structure.
- Small cell facilities shall be placed on a hollow metal pole, not a wood pole. This is to conceal the wires associated with the device. Big Lake has many wooden poles throughout the City.
- Enforce spatial distances from other small cell devices (Recommended 100-250 feet separation).
- Require antennas to be located inside a shroud or canister type enclosure.
- Small cell facilities and structures shall not be located directly in front of any existing residential structures.

The first small cell application was submitted to the City for review in April. The equipment will be located on school property, out of the public right-of-way. That application would not have to adhere to any design requirements adopted *after* their submission, only current requirements.

A few assumptions can be made about small cell installations:

- Most facilities are co-located on a pole that has power or lighting.
- Connexus and Excel are the two energy companies within the City that would most likely have small cell equipment on their poles.

- The poles in which small cell facilities are attached to are typically new. The applicants often replace the pole at the request of the owner of the pole. The energy company is usually the first point of contact for small cell applicants if they co-locate on their structure.
- State Statute restricts rent limitations. The City could collect rent from a carrier if attached to City equipment.

Design Standards from other communities are attached to this memo and should be compared to Big Lakes standards. Pictures are included to show what small cells can look like, depending on the design standards a City adopts.

Staff will review other sections of City Code that should be modified for Small Cell facilities such as Chapter 14, Right-of-Way Management and Chapter 10, Section 1022 Antennas.

***FINANCIAL IMPACT***

N/A

***ALTERNATIVES***

N/A

***ATTACHMENTS***

- Big Lake Current Standards
- Kansas Small-Design-Guidelines
- Photos: Small Cell

# Small Cell Wireless Facility

## City of Big Lake Aesthetic Requirements for Street Light Fixtures and Poles Installed in Conjunction with Small Cell Wireless Facility Equipment

All Street Light Fixtures and Poles installed in conjunction with small cell wireless facility equipment within the City of Big Lake shall be reviewed and approved by the Engineering Department and Public Works prior to installation. This includes approval of wireless facility equipment installed on City owned street lights, as well as privately owned street lights, and street lights owned by Xcel Energy, Centerpoint Energy, and Connexus Energy.

An administrative permit shall be required for installations within the public right of way, and collocation agreements are required for each small cell wireless facility proposed on City of Big Lake owned infrastructure.

Street light fixtures and poles installed to accommodate small cell wireless facility equipment shall be uniform and consistent in both color and appearance with existing City of Big Lake street light infrastructure. When a permit application is received, the City shall work with the applicant to provide information on the type of pole, fixture, mounting, and base desired for requested location(s). The applicant shall be required to furnish a replacement pole as deemed necessary by the City where the requirements as such shall be identified in the collocation agreement.

The City of Big Lake shall not allow small cell wireless facility equipment to be installed on City owned and maintained decorative street lights.

The City of Big Lake reserves the right to reject any street light fixture proposed to be City owned and maintained and installed in conjunction with small cell wireless facility equipment based solely on appearance and consistency with existing City owned equipment and maintenance capabilities.

Document Date: April 10, 2019



**KANSAS CITY, KANSAS**  
**SMALL CELL INFRASTRUCTURE**  
**DESIGN GUIDELINES**

# 1

# BACKGROUND AND PURPOSE

## 1.1 INTRODUCTION

Pursuant to Kansas Statute 66-2019, effective October 1, 2016, wireless service providers and wireless infrastructure providers are permitted to locate small wireless facilities in the public right-of-way. This network of low-powered micro antennas provides cellular and data coverage to supplement the provider's macro-cellular network. New small cell installations will improve the providers' ability to meet current and future consumer cellular and data needs.

These design standards provide design and aesthetic requirements and specifications that all small wireless facilities installed within the ROW must meet prior to installation within City boundaries. Small cells installed within the ROW are bound to these design standards.

Providers shall consider the aesthetics of the existing street lights and other City infrastructure near proposed small cell locations, with special attention given to the details of neighborhoods with unique street light assemblies. Unique assemblies may include mast arms, decorative pole bases, architectural luminaires, mounting heights, pole colors, etc.

### **THERE ARE SEVERAL DIFFERENT SMALL CELL INSTALLATIONS ARE PERMITTED WITHIN KANSAS CITY AND WYANDOTTE COUNTY:**

- Attachments to streetlights on new small cell poles with luminaires (Type A pole)
- New freestanding installations, i.e. monopoles (Type B poles)

## 1.2 DEFINITIONS

- **City, Kansas City, or UG** means the Unified Government of Wyandotte County/Kansas City, Kansas.
- **Design Standards** or **Standards** means these design standards adopted by the UG.
- **FCC** means the Federal Communications Commission of the United States.
- **Monopole** means a new freestanding pole installation for the primary purpose of supporting a small cell. May also be used for lighting or signage as required by the City. Defined as “Type B Small Cell Pole” by the UG/BPU Standards Diagrams.
- **Pole with luminaire arm** means a new or pre-existing pole with an extended arm with a luminaire installed for the primary purpose of providing illumination to a public space or ROW, and a secondary purpose of supporting a small cell. Defined as “Type A Small Cell Pole” by the UG/BPU Standards Diagram.
- **Provider** means a wireless service provider or wireless infrastructure provider.
- **Small cell** means the wireless facilities and equipment as defined in Code of Ordinances Section 27-593(a)(31)(c), or its successor.
- **ROW** means the public way as defined in Code of Ordinances Section 27-245.
- **BPU** means Kansas City Board of Public Utilities or its successor.
- **RF** means radio frequency.
- **Utility Pole** means, for purposes of these design standards, a utility pole owned by a third-party utility company, such as BPU.

# 2

# GENERAL STANDARDS TABLE

## 2.1 SMALL CELL EQUIPMENT

<b>AESTHETICS</b>	Equipment should match the aesthetics of the area and surrounding poles.
<b>INTERNAL INSTALLS</b>	Equipment shall be installed within an existing pole when technologically feasible. Any equipment installed within a pole may not protrude from the pole except to the extent reasonably necessary to connect to power or a related wireline.
<b>EXTERNAL SHROUDING</b>	The antenna shall be contained in a cantenna and any other equipment shall be contained in an equipment cabinet, unless the visual impact can otherwise be reduced by its location on the pole.
<b>ELECTRICAL SERVICE</b>	Requirements per BPU.
<b>WIDTH</b>	May not exceed in width the diameter of the pole by more than 6 inches in total diameter and no more than 3 inches on either side.
<b>SIDEARM (OFF-SET) INSTALLS</b>	If permitted, may not allow the furthest point of the enclosure to extend more than 18 inches from the pole.
<b>CONDUITS</b>	All cables are required to be installed inside the pole.
<b>HARDWARE ATTACHMENTS</b>	All hardware attachments should be hidden. Welding onto existing equipment is not permitted.
<b>COLOR</b>	All equipment should be painted to match pole aesthetics. Paint should be powder coated over zinc paint.
<b>EQUIPMENT CABINET ACCESS DOORS</b>	Lockable access door sized to install, maintain, and remove all small cell equipment as needed shall meet provider's requirements. Utility access shall be per BPU requirements.
<b>CABLES</b>	All cables should be clearly labeled for future identification.
<b>CANTENNAS</b>	Cantenna must be mounted directly on top of the pole, unless a side arm installation is required by a pole owner. A tapered transition between the upper pole and cantenna is required.
<b>EQUIPMENT CABINET</b>	Cantenna should be maximum of 14-inch diameter, and no more than 3 cubic feet, unless granted an exemption by the UG

<p><b>STICKERS</b></p>	<p>Any on-pole cabinet and ground mounted utility box should be labeled a (1) RF warning sticker, background to match pole color, no larger than 4 x 6 inches, and facing to the street near the elevation of the antennae, (2) 4-inch by 6-inch (maximum) plate with the provider's name, location identifying information, and 24-hour emergency telephone number, and (3) No advertising, logos, or decals.</p>
<p><b>LIGHTS</b></p>	<p>There shall be lights on the equipment unless prohibited by state or federal law.</p>
<p><b>GROUND MOUNTED EQUIPMENT BOX</b></p>	<p>Must meet and follow existing UG ordinances for ground mounted utility boxes and be attached to a concrete foundation. All equipment, if on the pole or on the ground, must be concealed in a box or boxes with a total area no greater than 17 cubic feet, unless provided an exemption. Regardless, no total equipment box or boxes area shall exceed 28 cubic feet.</p>
<p><b>HEIGHT OF EQUIPMENT ON POLE</b></p>	<p>The lowest point of the equipment may not be lower than 10 feet from the grade directly below the equipment enclosure.</p>
<p><b>POWER METER</b></p>	<p>As required by BPU and in a location that (1) minimizes its interference with other users of the City's right-of-way including, but not limited to, pedestrians, motorists, and other entities with equipment in the right-of-way, and (2) minimizes its aesthetic impact.</p>

## 2.2 NEW AND REPLACEMENT METAL POLES

<b>POLE STYLE</b>	Pole should be round and match aesthetics of surrounding street lights and the neighborhood. Pole extension on traffic signal pole should match the rest of the pole.
<b>POLE CONNECTION</b>	Attachments to the side of a pole must be placed perpendicular to the street away from the vehicular traffic.
<b>COLOR</b>	<p>A pole and pole extension shall be galvanized in accordance with AASHTO M 111, or in accordance with UG engineering standards, whichever is more restrictive.</p> <p>A pole and pole extension shall be painted to match existing street light aesthetics. Paint shall be powder coated over zinc paint. If the pole is wooden, the equipment should be painted a light brown color.</p>
<b>HEIGHT</b>	Any pole with a collocated small cell shall not exceed 35 feet including the equipment, unless provided an exemption by the UG. Pole shall be measured from the top of the foundation to the top of the antenna.
<b>DESIGN WIND VELOCITY</b>	All structural components of small cell pole, standard, base, equipment cabinet, couplers, anchor bolts, luminaires, cantenna, and other attachments to be used shall be designed for a minimum of 115 MPH wind velocity, in accordance with AASHTO's Standard Specifications for Structural Supports for Highway Signs, Luminaires, and Traffic Signals, TIA-222 rev G and ASC 710 with IBC 2012 (or latest standard), plus amendment for snow loading and other local conditions, or in accordance with UG engineering standards, whichever is restrictive. Any pole not meeting these requirements may not be used for a small cell attachment or must be replaced to fulfill these requirements.
<b>CONDUITS</b>	All cables shall be in conduits and shall be flush with the pole unless required to be installed inside the pole.
<b>STICKERS</b>	On each pole, a (1) RF warning sticker, background to match pole color, no larger than 4 x 6 inches. Facing to the street near the elevation of the antennae, (2) 4-inch by 6-inch (maximum) plate with the provider's name, location identifying information, and 24-hour emergency telephone number, and (3) No advertising, logos or decals.
<b>TYPE A SMALL CELL POLE</b>	Street light pole with luminaire. Refer to the UG/BPU standard small cell pole diagram for full design requirements and specifications
<b>TYPE B SMALL CELL POLE</b>	Monopole with or without luminaire arm (subject to UG requirements). Refer to the UG/BPU standard small cell pole diagram for full design requirements and specifications

## 2.3 GENERALLY APPLICABLE REQUIREMENTS

### Any small cell that is collocated on a pole must comply with the following requirements:

- So as not to significantly create a new obstruction to property sight lines.
- At the intersection of property lines, or along secondary property street facing.
- With appropriate clearance from existing utilities.
- Preferably equidistant from adjacent poles.
- In a single-family neighborhood, noise limit to be 5dBA above ambient sound, not to exceed 30 dBA as measured at a property line. Other noise regulations may apply. If the facility does not generate noise, include this information in the submittal so information can be shared with neighborhood.
- Providers shall consider the aesthetics of existing street lights and street furniture in the neighborhood of the proposed small cell locations.
- These aesthetic considerations and accommodations are to be included in the application submittal.
- All equipment located within the public ROW shall be located such that it meets ADA requirements and does not obstruct, impede, or hinder usual pedestrian or vehicular travel or interferes with the operation and maintenance of signal lights, signage, street lights, street furniture, fire hydrants, or business district maintenance. Regardless, no poles or equipment shall be located on a public sidewalk.
- Minimize impact to the aesthetics of the excising poles.
- New poles should match aesthetics of adjacent poles.

### ORDER OF LOCATION PREFERENCES:

- Attachment to metal street lights (Type A pole)\*
- Installation of monopoles (Type B pole)\*

### PROHIBITED LOCATIONS:

- Attachments to utility poles
- Attachment to traffic signal poles
- Attachment to enhanced service area street lights
- Attachment to plain wood pole

\*Refer to the UG/BPU Small Cell Pole Standards Drawings

## **SMALL CELL EQUIPMENT SHALL BE MOUNTED ON OR HIDDEN INSIDE THE POLE AS FOLLOWS:**

- Antenna: Inside a round and tapered cantenna.
- Monopoles: all equipment inside monopole in base cabinet.
- Utility poles: All equipment located on poles if allowed by pole owner, and anything not on the pole to be located in a ground mounted utility box. Fiber in conduits flush with pole.
- Traffic signal poles: All equipment in ground mounted utility box. Fiber inside pole in a conduit. If conduit is not available, pole cannot be used).
- New/replacement metal streetlight poles: all equipment inside pole in round base cabinet.
- Decorative street lights: replace with equipment inside pole. Reusable deviations from these standards shall be approved by the UG prior to installation.
- Enhanced service area street lights: Replace existing street light with matching street light and all equipment inside pole.
- Deviations from this guide may be approved if reasonable on a case-by-case basis by the UG prior to installation.
- The specifications provided in this chapter are for single carrier with single technology installations within the ROW only. Dual carrier, dual technology installations, or small cell locations not in the public ROW may vary from these guidelines with UG approval.
- Placed so as not to interfere with normal operation and maintenance of street light or other street appurtenances.
- Radiation certified to be at safe levels by A non-ionizing radiation electromagnetic radiation report (NIER) shall be submitted to the pole owner and retained on file for equipment type and model.
- The NIER report shall be endorsed by qualified professional, licensed or certified in the State of Kansas. It shall specify minimum approach distances to the general public as well as electrical and communication workers that are not trained for working in an RF environment (uncontrolled) when accessing the pole by climbing or by bucket.
- City workers and contractors to have ability to easily shut off radio signals and power while working on pole. (And we have the right to turn off or disconnect for necessary operations).
- Attachments to a pole or any new or replacement pole should have a smooth transition between the small cell and the pole and (except for the top of a cantenna) shall not have any flat surface of more than 1.5 inches to prevent creation of a ledge.
- New small cell facility must be encased in a separate conduit than any UG electronics.

## **POWER AND GROUND MOUNTED UTILITY BOXES**

- Back up batteries must be in a ground mounted utility box, or underground where possible.
- The UG encourages all utility equipment that could be placed in a ground-mounted utility box to be buried underground.
- A separate meter and disconnect is required for both the power and the cell signal that can be accessed and operated by street lighting maintenance personnel.
- Must have metered power.

## **STANDARDS FOR SMALL CELL FACILITIES WITHIN A LOCAL HISTORIC DISTRICT OR ADJACENT TO A LOCAL LANDMARK SITE.**

In order to maintain the character of a historic district or conservation district, each as contemplated in the Unified Government Code of Ordinances Chapter 27, Article IV of this code, all wireless facilities and new structures in a historic district or a character conservation district must employ screening, concealment, camouflage, or other stealth techniques to minimize visual impacts. The placement of small wireless facilities on existing structures or new poles shall be subject to the following:

- Installation of small cell facilities within a local historic district or adjacent to a local landmark site shall require a Certificate of Appropriateness subject to the procedures and standards found in the UG Ordinances, Section 27-149. Such an installation may be considered for an administrative approval as a minor alteration.
- New and replacement structures must be of a metal monopole design. Lattice structures and wooden structures will not be permitted.
- Small cell facilities will only be installed on new or replacement poles in the rear easement of any historical building and of all buildings in a historical district.
- The design of wireless facilities and related new structures must be integrated with existing buildings, structures and landscaping, including considerations of height, color, style, placement, design and shape.

**Also see Technical Specifications in Chapter 6.**

# 3

## ATTACHMENTS TO STREET LIGHTS



### 3.1 PURPOSE

This chapter governs small cell attachments to a street light. Two types of small cell installations are permitted on street lights, including:

- New installation of metal street light poles (Type A pole).
- New metal pole so that small cell equipment can be attached (Type B pole).

### 3.2 STANDARDS

All provider equipment shall be housed internal to the equipment cabinet or hidden by the cantenna. No provider equipment shall be left exposed the outside of the pole.

On an existing pole, the equipment excluding the antenna shall be shrouded in an equipment cabinet if on the pole, hidden within the cantenna, or contained in a ground mounted utility box.

On a new street light, the provider may house the equipment inside the pole structure in an equipment cabinet as shown in the UG/BPU standard drawings.

A base equipment shall be round with a preferred diameter of a base cabinet 16-inch with a maximum 20-inch diameter.

The meter shall be contained in a ground mounted utility box, unless permitted to be inside an equipment cabinet as approved by BPU.

New street lights or replacement street lights shall comply with the all relevant county ordinances and applicable master plans that provide guidance on luminaire design aesthetics, lighting level criteria, typical street light spacing, and street light details.

- All equipment height shall be above the ground at least 10 feet. If the small cell equipment orients toward the street, then the attachment shall be installed no less than 16 feet above the ground.
- Equipment should be oriented away from the street.
- The size of small cells should be minimized as possible to minimize visual impact without interfering with the small cell operation.
- Equipment may not block visibility of street light banners.
- Attachments to an enhanced service area light pole cannot change overall character of light or proportion of the luminaires with the placement of a cantenna. The lighting level of service cannot be decreased.
- All new luminaires shall be the same height as adjacent street lights.
- City may require a new street light in lieu of a monopole.

An example of an unacceptable small cell installation, and acceptable installation can be found in **Figures 3-1** and **4-2**.

**Figure 3-1: Unacceptable**



Conduit, mounting bracket, and other hardware must be hidden from view.

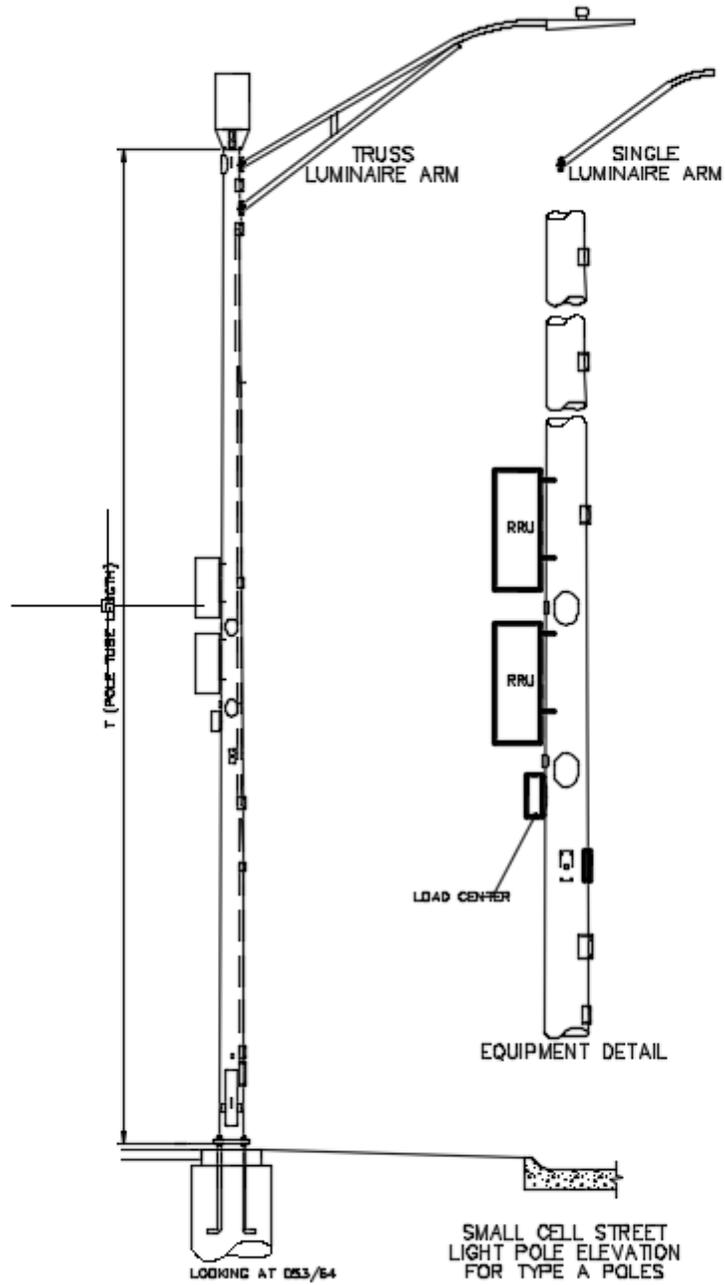
Cantenna must include a smooth transition between upper pole and cantenna attachment.

Upper pole shall be smooth and straight, with 1.5- inch (max.) of flat surface where mounted to the equipment cabinet.

**Figure 3-2: Acceptable**



Figure 3-3: Type "A" Small Cell Pole: Pole with Luminaire Arm and Antenna and Equipment Shroud



# 4

## INSTALLATION OF MONOPOLES



### 4.1 PURPOSE

This chapter of the Standards is to be used when installing a freestanding small cell installation, referred to as a monopole.

### 4.2 STANDARDS

All small cell carrier equipment excluding the antenna shall be housed internal to an equipment cabinet or hidden behind the cantenna, per UG/BPU standard drawings.

- Monopoles to coordinate with neighborhood pole style and material type.
- New monopoles must conform to UG/BPU technical standards drawings.
- Ownership of monopoles is to remain with the provider. The UG reserves the right to attach any sign (such as a no parking sign) or a banner on the monopole.
- Design structural capacity shall be reserved for future City installations, such as cameras or other items.
- All new poles must have appropriate clearance from existing utilities
- Shall not be placed within the sight of triangle of an intersection or with the sidewalk path of pedestrians, or on a pedestrian curb ramp.

Figure 4-1: Unacceptable Monopole Installation

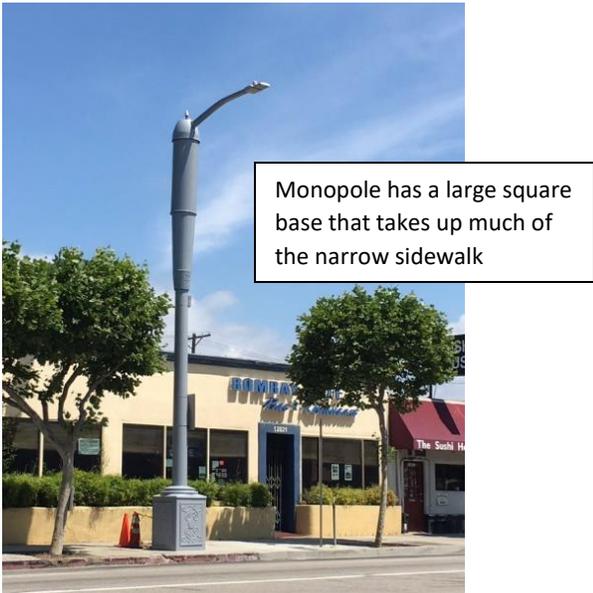
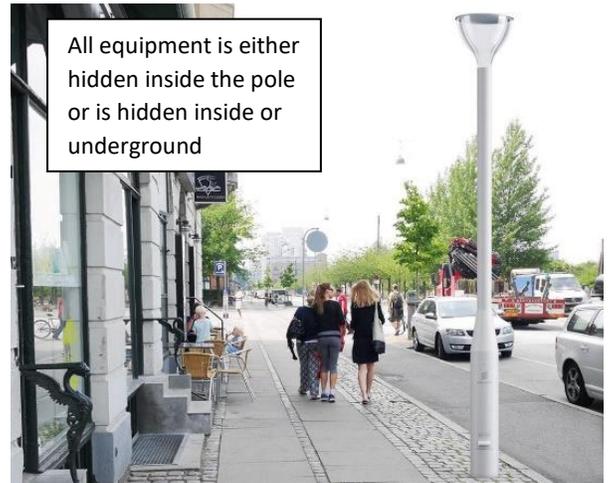
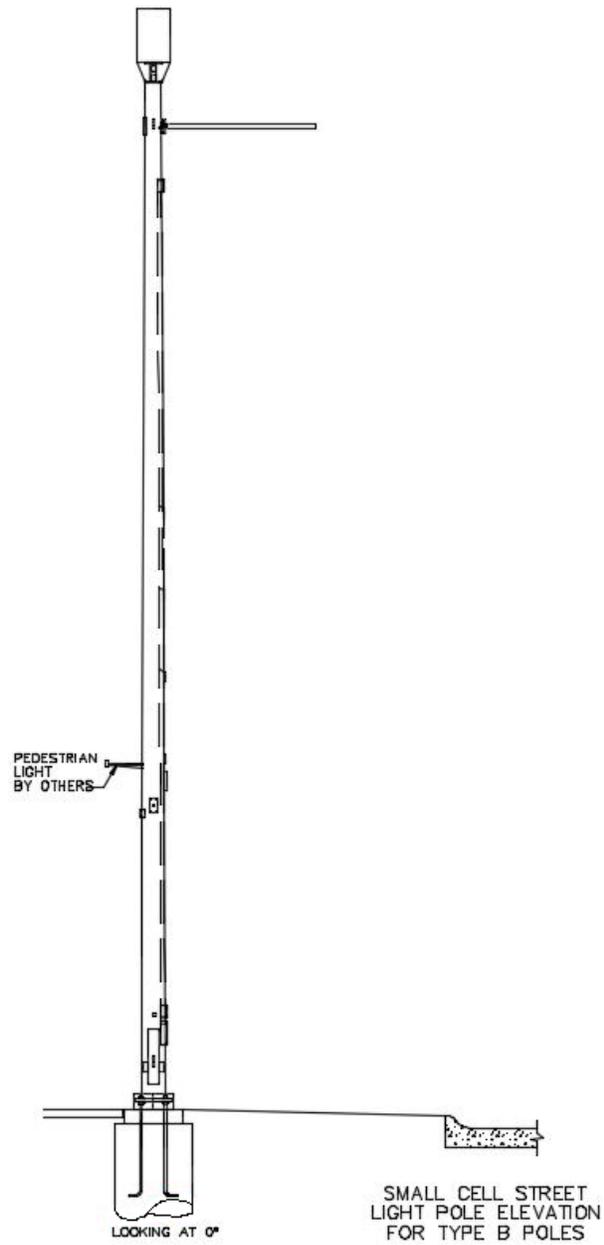


Figure 4-2: Acceptable Monopole Installation



Freestanding small cell pole components include the foundation, equipment cabinet, upper pole, antenna, and all hardware and electrical equipment necessary for a complete assembly, as shown in **Figure 4-3**.

**Figure 4-3: Type “B” Small Cell Pole: Monopole (with Luminaire Extension)**



## 4.3 PLACEMENT REQUIREMENTS

All monopoles shall be publicly owned and must be permitted by UG engineering via the ROW Permit requirements as outlined in the Right of Way Permit to Work.

- Preferred location for new pole is generally on property line for the purpose of avoiding interference with building face, views, business signage, pedestrian flow, etc.
- In a manner that does not impede, obstruct, or hinder pedestrian or vehicular travel.
- So as not to be located along the frontage of a Historic building, deemed historic on a federal, state, or local level.
- So as not to significantly create a new obstruction to property sight lines.
- At the intersection of property lines, or along secondary property street facing.
- Within the street amenity zone whenever possible.
- In alignment with existing trees, utility poles, and street lights.
- Equal distance between trees and other poles when possible, with a minimum of 15 feet separation such that no proposed disturbance shall occur within the critical root zone of any tree.
- With the appropriate clearance of at least 10 feet from existing utilities.
- Outside of the 20-foot equipment clear zone (for base cabinets less than 18-inches in diameter) or the sight distance triangle (for base cabinets equal to or greater than 18-inches in diameter) at intersection corners as shown in Figure 6-6.
- 10 feet away from the triangle extension of an alley way flare.
- Shall not be located within 100 feet of the apron of a fire station or other adjacent emergency service facility.

### STANDARDS FOR MONOPOLES RESIDENTIAL STREETS LESS THAN 60 FEET WIDE:

Residential zones: A wireless provider may not install a new utility pole in a publicway adjacent to a residential zone, if the curb-to-curb measurement of the street is 60 feet wide or less as depicted on the official plat records or other measurement provided with the application, unless the City has given prior written consent based on evidence provided that demonstrates:

- There is insufficient wireless service to meet the demand in the immediate vicinity, and
- There are no other feasible options to provide adequate service along the residential street, and
- The utility pole will be located between curb and sidewalk in park strip. If no park strip is available, a corner installation must be considered before any installation on a lawn, as permitted by the UG.

**Figure 4-4** shows freestanding small cells which is preferred to be a minimum of 250 feet apart radially. This radius extends around corners and into alleys. They shall be located in line with trees, existing street lights, utility poles, and other furniture located in the amenity zone, as shown in **Figure 4-5**.

**Figure 4-4: Freestanding Small Cell spacing radius**

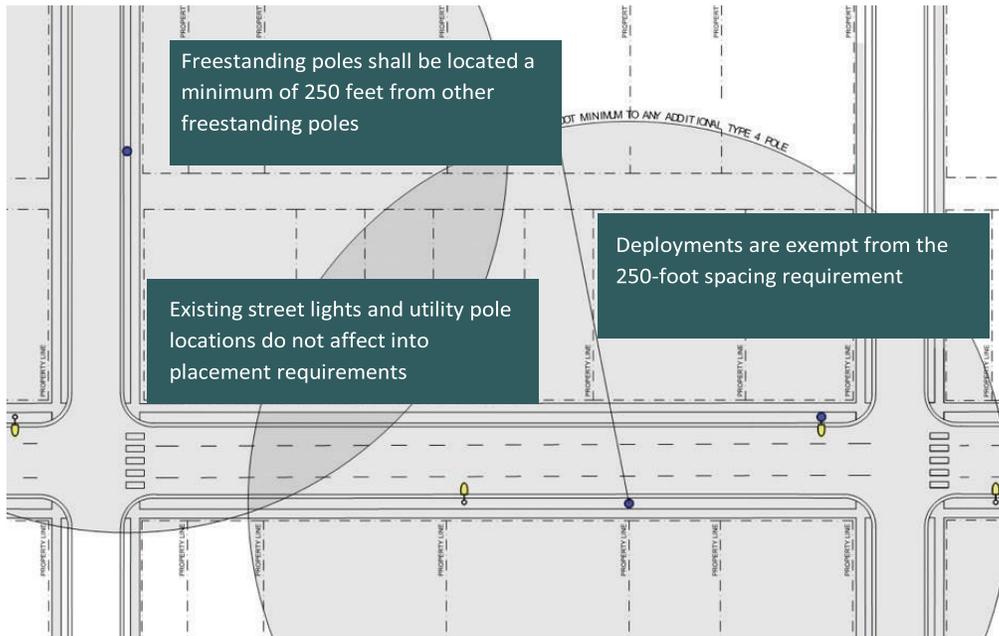
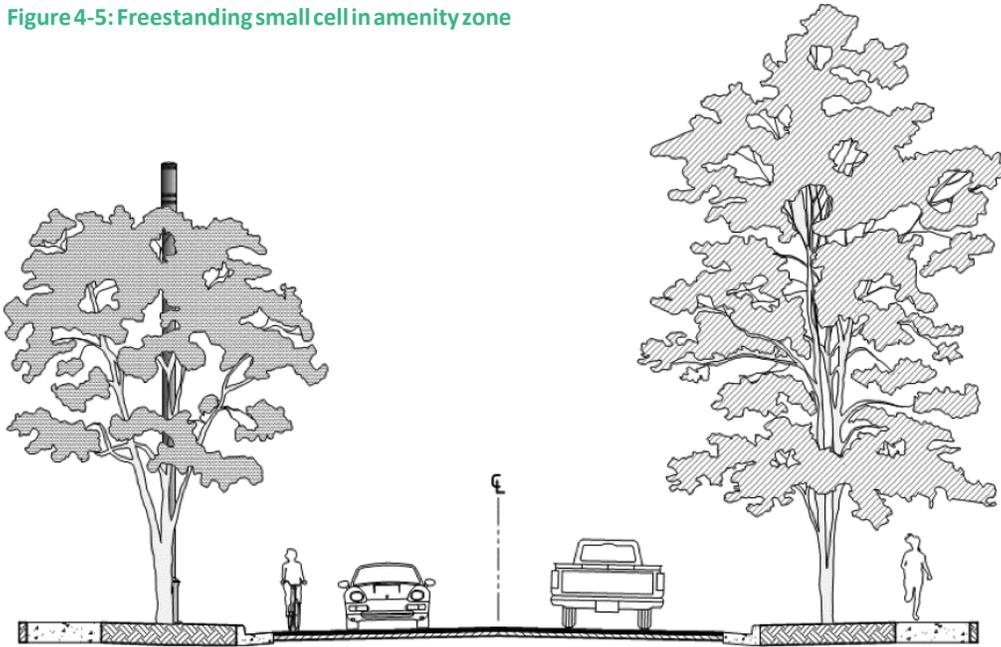


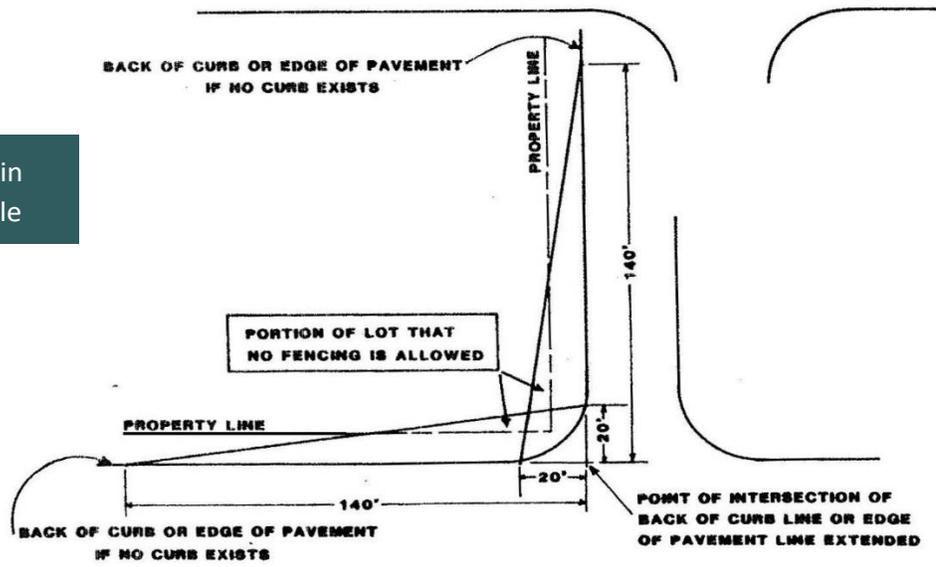
Figure 4-5: Freestanding small cell in amenity zone



Freestanding small cells shall be located such that they in no way impede, obstruct, or hinder the usual pedestrian or vehicular travel, affect public safety, obstruct the legal access to or use of the public ROW (including sidewalks), violate applicable law, violate or conflict with public ROW design standards, specifications, or design district requirements, violate the Federal Americans with Disabilities Act of 1990, or in any way create a risk to public health, safety, or welfare.

Free standing small cells shall be located within the ROW and off set from the sidewalk as shown in [Figure 4-6](#).

Do not locate small cell in intersection sight triangle



CALCULATION OF SIGHT DISTANCE TRIANGLES

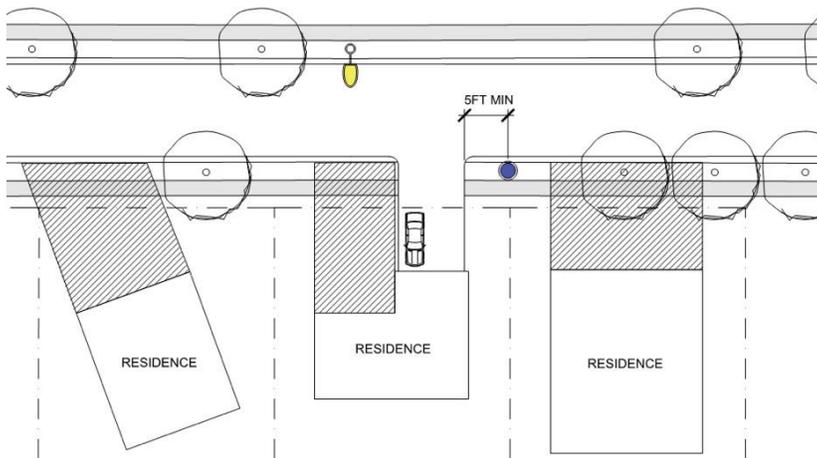
Freestanding small cells shall be located at intersecting property lines as much as possible. Whenever possible, the freestanding small cell shall be located on the secondary street. Small cells shall also be located a minimum of 15 feet away from trees to prevent disturbance within the critical root zone of any tree, as shown in **Figure 5-7**.

**Figure 4-7: Freestanding small cell location between property and trees**



The small cells shall not be installed between the perpendicular extension of the primary street-facing wall plane of any single or two-family residence as shown in **Figure 4-8**.

**Figure 4-8: Freestanding Small Cell between property lines**



Do not locate small cell in the perpendicular extension of the primary street-facing wall plane

Do not locate small cell in front of driveways, entrances, or walkways

When located adjacent to a commercial establishment, such as a shop or restaurant, care should be taken to locate the small cell such that it does not negatively impact the business. Small cells shall not be located in front of storefront windows, primary walkways, primary entrances or exits, or in such a way that it would impede a delivery to the building. Small cells should be located between properties as much as possible as shown in **Figure 4-9**.

**Figure 4-9: Small Cell in Commercial Area**



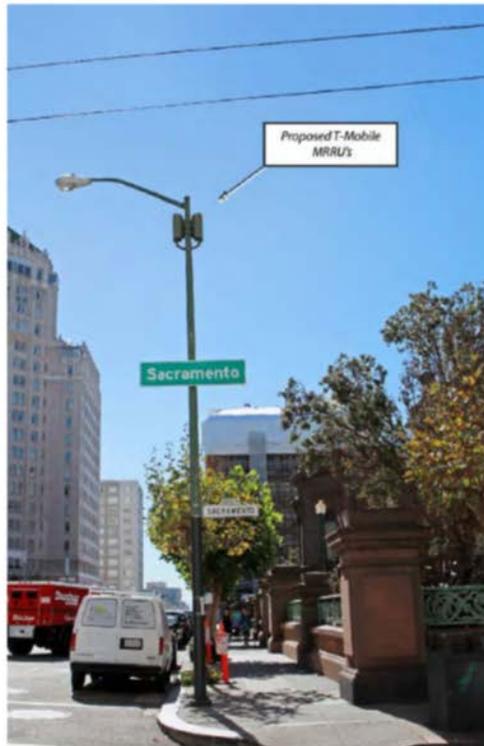
# Installation challenges

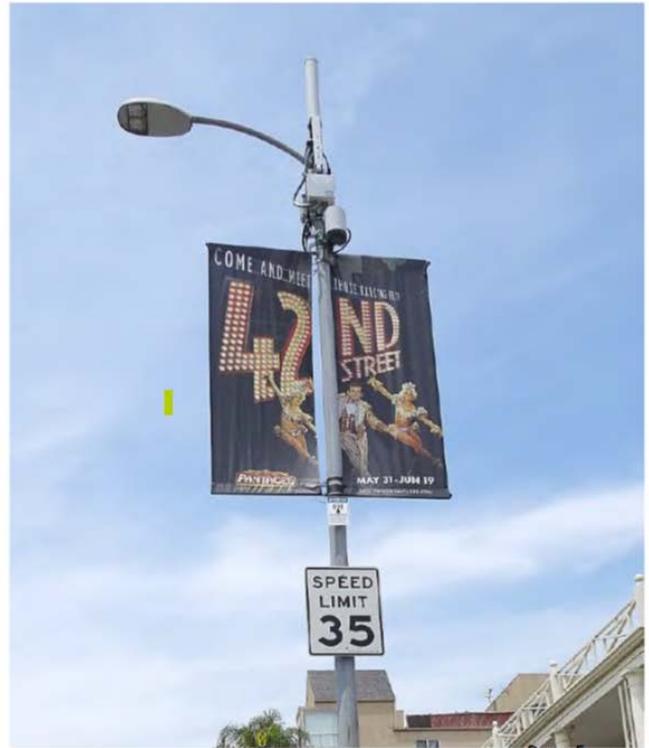


Attachments on wood poles



## Small Wireless Facilities Examples





Page 5



Equipment Cabinets



Page 4



# WORKSHOP ITEM

Big Lake City Council

<p><b>Prepared By</b> Jack Johansen, Community Development Intern</p>	<p><b>Meeting Date:</b> 7/22/2020</p>	<p><b>Item No.</b> <b>4B</b></p>
<p><b>Item Description:</b> Guidelines for Small Cell Facilities</p>	<p><b>Reviewed By:</b> Hanna Klimmek, Community Development Director <b>Reviewed By:</b> Clay Wilfahrt, City Administrator</p>	

**COUNCIL DIRECTION REQUESTED**

Discuss the proposed small cell guidelines.

**BACKGROUND/DISCUSSION**

With evolving technology and the new 5G network, it is anticipated that more small cell facilities will be installed throughout the City in the coming years. Small cell applications only need to conform to the standards that are set in place at the time of submittal. Making it important for the city to amend its code, laying out the standards for these devices, ahead of the expected rollout of this technology. This discussion is to go over the proposed guidelines that aim to shape the aesthetics and location of the small cell facilities.

On April 10, 2019 Big Lake City Council approved the Small Cell Wireless Facility Aesthetic Requirements (attached), as encouraged by Minnesota Legislature. The Council adopted the standards with the intention to protect the look and location of Small Cell installations within public rights-of-way. The proposed code is aimed at creating a more robust set of guidelines for the aesthetics and location of this technology.

The first small cell application was submitted to the City for review in April. In Early July the City was contacted by Verizon notifying the City Engineer that they intend to apply for a small cell facility permit this summer or fall. Both applications would not have to adhere to any design requirements adopted *after* their submission, only current requirements.

A few assumptions can be made about small cell installations:

- Most facilities are co-located on a pole that has power or lighting.
- Connexus and Excel are the two energy companies within the City that would most likely have small cell equipment on their poles.
- The poles in which small cell facilities are attached to are typically new. The applicants often replace the pole at the request of the owner of the pole. The energy company is usually the first point of contact for small cell applicants if they co-locate on their structure.
- State Statute restricts rent limitations. The City could collect rent from a carrier if attached to City equipment.

Prior to being adopted into the code the City Attorney will look over and examine the proposed guidelines.

Pictures are included to show what small cells can look like, depending on the design standards a City adopts.

***FINANCIAL IMPACT***

N/A

***ALTERNATIVES***

N/A

***ATTACHMENTS***

- Big Lake Current Standards
- Revised Chapter 14 Right of Way Management with Small Cell
- Photos: Small Cell

# Small Cell Wireless Facility

## **City of Big Lake Aesthetic Requirements for Street Light Fixtures and Poles Installed in Conjunction with Small Cell Wireless Facility Equipment**

All Street Light Fixtures and Poles installed in conjunction with small cell wireless facility equipment within the City of Big Lake shall be reviewed and approved by the Engineering Department and Public Works prior to installation. This includes approval of wireless facility equipment installed on City owned street lights, as well as privately owned street lights, and street lights owned by Xcel Energy, Centerpoint Energy, and Connexus Energy.

An administrative permit shall be required for installations within the public right of way, and collocation agreements are required for each small cell wireless facility proposed on City of Big Lake owned infrastructure.

Street light fixtures and poles installed to accommodate small cell wireless facility equipment shall be uniform and consistent in both color and appearance with existing City of Big Lake street light infrastructure. When a permit application is received, the City shall work with the applicant to provide information on the type of pole, fixture, mounting, and base desired for requested location(s). The applicant shall be required to furnish a replacement pole as deemed necessary by the City where the requirements as such shall be identified in the collocation agreement.

The City of Big Lake shall not allow small cell wireless facility equipment to be installed on City owned and maintained decorative street lights.

The City of Big Lake reserves the right to reject any street light fixture proposed to be City owned and maintained and installed in conjunction with small cell wireless facility equipment based solely on appearance and consistency with existing City owned equipment and maintenance capabilities.

Document Date: April 10, 2019

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**CHAPTER 1400 – RIGHT-OF-WAY MANAGEMENT**

## SECTION

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**1400.01: FINDINGS, PURPOSE, AND INTENT.** To provide for the health, safety and welfare of its citizens, and to ensure the integrity of its streets and the appropriate use of the rights-of-way, the City strives to keep its rights-of-way in a state of good repair and free from unnecessary encumbrances.

Accordingly, the City hereby enacts this new chapter of this code relating to right-of-way permits and administration. This chapter imposes reasonable regulation on the placement and maintenance of

facilities and equipment currently within its rights-of-way or to be placed therein at some future time.

It is intended to complement the regulatory roles of state and federal agencies. Under this chapter, persons excavating and obstructing the rights-of-way will bear financial responsibility for their work. Finally, this chapter provides for recovery of out-of-pocket and projected costs from persons using the public rights-of-way.

This chapter shall be interpreted consistently with 1997 Session Laws, Chapter 123, substantially codified in Minnesota Statutes Sections 237.16, 237.162, 237.163, 237.79, 237.81, and 238.086 (the “Act”) and the other laws governing applicable rights of the city and users of the right-of-way. This chapter shall also be interpreted consistent with Minnesota Rules 7819.0050 – 7819.9950 where possible. To the extent any provision of this chapter cannot be interpreted consistently with the Minnesota Rules, that interpretation most consistent with the Act and other applicable statutory and case law is intended. This chapter shall not be interpreted to limit the regulatory and police powers of the city to adopt and enforce general ordinances necessary to protect the health, safety and welfare of the public.

**1400.02 ELECTION TO MANAGE THE PUBLIC RIGHTS-OF-WAY.** Pursuant to the authority granted to the city under state and federal statutory, administrative and common law, the city hereby elects, pursuant to Minn. Stat. §237.163, subd. 2(b), to manage rights-of-way within its jurisdiction.

**1400.03 DEFINITIONS.** The following definitions apply to this chapter of this code. References hereafter to “sections” are, unless otherwise specified, references to sections in this chapter. Defined terms remain defined terms, whether or not capitalized.

“**Abandoned Facility**” means a facility no longer in service or physically disconnected from a portion of the operating facility, or from any other facility, that is in use or still carries service.

“**Applicant**” means any person requesting permission to excavate or obstruct a right-of-way.

“**City**” means the City of Big Lake, Minnesota. “City” also means its elected officials, officers, employees and agents.

“**Collocate or Collocation**” means to install, mount, maintain, modify, operate, or replace a small wireless facility on, under, within, or adjacent to an existing wireless support structure or utility pole that is owned privately, or by the city or other governmental unit.

“**Commission**” means the State Public Utilities Commission.

“**Congested Right-of-Way**” means a crowded condition in the subsurface of the public right-of-way that occurs when the maximum lateral spacing between existing underground facilities does not allow for construction of new underground facilities without using hand digging to expose the existing lateral facilities in conformance with Minnesota Statutes § 216D.04, subd. 3, over a

continuous length in excess of 500 feet.

**“Construction Performance Bond”** means any of the following forms of security provided at permittee’s option:

- A. Individual project bond;
- B. Cash deposit;
- C. Letter of Credit in a form acceptable to the city;
- D. A blanket bond for projects within the city, or other form of construction bond, for a time specified and in a form acceptable to the city.

**“Degradation”** means a decrease in the useful life of the right-of-way caused by excavation in or disturbance of the right-of-way, resulting in the need to reconstruct such right-of-way earlier than would be required if the excavation or disturbance did not occur.

**“Degradation Cost”** subject to Minnesota Rules 7819.1100 means the cost to achieve a level of restoration, as determined by the city at the time the permit is issued, not to exceed the maximum restoration shown in plates 1 to 13, set forth in Minnesota Rules parts 7819.9900 to 7819.9950.

**“Degradation Fee”** means the estimated fee established at the time of permitting by the city to recover costs associated with the decrease in the useful life of the right-of-way caused by the excavation, and which equals the degradation cost. This fee is in addition to the permittee’s obligation to fully restore the right-of-way.

**“Department”** means the department of public works of the city.

**“Department Inspector”** means any person authorized by the city to carry out inspections related to the provisions of this chapter.

**“Director”** means the director of the department of public works of the city, or her or his designee.

**“Delay Penalty”** is the penalty imposed as a result of unreasonable delays in right-of-way excavation, obstruction, patching, or restoration as established by permit.

**“Emergency”** means a condition that (1) poses a danger to life or health, or of a significant loss of property; or (2) requires immediate repair or replacement of facilities in order to restore service to a customer.

**“Equipment”** means any tangible asset used to install, repair or maintain facilities in any right-of-way.

**“Excavate”** means to dig into, directionally bore, or in any way remove or physically disturb or penetrate any part of a right-of-way.

**“Facility”** or **“Facilities”** means any tangible asset in the right-of-way required to provide Utility Service.

**“Five-year project plan”** shows projects adopted by the city for construction within the next five years.

**“High Density Corridor”** means a designated portion of the public-right-of-way within which telecommunications right-of-way users having multiple and competing facilities may be required to build and install facilities in a common conduit system or other common structure.

**“Hole”** means an excavation in the pavement, with the excavation having a length less than the width of the pavement.

**“Local Representative”** means a local person or persons, or designee of such person or persons, authorized by a registrant to accept service and to make decisions for that registrant regarding all matters within the scope of this chapter.

**“Management Costs”** means the actual costs the city incurs in managing its rights-of-way, including such costs, if incurred, as those associated with registering applicants; issuing, processing, and verifying right-of-way or small wireless facility permit applications; inspecting job sites and restoration projects; maintaining, supporting, protecting, or moving user facilities during right-of-way work; determining the adequacy of right-of-way restoration; restoring work inadequately performed after providing notice and the opportunity to correct the work; and revoking right-of-way or small wireless facility —permits.—Management costs do not include payment by a telecommunications right-of-way user for the use of the right-of-way, the fees and costs of litigation relating to the interpretation of Minnesota Session Laws 1997, Chapter 123; Minnesota Statutes Sections 237.162 or 237.163; or any ordinance enacted under those sections, or the city fees and costs related to appeals taken pursuant to this chapter.

**“Obstruct”** means to place any tangible object in a right-of-way so as to hinder free and open passage over that or any part of the right of way.

**“Patch”** or **“Patching”** means a method of pavement replacement that is temporary in nature. A patch consists of (1) the compaction of the sub-base and aggregate base, and (2) the replacement, in kind, of the existing pavement for a minimum of two feet beyond the edges of the excavation in all directions.

**“Pavement”** means any type of improved surface that is within the public right-of-way and that is paved or otherwise constructed with bituminous, concrete, aggregate, or gravel.

**“Permit”** has the meaning given “right-of-way permit” in Minnesota Statutes Section 237.162.

**“Permittee”** means any person to whom a permit to excavate or obstruct a right-of-way has

been granted by the city under this chapter.

**“Person”** means an individual or entity subject to the laws and rules of this state, however organized, whether public or private, whether domestic or foreign, whether for profit or nonprofit, and whether natural, corporate or political.

**“Probation”** means the status of a person that has not complied with the conditions of this chapter. (Note: This paragraph is included as an option for your city.)

**“Probationary Period”** means one year from the date that a person has been notified in writing that they have been put on probation. (Note: This paragraph is included as an option for your city.)

**“Public Right-of-Way”** means the area on, below, or above a public roadway, highway, street, cartway, bicycle lane or public sidewalk in which the city has an interest, including other dedicated rights-of-way for travel purposes and utility easements of the city. A right-of-way does not include the airwaves above a right-of-way with regard to cellular or other nonwire telecommunications or broadcast service. Public right-of-way includes outlots, parks and drainage and utility easements.

**“Registrant”** means any person who (1) has or seeks to have its equipment or facilities located in any right-of-way, or (2) in any way occupies, or uses, or seeks to occupy or use, the right-of-way or place its facilities or equipment in the right-of-way.

**“Restore”** or **“Restoration”** means the process by which an excavated right-of-way and surrounding area, including pavement, foundation, sidewalk and trail is returned to the same condition and life expectancy that existed before excavation.

**“Restoration Cost”** means the amount of money paid to the city by a permittee to achieve the level of restoration according to plates 1 to 13 of Minnesota Public Utilities Commission rules.

**“Right-of-Way Permit”** ~~Means~~ means either the excavation permit, the obstruction permit, the small cell permit or any combination thereof depending on the context, required by this chapter.

**“Right-of-Way User”** means (1) a telecommunications right-of-way user as defined by Minnesota Statutes, section 237.162, subd. 4; or (2) a person owning or controlling a facility in the right-of-way that is used or intended to be used for providing utility service, and who has a right under law, franchise, or ordinance to use the public right-of-way.

**“Service”** or **“Utility Service”** includes (1) those services provided by a public utility as defined in Minn. Stat. 21613.02, subd. 4 and 6; (2) services of a telecommunications right-of-way

user, including transporting of voice or data information; (3) services of a cable communications systems as defined in Minn. Stat. Chapter. 238; (4) natural gas or electric energy or telecommunications services provided by the city; (5) services provided by a cooperative electric association organized under Minn. Stat., Chapter 308A; and (6) water, and sewer, including service laterals, steam, cooling or heating services.

**“Service Lateral”** means an underground facility that is used to transmit, distribute, or furnish gas, electricity, communications, or water from a common source to an end-use customer. A service lateral is also an underground facility that is used in the removal of wastewater from a customer’s premises.

**“Small Wireless Facility”** Means a wireless facility that meets both of the following qualifications:

- (i) each antenna is located inside an enclosure of no more than six cubic feet in volume or could fit within such an enclosure; and
- (ii) all other wireless equipment associated with the small wireless facility provided such equipment is, in aggregate, no more than 28 cubic feet in volume, not including electric meters, concealment elements, telecommunications demarcation boxes, battery backup power systems, grounding equipment, power transfer switches, cutoff switches, cable, conduit, vertical cable runs for the connection of power and other services, and any equipment concealed from public view within or behind an existing structure or concealment.

**“Supplementary Application”** means an application made to excavate or obstruct more of the right-of-way than allowed in, or to extend, a permit that had already been issued.

**“Temporary Surface”** means the compaction of sub-base and aggregate base and replacement, in kind, of the existing pavement only to the edges of the excavation.

**“Trench”** means an excavation in the pavement, with the excavation having a length equal to or greater than the width of the pavement.

**“Telecommunication right-of-way user”** means a person owning or controlling a facility in the right-of-way, or seeking to own or control a Facility in the right-of-way, that is used or is intended to be used for transporting telecommunication or other voice or data information. For purposes of this chapter, a cable communication system defined and regulated under Minn. Stat. Chap. 238, and telecommunication activities related to providing natural gas or electric energy services whether provided by a public utility as defined in Minn. Stat. Sec. 21613.02, a municipality, a municipal gas or power agency organized under Minn. Stat. Chaps. 453 and 453A, or a cooperative electric association organized under Minn. Stat. Chap. 308A, are not telecommunications right-of-way users for purposes of this chapter.

“Wireless Facility” means equipment at a fixed location that enables the provision of wireless services between user equipment and a wireless service network, including equipment associated with wireless service, a radio transceiver, antenna, coaxial or fiber-optic cable, regular and backup power supplies, and a small wireless facility, but not including wireless support structures, wireline backhaul facilities, or cables between utility poles or wireless support structures, or not otherwise immediately adjacent to and directly associated with a specific antenna.

“Wireless Service” means any service using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or by means of a mobile device, that is provided using wireless facilities. Wireless service does not include services regulated under Title VI of the Communications Act of 1934, as amended, including cable service.

“Wireless Support Structure” means a new or existing structure in a right-of-way designed to support or capable of supporting small wireless facilities, as reasonably determined by the city.

**1400.04 ADMINISTRATION.** The director is the principal city official responsible for the administration of the rights-of-way, right-of-way permits, and the ordinances related thereto. The director may delegate any or all of the duties hereunder.

**1400.05 REGISTRATION AND RIGHT-OF-WAY OCCUPANCY.**

**Subd. 1. Registration.** Each person who occupies or uses, or seeks to occupy or use, the right-of-way or place any equipment or facilities in or on the right-of-way, including persons with installation and maintenance responsibilities by lease, sublease or assignment, must register with the city. Registration will consist of providing application information and paying a registration fee.

**Subd. 2. Registration Prior to Work.** No person may construct, install, repair, remove, relocate, or perform any other work on, or use any facilities or any part thereof, in any right-of-way without first being registered with the city.

**Subd. 3. Exceptions.** Nothing herein shall be construed to repeal or amend the provisions of city ordinances concerning boulevard plantings or gardens in the area of the right-of-way between their property and the street curb. However, nothing herein relieves a person from complying with the provisions of the Minn. Stat. Chap. 2161), Gopher One-Call Law.

**1400.06 REGISTRATION INFORMATION.**

**Subd. 1. Information Required.** The information provided to the city at the time of registration shall include, but not be limited to:

- (a) Each registrant's name, Gopher One-Call registration certificate number, address and e-mail address, if applicable, and telephone and facsimile numbers.
- (b) The name, address and e-mail address, if applicable, and telephone and facsimile numbers of a local representative. The local representative or designee shall be available at all times. Current information regarding how to contact the local representative in an emergency shall be provided at the time of registration.
- (c) A certificate of insurance:
  - (1) Verifying that an insurance policy has been issued to the registrant by an insurance company licensed to do business in the State of Minnesota acceptable to the city; and
  - (2) Verifying that the registrant is insured against claims for personal injury, including death, as well as claims for property damage arising out of the (i) use and occupancy of the right-of-way by the registrant, its officers, agents, employees and permittees, and (ii) placement and use of facilities and equipment in the right-of-way by the registrant, its officers, agents, employees and permittees, including, but not limited to, protection against liability arising from completed operations, damage of underground facilities and collapse of property; and
  - (3) Naming the city and its engineering consultants as an additional insured as to whom the coverages required herein are in force and applicable and for whom defense will be provided as to all such coverages; and
  - (4) Requiring that the city be notified thirty (30) days in advance of cancellation of the policy or material modification of a coverage term; and
  - (5) Indicating comprehensive liability coverage, automobile liability coverage, workers compensation and umbrella coverage. The limits of the coverage shall not be less than \$1,000,000.00.
- (d) The city will require a copy of the actual insurance policies.
- (e) If the person is a corporation, a copy of the certificate is required to be filed under Minn. Stat. 300.06 as recorded and certified to by the Secretary of State.
- (f) The registrant shall submit a construction performance bond, cash deposit, letter of credit, or blanket bond in the amount of \$10,000.00 to the City of Big Lake. The security is to insure compliance with the approved plan.

(g) A copy of the person's order granting a certificate of authority from the Minnesota Public Utilities Commission or other applicable state or federal agency, where the person is lawfully required to have such certificate from said commission or other state or federal agency.

**Subd. 2. Notice of Changes.** The registrant shall keep all of the information listed above current at all times by providing to the city information as to changes within fifteen (15) days following the date on which the registrant has knowledge of any change.

#### 1400.07 PERMIT REQUIREMENT.

**Subd. 1. Permit Required.** Except as otherwise provided in this code, no person may obstruct or excavate any right-of-way without first having obtained the appropriate right-of-way permit from the city to do so.

~~(a)~~ ~~(a)~~—Permit. A permit is required by a registrant to excavate or directionally bore that part of the right-of-way described in such permit and to hinder free and open passage over the specified portion of the right-of-way by placing facilities described therein, to the extent and for the duration specified therein.

~~(b)~~ Small Wireless Facility Permit. A small wireless facility permit is required by a registrant to erect or install a wireless support structure, to collocate a small wireless facility, or to otherwise install a small wireless facility in the specified portion or the right-of-way, to the extent specified therein, provided that such permit shall remain in effect for the length of time the facility is in use, unless lawfully revoked.

**Subd. 2. Permit Extensions.** No person may excavate or obstruct the right-of-way beyond the date or dates specified in the permit unless (i) such person makes a supplementary application for another right-of-way permit before the expiration of the initial permit, and (ii) a new permit or permit extension is granted.

**Subd. 3. Delay Penalty.** In accordance with Minnesota Rule 7819.1000 subd. 3 and notwithstanding subd. 2 of this Section, the city shall establish and impose a delay penalty for unreasonable delays in right-of-way excavation, obstruction, patching, or restoration. The delay penalty shall be established from time to time by city council resolution.

**Subd. 4. Permit Display.** Permits issued under this chapter shall be conspicuously displayed or otherwise available at all times at the indicated work site and shall be available for inspection by the city.

**1400.08 PERMIT APPLICATIONS.** Application for a permit is made to the city. Right-of-way permit applications shall contain, and will be considered complete only upon compliance with, the requirements of the following provisions:

- (a) Registration with the city pursuant to this chapter.
- (b) Submission of a completed permit application form, including all required attachments, and scaled drawings showing the location and area of the proposed project and the location of all known existing and proposed facilities.
- (c) Payment of money due the city for:
  - (1) permit fees, estimated restoration costs, and other management costs;
  - (2) prior obstructions or excavations;
  - (3) any undisputed loss, damage, or expense suffered by the city because of applicant's prior excavations or obstructions of the rights-of-way or any emergency actions taken by the city;
  - (4) franchise fees or other charges, if applicable.
- (d) Payment of disputed amounts due the city by posting security or depositing in an escrow account an amount equal to at least 110% of the amount owing.
- (e) Posting an additional or larger construction performance bond for additional facilities when applicant requests an excavation permit to install additional facilities and the city deems the existing construction performance bond inadequate under applicable standards.

**1400.09 ISSUANCE OF PERMIT; CONDITIONS.**

**Subd. 1. Permit Issuance.** If the applicant has satisfied the requirements of this chapter, the city shall issue a permit.

**Subd. 2. Conditions.** The city may impose reasonable conditions upon the issuance of the permit and the performance of the applicant thereunder to protect the health, safety and welfare or when necessary to protect the right-of-way and its current use.

**Subd. 3. Small Wireless Facility Conditions.** In addition to subdivision 2, the erection or installation of a wireless support structure, the collocation of a small wireless facility, or other installation of a small wireless facility in the right-of-way, shall be subject to the following conditions:

The City shall not allow small cell wireless

- facility equipment to be installed on City owned and maintained decorative street lights.
- (a) A small wireless facility shall only be collocated on the particular wireless support structure, under those attachment specifications, and at the height indicated in the applicable permit application.
- (b) No new wireless support structure installed within the right-of-way shall exceed 50 feet in height without the city's written authorization, provided that the city may impose a lower height limit in the applicable permit to protect the public health, safety and welfare or to protect the right-of-way and its current use, and further provided that a registrant may replace an existing wireless support structure exceeding 50 feet in height with a structure of the same height subject to such conditions or requirements as may be imposed in the applicable permit.
- (c) No wireless facility may extend more than 10 feet above its wireless support structure.
- (d) Where an applicant proposes to install a new wireless support structure in the right-of-way, the city may impose separation requirements between such structure and any existing wireless support structure or other facilities in and around the right-of-way.
- (e) Where an applicant proposes collocation on a decorative wireless support structure, sign or other structure not intended to support small wireless facilities, such equipment shall be consistent with the City's aesthetic standards regarding wireless equipment as adopted by the City Engineer. Such standards shall ensure that wireless equipment is installed with a stealth design and that equipment does not detract from the character of the area in which it is installed. In addition, the City Engineer shall adopt standards that ensure city assets can continue to effectively perform their intended function. Standards shall be made available with the application required for a small cell permit.
- (f) Where an applicant proposes to replace a wireless support structure, the city may impose reasonable restocking, replacement, or relocation requirements on the replacement of such structure.
- (g) A permit will be deemed void if the approved equipment is not installed within one year of issuance of the permit.

#### **Subd. 4. Small Wireless Facility**

**Aesthetic Requirements.** The list below are the standards set by the city for the design of small wireless facilities.

- (a) Each small wireless antenna shall be located entirely within a shroud or canister type enclosure.

- (b) The diameter of the antenna enclosure at its widest point should not be wider than two times the diameter of the top of the wireless support structure. The enclosure shall not exceed six cubic feet in volume.
- (c) All antenna enclosures shall either be mounted to the top of the wireless support structure pole and aligned with the centerline of the wireless support structure, noted in the application and approved by the City, but at least 10 feet above ground level at its lowest point.
- (d) Tree “topping” or the improper pruning of trees is prohibited. Any proposed pruning or removal of trees, shrubs or other landscaping already existing in the ROW must be noted in the application and must be approved by the City.
- (e) All cables, wires and connectors related to the small wireless facility must be fully concealed on the wireless support structure and shall match the color of the wireless support structure. There shall be no external cables and wires related to the small wireless facility hanging off or otherwise exposed on the wireless support structure.
- (f) All colors shall match the background of any wireless support structure that the facilities are located upon, including equipment cabinets.
- (g) Equipment enclosures, including electric meters, shall be as small as possible, but in no event larger than 28 cubic feet in volume. Ground-mounted equipment shall incorporate concealment elements into the proposed design matching color and materials of the wireless support structure, unless other materials or colors are approved by the City. Concealment may include, but shall not be limited to, landscaping, strategic placement in less obtrusive locations and placement within existing or replacement street furniture.
- (h) Radio equipment shall be fully enclosed within an equipment cabinet or concealed within the antenna shroud enclosure matching the color and materials of the wireless support structure, unless other materials or colors are approved by the City.
- (i) Landscaping concealing equipment enclosures shall be planted in such quantity and size such that 100% screening is achieved within two years of installation.
- (j) Signage. The small wireless facility permittee shall post its name, location identifying information, and emergency telephone number in an area on the cabinet of the small wireless facility that is visible to the public. Signage required under this section shall not exceed 4 inches by 6 inches, unless otherwise required by law (e.g. radio-frequency (RF) ground notification signs) or the City. If no cabinet exists, the signage shall be placed at the base of the pole.
- (k) Lights. New small wireless facilities and wireless support structures shall not be

illuminated, except in accord with state or federal regulations, or unless illumination is integral to the camouflaging strategy such as design intended to look like a street light pole.

(l) Logos/Decals. The small wireless facility operator/permittee shall remove or paint over unnecessary equipment manufacturer decals. The color shall match or shall be as approved by the City. Small wireless facilities and wireless support structures shall not include advertisements and may only display information required by a federal, state or local agency. The small wireless facility operator/permittee shall utilize the smallest and lowest visibility RF warning sticker required by government or electric utility regulations. Placement of the RF sticker shall be as close to the antenna as possible.

(m) Cooling Fans. In residential areas, the small wireless facility operator/permittee shall use a passive cooling system. In the event that a fan is needed, the small wireless facility operator/permittee shall use a cooling fan with a low noise profile.

~~(a)-~~

**Subd. 5. Small Wireless Facility Most Preferable Locations.** The following are the most preferred areas for new small wireless facilities in the order of preference (a being most preferable):

(a) Industrial Districts if not adjacent to a park, or residential district

(b) Highway Rights of Way areas if not adjacent to a park, or residential district.

(c) Business Districts if not adjacent to a park, or residential district.

**Subd. 6. Small Wireless Facility Collocation Preference.** It is the City's strong preference that whenever an applicant proposes to place a new small wireless facility that the applicant collocate the same on existing wireless support structures.

**Subd. 7. Small Wireless Facility Consideration of Alternate Locations.** The City reserves the right to propose an alternate location for a small wireless facility and/or wireless support structure to the location proposed in the application within three hundred feet of the proposed location or within a distance that is equivalent to the width of the ROW in or on which the small wireless facility and/or wireless support structure is proposed, whichever is greater, which the operator shall use if it has the right to use the alternate location on reasonable terms and conditions and the alternate location does not impose technical limits or additional costs.

**Subd. 8. Small Wireless Facility Guidelines on Placement.** The City desires to promote cleanly organized and streamlined facilities using the smallest and least intrusive means available to provide wireless services to the community. Generally, a small wireless facility and/or wireless support structure shall match and be consistent with the materials and finish of the wireless support structure, adjacent City poles, and of the surrounding area adjacent to their location. In

the absence of adjacent City poles, the wireless support structure shall match the materials and finish of the adjacent utility poles. The following additional guidelines on placement shall apply:

- (a) Small wireless facilities and wireless support structures shall be located no closer than one hundred (100) feet away, radially, from another small wireless facility and wireless support structure.
- (b) A combination wireless support structure and streetlight pole should only be located where an existing pole can be removed and replaced, or at a new location where it has been identified that a streetlight is necessary.
- (c) Small wireless facilities and wireless support structures shall be located in a manner that does not impede, obstruct, or hinder usual public pedestrian or vehicular travel or public safety on a ROW.
- (d) Small wireless facilities and wireless support structures shall be located in a manner that does not obstruct the legal use of a ROW by a utility provider.
- (e) Small wireless facilities and wireless support structures shall be located in a manner that does not violate the federal Americans with Disabilities Act.
- (f) Small wireless facilities and wireless support structures shall be located in a manner that does not negatively impact the structural integrity of the associated wireless support structure.
- (g) Small wireless facilities and wireless support structures shall be located in alignment with existing trees, utility poles, and streetlights.
- (h) Small wireless facilities and wireless support structures shall be located equal distance between trees when possible, with a minimum of 15 feet separation such that no proposed disturbance shall occur within the critical root zone of any tree.
- (i) Small wireless facilities and wireless support structures shall be located with appropriate clearance from existing utilities.
- (j) Small wireless facilities and wireless support structures shall be located so as not to be located along the frontage of any building deemed to be of historic significance on a federal, state, or local level.
- (k) Small wireless facilities and wireless support structures shall be located not within sight triangles at street intersections.
- (l) New wireless support structures shall not be located directly in front of any existing residential, commercial or industrial structure.

To the greatest extent possible, new wireless support structures shall be located in line with existing lot lines or an equidistance from any two existing structures. In areas of the City where multiple structures abut each other and/or where no side lot setback requirements exist, new wireless support structures shall not be located directly in front of an entrance or window of any existing structure.

(m)

**Subd. 94.- Small Wireless Facility Agreement.** A small wireless facility shall only be collocated on a small wireless support structure owned or controlled by the city, or any other city asset in the right-of-way, after the applicant has executed a standard small wireless facility collocation agreement with the city. The standard collocation agreement may require payment of the following:

(a) Up to \$150 per year for rent to collocate on the city structure.

(b) \$25 per year for maintenance associated with the collocation;

(c) A monthly fee for electrical service as follows:

1. \$73 per radio node less than or equal to 100 maximum watts;

2. \$182 per radio node over 100 maximum watts; or

3. The actual costs of electricity, if the actual cost exceed the foregoing.

The standard collocation agreement shall be in addition to, and not in lieu of, the required small wireless facility permit, provided, however, that the applicant shall not be additionally required to obtain a license or franchise in order to collocate. Issuance of a small wireless facility permit does not supersede, alter or affect any then-existing agreement between the city and applicant.

#### **1400.10 ACTION ON SMALL WIRELESS FACILITY PERMIT APPLICATIONS**

**Subd. 1. Deadline for Action.** The city shall approve or deny a small wireless facility permit application within 90 days after filing of such application or within any timeline established by state law. The small wireless facility permit, and any associated building permit application, shall be deemed approved if the city fails to approve or deny the application within the review periods established in this section.

**Subd. 2. -Consolidated Applications.** An applicant may file a consolidated small wireless facility permit application addressing the proposed collocation of up to 15 small wireless facilities, or a greater number if agreed to by a local government unit, provided that all small wireless facilities in the application:

\_\_\_\_\_are located within a two-mile radius;

- (a)
- (b) consist of substantially similar equipment; and
- (c) are to be placed on similar types of wireless support structures.

In rendering a decision on a consolidated permit application, the city may approve some small wireless facilities and deny others, but may not use denial of one or more permits as a basis to deny all small wireless facilities in the application.

**Subd. 3. Tolling of Deadline.** The 90-day deadline for action on a small wireless facility permit application may be tolled if:

- (a) The city receives applications from one or more applicants seeking approval of permits for more than 30 small wireless facilities within a seven-day period. In such case, the city may extend the deadline for all such applications by 30 days by informing the affected applicants in writing of such extension.
- (b) The applicant fails to submit all required documents or information and the city provides written notice of incompleteness to the applicant within 30 days of receipt the application. Upon submission of additional documents or information, the city shall have ten days to notify the applicant in writing of any still-missing information.

The city and a small wireless facility applicant agree in writing to toll the review period.

- (c)

**1400.101 PERMIT FEES.**

**Subd. 1. Permit Fee.** The city shall establish a Permit fee in an amount sufficient to recover the following costs:

- (a) the city management costs;
- (b) degradation costs, if applicable;
- (c) city labor and engineering costs.

**Subd 2. Small Wireless Facility Permit Fee.** The city shall impose a small wireless facility permit fee in an amount sufficient to recover:

- (a) management costs, and;

(b) city engineering, make-ready, and construction costs associated with collocation of small wireless facilities.

**Subd. 32. Payment of Permit Fees.** No permit shall be issued without full payment of the permit, or small wireless facility permit, fees.

**Subd. 43. Non Refundable.** Permit fees that were paid for a permit that the city has revoked for a breach as stated in Section 1.20 are not refundable.

**Subd. 54. Application to Franchises.** Unless otherwise agreed to in a franchise, management costs may be charged separately from and in addition to the franchise fees imposed on a right-of-way user in the franchise.

#### **1400.112 RIGHT-OF-WAY PATCHING AND RESTORATION.**

**Subd. 1. Timing.** The work to be done under the permit, and the patching and restoration of the right-of-way as required herein, must be completed within the dates specified in the permit, increased by as many days as work could not be done because of circumstances beyond the control of the permittee.

**Subd. 2. Patch and Restoration.** Permittee shall patch and restore its own work. The city may choose to restore the right-of-way itself if the work is not completed in accordance with the deadlines outlined in the permit.

(a) *City Restoration* If the city restores the right-of-way, permittee shall pay the costs thereof within thirty (30) days of billing. If, following such restoration, the pavement settles due to permittee's improper backfilling, the permittee shall pay to the city, within thirty (30) days of billing, all costs associated with correcting the defective work.

(b) *Permittee Restoration.* If the permittee restores the right-of-way itself, it shall at the time of application for an excavation permit post a construction performance bond in accordance with the provisions of Minnesota Rule 7819.3000.

**Subd. 3. Standards.** The permittee shall perform excavation, backfilling, patching and restoration according to the standards and with the materials specified by the city and shall comply with Minnesota Rule 7819.1100.

**Subd. 4. Duty to Correct Defects.** The permittee shall correct defects in patching or restoration performed by permittee or its agents. The permittee upon notification from the city, shall correct all restoration work to the extent necessary, using the method required by the city. Said work shall be completed within five (5) calendar days of the receipt of the notice from the city, not including days during which work cannot be done because of circumstances constituting force majeure or days when work is prohibited as unseasonable or unreasonable.

**Subd. 5. Failure to Restore.** If the permittee fails to restore the right-of-way in the manner and to the condition required by the city, or fails to satisfactorily and timely complete all restoration required by the city, the city at its option may do such work. In that event the permittee shall pay to the city, within thirty (30) days of billing, the cost of restoring the right-of-way. If permittee fails to pay as required, the city may exercise its rights under the construction performance bond.

**1400.123 JOINT TRENCH APPLICATIONS.**

**Subd. 1. Joint application.** Registrants may jointly apply for permits to excavate or obstruct the right-of-way at the same place and time.

**Subd. 2. Shared fees.** Registrants who apply for permits for the same excavation, which the city does not perform, may share in the payment of the permit fee. In order to obtain a joint permit, registrants must agree among themselves as to the portion each will pay and indicate the same on their applications.

**Subd. 3. With city projects.** Registrants who join in a scheduled excavation performed by the city, whether or not it is a joint application by two or more registrants or a single application, are not required to pay the permit fee, but a permit would still be required.

**1400.134 SUPPLEMENTARY APPLICATIONS.**

**Subd. 1. Limitation on Area.** A right-of-way permit is valid only for the area of the right-of-way specified in the permit. No permittee may do any work outside the area specified in the permit, except as provided herein. Any permittee which determines that an area greater than that specified in the permit must be obstructed or excavated must before working in that greater area (i) make application for a permit extension and pay any additional fees required thereby, and (ii) be granted a new permit or permit extension.

**Subd. 2. Limitation on Dates.** A right-of-way permit is valid only for the dates specified in the permit. No permittee may begin its work before the permit start date or, except as provided herein, continue working after the end date. If a permittee does not finish the work by the permit end date, it must apply for a new permit for the additional time it needs, and receive the new permit or an extension of the old permit before working after the end date of the previous permit. This supplementary application must be submitted before the permit end date.

**1400.145 OTHER OBLIGATIONS.**

**Subd. 1. Compliance With Other Laws.** Obtaining a right-of-way permit does not relieve permittee of its duty to obtain all other necessary permits, licenses, and authority and to pay all fees required by the city or other applicable rule, law or regulation. A permittee shall comply with all requirements of local, state and federal laws, including but not limited to Minnesota Statutes, Section 216D.01-.09 (Gopher One Call Excavation Notice System) and Minnesota Rules Chapter 7560. A

permittee shall perform all work in conformance with all applicable codes and established rules and regulations, and is responsible for all work done in the right-of-way pursuant to its permit, regardless of who does the work.

**Subd. 2. Prohibited Work.** Except in an emergency, and with the approval of the city, no right-of-way obstruction or excavation may be done when seasonally prohibited or when conditions are unreasonable for such work.

**Subd. 3. Interference with Right-of-way.** A permittee shall not so obstruct a right-of-way that the natural free and clear passage of water through the gutters or other waterways shall be interfered with. Private vehicles of those doing work in the right-of-way may not be parked within or next to a permit area, unless parked in conformance with city parking regulations. The loading or unloading of trucks must be done solely within the defined permit area unless specifically authorized by the permit.

**Subd. 4. Trenchless Excavation.** As a condition of all applicable permits, permittees employing trenchless excavation methods, including but not limited to Horizontal Directional Drilling, shall follow all requirements set forth in Minnesota Statutes, Chapter 216D and Minnesota Rules Chapter 7560, and shall require potholing or open cutting over existing underground utilities before excavating, as determined by the director.

**1400.156 DENIAL OF PERMIT.** The city may deny a permit for failure to meet the requirements and conditions of this chapter or if work is not completed on a previous permit issued to the same applicant, or if the city determines that the denial is necessary to protect the health, safety, and welfare or when necessary to protect the right-of-way and its current use.

**1400.167 INSTALLATION REQUIREMENTS.** The excavation, backfilling, patching and restoration, and all other work performed in the right-of-way shall be done in conformance with Minnesota Rules 7819.1100 and 7819.5000 and other applicable local requirements, in so far as they are not inconsistent with the Minnesota Statutes, Sections 237.162 and 237.163. Installation of service laterals shall be performed in accordance with Minnesota Rules Chapter 7560 and these ordinances. Service lateral installation is further subject to those requirements and conditions set forth by the city in the applicable permits and/or agreements referenced in Section 1.20 subd. 2, of this Ordinance.

**1400.178 INSPECTION.**

**Subd. 1. Notice of Completion.** When the work under any permit hereunder is completed, the permittee shall furnish a completion certificate in accordance with Minnesota Rule 7819.1300.

**Subd. 2. Site Inspection.** Permittee shall make the work-site available to the city and to all others as authorized by law for inspection at all reasonable times during the execution of and upon completion of the work.

**Subd 3. Authority of Director.**

- (a) At the time of inspection, the director may order the immediate cessation of any work which poses a serious threat to the life, health, safety or well-being of the public.
- (b) The director may issue an order to the permittee for any work that does not conform to the terms of the permit or other applicable standards, conditions, or codes. The order shall state that failure to correct the violation will be cause for revocation of the permit. Within ten (10) days after issuance of the order, the permittee shall present proof to the director that the violation has been corrected. If such proof has not been presented within the required time, the director may revoke the permit.

**1400.189 WORK DONE WITHOUT A PERMIT.**

**Subd. 1. Emergency Situations.** Each registrant shall immediately notify the director of any event regarding its facilities that it considers to be an emergency. The registrant may proceed to take whatever actions are necessary to respond to the emergency. Excavators' notification to Gopher State One-Call regarding an emergency situation does not fulfill this requirement. Within two (2) business days after the occurrence of the emergency, the registrant shall apply for the necessary permits, pay the fees associated Therewith, and fulfill the rest of the requirements necessary to bring itself into compliance with this chapter for the actions it took in response to the emergency.

If the city becomes aware of an emergency regarding a registrant's facilities, the city will attempt to contact the local representative of each registrant affected, or potentially affected, by the emergency. In any event, the city may take whatever action it deems necessary to respond to the emergency, the cost of which shall be borne by the registrant whose facilities occasioned the emergency.

**Subd. 2. Non-Emergency Situations.** Except in an emergency, any person who, without first having obtained the necessary permit, obstructs or excavates a right-of-way must subsequently obtain a permit and, as a penalty, pay double the normal fee for said permit, pay double all the other fees required by the city code, deposit with the city the fees necessary to correct any damage to the right-of-way, and comply with all of the requirements of this chapter.

**1400.1920 SUPPLEMENTARY NOTIFICATION.** If the obstruction or excavation of the right-of-way begins later or ends sooner than the date given on the permit, permittee shall notify the city of the accurate information as soon as this information is known.

**1400.201 REVOCATION OF PERMITS.**

**Subd. 1 Substantial Breach.** The city reserves its right, as provided herein, to revoke any right-of-way permit without a fee refund, if there is a substantial breach of the terms and conditions of any statute, ordinance, rule or regulation, or any material condition of the permit. A substantial breach by permittee shall include, but shall not be limited to, the following:

- (a) The violation of any material provision of the right-of-way permit;
- (b) An evasion or attempt to evade any material provision of the right-of-way permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the city or its citizens;
- (c) Any material misrepresentation of fact in the application for a right-of-way permit;
- (d) The failure to complete the work in a timely manner, unless a permit extension is obtained or unless the failure to complete work is due to reasons beyond the permittee's control; or
- (e) The failure to correct, in a timely manner, work that does not conform to a condition indicated on an order issued by the City.

**Subd. 2. Written Notice of Breach.** If the city determines that the permittee has committed a substantial breach of a term or condition of any statute, ordinance, rule, regulation or any condition of the permit, the city shall make a written demand upon the permittee to remedy such violation. The demand shall state that continued violations may be cause for revocation of the permit. A substantial breach, as stated above, will allow the city, at its discretion, to place additional or revised conditions on the permit to mitigate and remedy the breach.

**Subd. 3. Response to Notice of Breach.** Within twenty-four (24) hours of receiving notification of the breach, permittee shall provide the city with a plan, acceptable to the city, that will cure the breach. Permittee's failure to so contact the city, or permittee's failure to timely submit an acceptable plan, or permittee's failure to reasonably implement the approved plan, shall be cause for immediate revocation of the permit. Further, permittee's failure to so contact the city, or permittee's failure to submit an acceptable plan, or permittee's failure to reasonably implement the approved plan, shall automatically place the permittee on probation for one (1) full year.

**Subd. 4. Cause for Probation.** From time to time, the city may establish a list of conditions of the permit, which if breached will automatically place the permittee on probation for one full year, such as, but not limited to, working out of the allotted time period or working on right-of-way grossly outside of the permit authorization.

**Subd. 5. Automatic Revocation.** If a permittee, while on probation, commits a breach as outlined above, permittee's permit will automatically be revoked and permittee will not be allowed further permits for one full year, except for emergency repairs.

**Subd. 6. Reimbursement of city costs.** If a permit is revoked, the permittee shall also reimburse the city for the city's reasonable costs, including restoration costs and the costs of collection and reasonable attorneys' fees incurred in connection with such revocation.

**1400.212 MAPPING DATA.**

**Subd. 1. Information Required.** Each registrant and permittee shall provide mapping information required by the city in accordance with Minnesota Rules 7819.4000 and 7819.4100. Within ninety (90) days following completion of any work pursuant to a permit, the permittee shall provide the director accurate maps and drawings certifying the “as-built” location of all equipment installed, owned and maintained by the permittee. Such maps and drawings shall include the horizontal and vertical location of all facilities and equipment and shall be provided consistent with the city's electronic mapping system, when practical or as a condition imposed by the director. Failure to provide maps and drawings pursuant to this subsection shall be grounds for revoking the permit holder's registration.

**Subd. 2. Service Laterals.** All permits issued for the installation or repair of service laterals, other than minor repairs as defined in Minnesota Rules 7560.0150 subpart 2, shall require the permittee's use of appropriate means of establishing the horizontal locations of installed service laterals, and the service lateral vertical locations in those cases where the director reasonably requires it. Permittees or their subcontractors shall submit to the director evidence satisfactory to the director of the installed service lateral locations. Compliance with this subdivision 2 and with applicable Gopher State One Call law and Minnesota Rules governing service laterals install after December 31, 2005, shall be a condition of any city approval necessary for 1) payments to contractors working on a public improvement project including those under Minnesota Statutes, Chapter 429, and 2) city approval of performance under development agreements, or other subdivision or site plan approval under Minnesota Statutes, Chapter 462. The director shall reasonably determine the appropriate method of providing such information to the city. Failure to provide prompt and accurate information on the service lateral installed may result in the revocation of the permit issued for the work or for future permits to the offending permittee or its subcontractors.

#### **1400.223 LOCATION AND RELOCATION OF FACILITIES.**

**Subd. 1.** Placement, location, and relocation of facilities must comply with the Act, with other applicable law, and with Minnesota Rules 7819.3100, 7819.5000 and 7819.5100, to the extent the rules do not limit authority otherwise available to cities.

**Subd. 2. Corridors.** The city may assign a specific area within the right-of-way, or any particular segment thereof as may be necessary, for each type of facilities that is or, pursuant to current technology, the city expects will someday be located within the right-of-way. All excavation, or other permits issued by the city involving the installation or replacement of facilities shall designate the proper corridor for the facilities at issue.

Any registrant who has facilities in the right-of-way in a position at variance with the corridors established by the city shall, no later than at the time of the next reconstruction or excavation of the area where the facilities are located, move the facilities to the assigned position within the right-of-way, unless this requirement is waived by the city for good cause shown, upon consideration of such factors as the remaining economic life of the facilities, public safety, customer service needs and hardship to the registrant.

**Subd. 3. Nuisance.** One year after the passage of this chapter, any facilities found in a right-of-way that have not been registered shall be deemed to be a nuisance. The city may exercise any remedies or rights it has at law or in equity, including, but not limited to, abating the nuisance or taking possession of the facilities and restoring the right-of-way to a useable condition.

**Subd. 4. Limitation of Space.** To protect health, safety, and welfare, or when necessary to protect the right-of-way and its current use, the city shall have the power to prohibit or limit the placement of new or additional facilities within the right-of-way. In making such decisions, the city shall strive to the extent possible to accommodate all existing and potential users of the right-of-way, but shall be guided primarily by considerations of the public interest, the public's needs for the particular utility service, the condition of the right-of-way, the time of year with respect to essential utilities, the protection of existing facilities in the right-of-way, and future city plans for public improvements and development projects which have been determined to be in the public interest.

**1400.234 PRE-EXCAVATION FACILITIES LOCATION.** In addition to complying with the requirements of Minn. Stat. 216D.01-.09 (“One Call Excavation Notice System”) before the start date of any right-of-way excavation, each registrant who has facilities or equipment in the area to be excavated shall mark the horizontal and vertical placement of all said facilities. Any registrant whose facilities are less than twenty (20) inches below a concrete or asphalt surface shall notify and work closely with the excavation contractor to establish the exact location of its facilities and the best procedure for excavation.

**1400.245 DAMAGE TO OTHER FACILITIES.** When the city does work in the right-of-way and finds it necessary to maintain, support, or move a registrant's facilities to protect it, the city shall notify the local representative as early as is reasonably possible. If the registrant does not maintain support or move the facilities a the city request and the city maintain, support or move the facilities, the costs associated therewith will be billed to that registrant and must be paid within thirty (30) days from the date of billing. Each registrant shall be responsible for the cost of repairing any facilities in the right-of-way which it or its facilities damage. Each registrant shall be responsible for the cost of repairing any damage to the facilities of another registrant caused during the city's response to an emergency occasioned by that registrant's facilities.

**1400.256** RIGHT-OF-WAY VACATION.

**Subd. 1** **Reservation of right.** If the city vacates a right-of-way that contains the facilities of a registrant, the registrant's rights in the vacated right-of-way are governed by Minnesota Rules 7819.3200.

**1400.267** **INDEMNIFICATION AND LIABILITY.** By registering with the city, or by accepting a permit under this chapter, a registrant or permittee agrees to defend and indemnify the city in accordance with the provisions of Minnesota Rule 7819.1250.

**1400.278** ABANDONED AND UNUSEABLE FACILITIES.

**Subd. 1.** **Discontinued Operations.** A registrant who has determined to discontinue all or a portion of its operations in the city must provide information satisfactory to the city that the registrant's obligations for its facilities in the right-of-way under this chapter have been lawfully assumed by another registrant.

**Subd. 2.** **Removal.** Any registrant who has abandoned facilities in any right-of-way shall remove it from that right-of-way if required in conjunction with other right-of-way repair, excavation, or construction, unless this requirement is waived by the city.

**1400.289** **APPEAL.** A right-of-way user that: (1) has been denied registration; (2) has been denied a permit; (3) has had a permit revoked; (4) believes that the fees imposed are not in conformity with Minn. Stat. § 237.163, Subd. 6; or (5) disputes a determination of the director regarding Section 1.20 subd. 2 of this ordinance may have the denial, revocation, fee imposition, or decision reviewed, upon written request, by the city council. The city council shall act on a timely written request at its next regularly scheduled meeting, provided the right-of-way user has submitted its appeal with sufficient time to include the appeal as a regular agenda item. A decision by the city council affirming the denial, revocation, or fee imposition will be in writing and supported by written findings establishing the reasonableness of the decision.

**1400.3029** **SEVERABILITY.** If any portion of this chapter is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof. Nothing in this chapter precludes the city from requiring a franchise agreement with the applicant, as allowed by law, in addition to requirements set forth herein.

## Installation challenges



- Eliminate fibre patching Boxes, field wiring  
reduce install errors
- Reduce Opex
- Reduce Installation time / complexity
- Simplify Connectivity on-site
- Increase Efficiency
- Support multi-radio installs
- Reduce, conceal, and hide install materials



## Small Wireless Facilities Examples



**City of Big Lake  
Ordinance No. 2020-XX**

**AN ORDINANCE AMENDING CHAPTER 14 (RIGHT-OF-WAY MANAGEMENT) OF  
THE BIG LAKE CITY CODE TO REGULATE SMALL CELL WIRELESS FACILITY  
EQUIPMENT AND ASSOCIATED STREET LIGHT FIXTURES AND POLES  
INSTALLED IN THE PUBLIC RIGHT OF WAY**

THE CITY COUNCIL OF BIG LAKE ORDAINS:

**SECTION 1.** Chapter 14 (Right-of-Way Management) of the Big Lake Municipal Code is hereby amended to add the provisions with underlined text and remove provisions with strikethrough text as follows:

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## **CHAPTER 1400 – RIGHT-OF-WAY MANAGEMENT**

### **SECTION**

1400.01:	Findings, Purpose, and Intent
1400.02:	Election to Manage the Public Rights-of-Way
1400.03:	Definitions
1400.04:	Administration
1400.05:	Registration and Right-of-Way Occupancy
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1400.26:	Indemnification and Liability
1400.27:	Abandoned and Unusable Facilities
1400.28:	Appeal
1400.29:	Severability

**1400.01: FINDINGS, PURPOSE, AND INTENT.** To provide for the health, safety and welfare of its citizens, and to ensure the integrity of its streets and the appropriate use of the rights-of-way, the City strives to keep its rights-of-way in a state of good repair and free from unnecessary encumbrances.

Accordingly, the City hereby enacts this new chapter of this code relating to right-of-way permits and administration. This chapter imposes reasonable regulation on the placement and maintenance of facilities and equipment currently within its rights-of-way or to be placed therein at some future time. It is intended to complement the regulatory roles of state and federal agencies. Under this chapter, persons excavating and obstructing the rights-of-way will bear financial responsibility for their work. Finally, this chapter provides for recovery of out-of-pocket and projected costs from persons using the public rights-of-way.

This chapter shall be interpreted consistently with 1997 Session Laws, Chapter 123, substantially codified in Minnesota Statutes Sections 237.16, 237.162, 237.163, 237.79, 237.81, and 238.086 (the “Act”) and the other laws governing applicable rights of the city and users of the right-of-way. This chapter shall also be interpreted consistent with Minnesota Rules 7819.0050 – 7819.9950 where possible. To the extent any provision of this chapter cannot be interpreted consistently with the Minnesota Rules, that interpretation most consistent with the Act and other applicable statutory and case law is intended. This chapter shall not be interpreted to limit the regulatory and police powers of the city to adopt and enforce general ordinances necessary to protect the health, safety and welfare of the public.

**1400.02 ELECTION TO MANAGE THE PUBLIC RIGHTS-OF-WAY.** Pursuant to the authority granted to the city under state and federal statutory, administrative and common law, the city hereby elects, pursuant to Minn. Stat. §237.163, subd. 2(b), to manage rights-of-way within its jurisdiction.

**1400.03 DEFINITIONS.** The following definitions apply to this chapter of this code. References hereafter to “sections” are, unless otherwise specified, references to sections in this chapter. Defined terms remain defined terms, whether or not capitalized.

“**Abandoned Facility**” means a facility no longer in service or physically disconnected from a portion of the operating facility, or from any other facility, that is in use or still carries service.

“**Applicant**” means any person requesting permission to excavate or obstruct a right-of-way.

“**City**” means the City of Big Lake, Minnesota. “City” also means its elected officials, officers, employees and agents.

“**Collocate or Collocation**” means to install, mount, maintain, modify, operate, or replace a small wireless facility on, under, within, or adjacent to an existing wireless support structure or utility pole that is owned privately, or by the city or other governmental unit.

“**Commission**” means the State Public Utilities Commission.

**“Congested Right-of-Way”** means a crowded condition in the subsurface of the public right-of-way that occurs when the maximum lateral spacing between existing underground facilities does not allow for construction of new underground facilities without using hand digging to expose the existing lateral facilities in conformance with Minnesota Statutes § 216D.04, subd. 3, over a continuous length in excess of 500 feet.

**“Construction Performance Bond”** means any of the following forms of security provided at permittee’s option:

- A. Individual project bond;
- B. Cash deposit;
- C. Letter of Credit in a form acceptable to the city;
- D. A blanket bond for projects within the city, or other form of construction bond, for a time specified and in a form acceptable to the city.

**“Degradation”** means a decrease in the useful life of the right-of-way caused by excavation in or disturbance of the right-of-way, resulting in the need to reconstruct such right-of-way earlier than would be required if the excavation or disturbance did not occur.

**“Degradation Cost”** subject to Minnesota Rules 7819.1100 means the cost to achieve a level of restoration, as determined by the city at the time the permit is issued, not to exceed the maximum restoration shown in plates 1 to 13, set forth in Minnesota Rules parts 7819.9900 to 7819.9950.

**“Degradation Fee”** means the estimated fee established at the time of permitting by the city to recover costs associated with the decrease in the useful life of the right-of-way caused by the excavation, and which equals the degradation cost. This fee is in addition to the permittee’s obligation to fully restore the right-of-way.

**“Department”** means the department of public works of the city.

**“Department Inspector”** means any person authorized by the city to carry out inspections related to the provisions of this chapter.

**“Director”** means the director of the department of public works of the city, or her or his designee.

**“Delay Penalty”** is the penalty imposed as a result of unreasonable delays in right-of-way excavation, obstruction, patching, or restoration as established by permit.

**“Emergency”** means a condition that (1) poses a danger to life or health, or of a significant loss of property; or (2) requires immediate repair or replacement of facilities in order to restore service to a customer.

**“Equipment”** means any tangible asset used to install, repair or maintain facilities in any right-of-way.

**“Excavate”** means to dig into, directionally bore, or in any way remove or physically disturb or penetrate any part of a right-of-way.

**“Facility”** or **“Facilities”** means any tangible asset in the right-of-way required to provide Utility Service.

**“Five-year project plan”** shows projects adopted by the city for construction within the next five years.

**“High Density Corridor”** means a designated portion of the public-right-of-way within which telecommunications right-of-way users having multiple and competing facilities may be required to build and install facilities in a common conduit system or other common structure.

**“Hole”** means an excavation in the pavement, with the excavation having a length less than the width of the pavement.

**“Local Representative”** means a local person or persons, or designee of such person or persons, authorized by a registrant to accept service and to make decisions for that registrant regarding all matters within the scope of this chapter.

**“Management Costs”** means the actual costs the city incurs in managing its rights-of-way, including such costs, if incurred, as those associated with registering applicants; issuing, processing, and verifying right-of-way or small wireless facility permit applications; inspecting job sites and restoration projects; maintaining, supporting, protecting, or moving user facilities during right-of-way work; determining the adequacy of right-of-way restoration; restoring work inadequately performed after providing notice and the opportunity to correct the work; and revoking right-of-way or small wireless facility permits. Management costs do not include payment by a telecommunications right-of-way user for the use of the right-of-way, the fees and costs of litigation relating to the interpretation of Minnesota Session Laws 1997, Chapter 123; Minnesota Statutes Sections 237.162 or 237.163; or any ordinance enacted under those sections, or the city fees and costs related to appeals taken pursuant to this chapter.

**“Obstruct”** means to place any tangible object in a right-of-way so as to hinder free and open passage over that or any part of the right of way.

**“Patch”** or **“Patching”** means a method of pavement replacement that is temporary in nature. A patch consists of (1) the compaction of the sub-base and aggregate base, and (2) the replacement, in kind, of the existing pavement for a minimum of two feet beyond the edges of the excavation in all directions.

**“Pavement”** means any type of improved surface that is within the public right-of-way and that is paved or otherwise constructed with bituminous, concrete, aggregate, or gravel.

**“Permit”** has the meaning given “right-of-way permit” in Minnesota Statutes Section 237.162.

**“Permittee”** means any person to whom a permit to excavate or obstruct a right-of-way has been granted by the city under this chapter.

**“Person”** means an individual or entity subject to the laws and rules of this state, however organized, whether public or private, whether domestic or foreign, whether for profit or nonprofit, and whether natural, corporate or political.

**“Probation”** means the status of a person that has not complied with the conditions of this chapter. (Note: This paragraph is included as an option for your city.)

**“Probationary Period”** means one year from the date that a person has been notified in writing that they have been put on probation. (Note: This paragraph is included as an option for your city.)

**“Public Right-of-Way”** means the area on, below, or above a public roadway, highway, street, cartway, bicycle lane or public sidewalk in which the city has an interest, including other dedicated rights-of-way for travel purposes and utility easements of the city. A right-of-way does not include the airwaves above a right-of-way with regard to cellular or other nonwire telecommunications or broadcast service. Public right-of-way includes outlots, parks and drainage and utility easements.

**“Registrant”** means any person who (1) has or seeks to have its equipment or facilities located in any right-of-way, or (2) in any way occupies, or uses, or seeks to occupy or use, the right-of-way or place its facilities or equipment in the right-of-way.

**“Restore”** or **“Restoration”** means the process by which an excavated right-of-way and surrounding area, including pavement, foundation, sidewalk and trail is returned to the same condition and life expectancy that existed before excavation.

**“Restoration Cost”** means the amount of money paid to the city by a permittee to achieve the level of restoration according to plates 1 to 13 of Minnesota Public Utilities Commission rules.

**“Right-of-Way Permit”** means either the excavation permit, the obstruction permit, the small cell permit or any combination thereof depending on the context, required by this chapter.

**“Right-of-Way User”** means (1) a telecommunications right of way user as defined by Minnesota Statutes, section 237.162, subd. 4; or (2) a person owning or controlling a facility in the right-of-way that is used or intended to be used for providing utility service, and who has a right under law, franchise, or ordinance to use the public right-of-way.

**“Service”** or **“Utility Service”** includes (1) those services provided by a public utility as defined in Minn. Stat. 21613.02, subd. 4 and 6; (2) services of a telecommunications right-of-way user, including transporting of voice or data information; (3) services of a cable communications systems as defined in Minn. Stat. Chapter. 238; (4) natural gas or electric energy or telecommunications services provided by the city; (5) services provided by a cooperative electric association organized under Minn. Stat., Chapter 308A; and (6) water, and sewer, including service laterals, steam, cooling or heating services.

**“Service Lateral”** means an underground facility that is used to transmit, distribute, or furnish gas, electricity, communications, or water from a common source to an end-use customer. A service lateral is also an underground facility that is used in the removal of wastewater from a customer’s premises.

**“Small Wireless Facility”** means a wireless facility that meets both of the following qualifications:

- A. Each antenna is located inside an enclosure of no more than six cubic feet in volume or could fit within such an enclosure; and
- B. All other wireless equipment associated with the small wireless facility provided such equipment is, in aggregate, no more than 28 cubic feet in volume, not including electric meters, concealment elements, telecommunications demarcation boxes, battery backup power systems, grounding equipment, power transfer switches, cutoff switches, cable, conduit, vertical cable runs for the connection of power and other services, and any equipment concealed from public view within or behind an existing structure or concealment.

**“Supplementary Application”** means an application made to excavate or obstruct more of the right-of-way than allowed in, or to extend, a permit that had already been issued.

**“Temporary Surface”** means the compaction of sub-base and aggregate base and replacement, in kind, of the existing pavement only to the edges of the excavation.

**“Trench”** means an excavation in the pavement, with the excavation having a length equal to or greater than the width of the pavement.

**“Telecommunication right-of-way user”** means a person owning or controlling a facility in the right-of-way, or seeking to own or control a Facility in the right-of-way, that is used or is intended to be used for transporting telecommunication or other voice or data information. For purposes of this chapter, a cable communication system defined and regulated under Minn. Stat. Chap. 238, and telecommunication activities related to providing natural gas or electric energy services whether provided by a public utility as

defined in Minn. Stat. Sec. 21613.02, a municipality, a municipal gas or power agency organized under Minn. Stat. Chaps. 453 and 453A, or a cooperative electric association organized under Minn. Stat. Chap. 308A, are not telecommunications right-of-way users for purposes of this chapter.

“Wireless Facility” means equipment at a fixed location that enables the provision of wireless services between user equipment and a wireless service network, including equipment associated with wireless service, a radio transceiver, antenna, coaxial or fiber-optic cable, regular and backup power supplies, and a small wireless facility, but not including wireless support structures, wireline backhaul facilities, or cables between utility poles or wireless support structures, or not otherwise immediately adjacent to and directly associated with a specific antenna.

“Wireless Service” means any service using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or by means of a mobile device, that is provided using wireless facilities. Wireless service does not include services regulated under Title VI of the Communications Act of 1934, as amended, including cable service.

“Wireless Support Structure” means a new or existing structure in a right-of-way designed to support or capable of supporting small wireless facilities, as reasonably determined by the city.

**1400.04 ADMINISTRATION.** The director is the principal city official responsible for the administration of the rights-of-way, right-of-way permits, and the ordinances related thereto. The director may delegate any or all of the duties hereunder.

**1400.05 REGISTRATION AND RIGHT-OF-WAY OCCUPANCY.**

**Subd. 1. Registration.** Each person who occupies or uses, or seeks to occupy or use, the right-of-way or place any equipment or facilities in or on the right-of-way, including persons with installation and maintenance responsibilities by lease, sublease or assignment, must register with the city. Registration will consist of providing application information and paying a registration fee.

**Subd. 2. Registration Prior to Work.** No person may construct, install, repair, remove, relocate, or perform any other work on, or use any facilities or any part thereof, in any right-of-way without first being registered with the city.

**Subd. 3. Exceptions.** Nothing herein shall be construed to repeal or amend the provisions of city ordinances concerning boulevard plantings or gardens in the area of the right-of-way between their property and the street curb. However, nothing herein relieves a person from complying with the provisions of the Minn. Stat. Chap. 2161), Gopher One-Call Law.

## 1400.06 REGISTRATION INFORMATION.

**Subd. 1. Information Required.** The information provided to the city at the time of registration shall include, but not be limited to:

- (a) Each registrant's name, Gopher One-Call registration certificate number, address and e-mail address, if applicable, and telephone and facsimile numbers.
- (b) The name, address and e-mail address, if applicable, and telephone and facsimile numbers of a local representative. The local representative or designee shall be available at all times. Current information regarding how to contact the local representative in an emergency shall be provided at the time of registration.
- (c) A certificate of insurance:
  - (1) Verifying that an insurance policy has been issued to the registrant by an insurance company licensed to do business in the State of Minnesota acceptable to the city; and
  - (2) Verifying that the registrant is insured against claims for personal injury, including death, as well as claims for property damage arising out of the (i) use and occupancy of the right-of-way by the registrant, its officers, agents, employees and permittees, and (ii) placement and use of facilities and equipment in the right-of-way by the registrant, its officers, agents, employees and permittees, including, but not limited to, protection against liability arising from completed operations, damage of underground facilities and collapse of property; and
  - (3) Naming the city and its engineering consultants as an additional insured as to whom the coverages required herein are in force and applicable and for whom defense will be provided as to all such coverages; and
  - (4) Requiring that the city be notified thirty (30) days in advance of cancellation of the policy or material modification of a coverage term; and
  - (5) Indicating comprehensive liability coverage, automobile liability coverage, workers compensation and umbrella coverage. The limits of the coverage shall not be less than \$1,000,000.00.
- (d) The city will require a copy of the actual insurance policies.
- (e) If the person is a corporation, a copy of the certificate is required to be filed under ~~Minn. Stat. 300.06~~ as recorded and certified to by the Secretary of State.

(f) The registrant shall submit a construction performance bond, cash deposit, letter of credit, or blanket bond in the amount of \$10,000.00 to the City of Big Lake. The security is to insure compliance with the approved plan.

(g) A copy of the person's order granting a certificate of authority from the Minnesota Public Utilities Commission or other applicable state or federal agency, where the person is lawfully required to have such certificate from said commission or other state or federal agency.

**Subd. 2. Notice of Changes.** The registrant shall keep all of the information listed above current at all times by providing to the city information as to changes within fifteen (15) days following the date on which the registrant has knowledge of any change.

#### **1400.07 PERMIT REQUIREMENT.**

**Subd. 1. Permit Required.** Except as otherwise provided in this code, no person may obstruct or excavate any right-of-way without first having obtained the appropriate right-of-way permit from the city to do so.

(a) Permit. A permit is required by a registrant to excavate or directionally bore that part of the right-of-way described in such permit and to hinder free and open passage over the specified portion of the right-of-way by placing facilities described therein, to the extent and for the duration specified therein.

(b) Small Wireless Facility Permit. A small wireless facility permit is required by a registrant to erect or install a wireless support structure, to collocate a small wireless facility, or to otherwise install a small wireless facility in the specified portion or the right-of-way, to the extent specified therein, provided that such permit shall remain in effect for the length of time the facility is in use, unless lawfully revoked.

**Subd. 2. Permit Extensions.** No person may excavate or obstruct the right-of-way beyond the date or dates specified in the permit unless (i) such person makes a supplementary application for another right-of-way permit before the expiration of the initial permit, and (ii) a new permit or permit extension is granted.

**Subd. 3. Delay Penalty.** In accordance with Minnesota Rule 7819.1000 subd. 3 and notwithstanding subd. 2 of this Section, the city shall establish and impose a delay penalty for unreasonable delays in right-of-way excavation, obstruction, patching, or restoration. The delay penalty shall be established from time to time by city council resolution.

**Subd. 4. Permit Display.** Permits issued under this chapter shall be conspicuously displayed or otherwise available at all times at the indicated work site and shall be available for inspection by the city.

**1400.08 PERMIT APPLICATIONS.** Application for a permit is made to the city. Right-of-way permit applications shall contain, and will be considered complete only upon compliance with, the requirements of the following provisions:

- (a) Registration with the city pursuant to this chapter.
- (b) Submission of a completed permit application form, including all required attachments, and scaled drawings showing the location and area of the proposed project and the location of all known existing and proposed facilities.
- (c) Payment of money due the city for:
  - (1) permit fees, estimated restoration costs, and other management costs;
  - (2) prior obstructions or excavations;
  - (3) any undisputed loss, damage, or expense suffered by the city because of applicant's prior excavations or obstructions of the rights-of-way or any emergency actions taken by the city;
  - (4) franchise fees or other charges, if applicable.
- (d) Payment of disputed amounts due the city by posting security or depositing in an escrow account an amount equal to at least 110% of the amount owing.
- (e) Posting an additional or larger construction performance bond for additional facilities when applicant requests an excavation permit to install additional facilities and the city deems the existing construction performance bond inadequate under applicable standards.

**1400.09 ISSUANCE OF PERMIT; CONDITIONS.**

**Subd. 1. Permit Issuance.** If the applicant has satisfied the requirements of this chapter, the city shall issue a permit.

**Subd. 2. Conditions.** The city may impose reasonable conditions upon the issuance of the permit and the performance of the applicant thereunder to protect the health, safety and welfare or when necessary to protect the right-of-way and its current use.

**Subd. 3. Small Wireless Facility Conditions.** In addition to subdivision 2, the erection or installation of a wireless support structure, the collocation of a small wireless facility, or other installation of a small wireless facility in the right-of-way, shall be subject to the following conditions:

(a) A small wireless facility shall only be collocated on the particular wireless support structure, under those attachment specifications, and at the height indicated in the applicable permit application.

(b) No new wireless support structure installed within the right-of-way shall exceed 50 feet in height without the city's written authorization, provided that the city may impose a lower height limit in the applicable permit to protect the public health, safety and welfare or to protect the right-of-way and its current use, and further provided that a registrant may replace an existing wireless support structure exceeding 50 feet in height with a structure of the same height subject to such conditions or requirements as may be imposed in the applicable permit.

(c) No wireless facility may extend more than 10 feet above its wireless support structure.

(d) Where an applicant proposes to install a new wireless support structure in the right-of-way, the city may impose separation requirements between such structure and any existing wireless support structure or other facilities in and around the right-of-way.

(e) Where an applicant proposes collocation on a decorative wireless support structure, sign or other structure not intended to support small wireless facilities, such equipment shall be consistent with the City's aesthetic standards regarding wireless equipment as adopted by the City Engineer. Such standards shall ensure that wireless equipment is installed with a stealth design and that equipment does not detract from the character of the area in which it is installed. In addition, the City Engineer shall adopt standards that ensure city assets can continue to effectively perform their intended function. Standards shall be made available with the application required for a small cell permit.

(f) Where an applicant proposes to replace a wireless support structure, the city may impose reasonable restocking, replacement, or relocation requirements on the replacement of such structure.

(g) A permit will be deemed void if the approved equipment is not installed within one year of issuance of the permit.

**Subd. 4. Small Wireless Facility Aesthetic Requirements.** The list below are the standards set by the city for the design of small wireless facilities.

(a) Each small wireless antenna shall be located entirely within a shroud or canister type enclosure.

(b) The diameter of the antenna enclosure at its widest point should not be wider than two times the diameter of the top of the wireless support structure. The enclosure shall not exceed six cubic feet in volume.

(c) All antenna enclosures shall either be mounted to the top of the wireless support structure pole and aligned with the centerline of the wireless support structure, noted in the application and approved by the City, but at least 10 feet above ground level at its lowest point.

(d) Tree “topping” or the improper pruning of trees is prohibited. Any proposed pruning or removal of trees, shrubs or other landscaping already existing in the ROW must be noted in the application and must be approved by the City.

(e) All cables, wires and connectors related to the small wireless facility must be fully concealed on the wireless support structure and shall match the color of the wireless support structure. There shall be no external cables and wires related to the small wireless facility hanging off or otherwise exposed on the wireless support structure.

(f) All colors shall match the background of any wireless support structure that the facilities are located upon, including equipment cabinets.

(g) Equipment enclosures, including electric meters, shall be as small as possible, but in no event larger than 28 cubic feet in volume. Ground-mounted equipment shall incorporate concealment elements into the proposed design matching color and materials of the wireless support structure, unless other materials or colors are approved by the City. Concealment may include, but shall not be limited to, landscaping, strategic placement in less obtrusive locations and placement within existing or replacement street furniture.

(h) Radio equipment shall be fully enclosed within an equipment cabinet or concealed within the antenna shroud enclosure matching the color and materials of the wireless support structure, unless other materials or colors are approved by the City.

(i) Landscaping concealing equipment enclosures shall be planted in such quantity and size such that 100% screening is achieved within two years of installation.

(j) Signage. The small wireless facility permittee shall post its name, location identifying information, and emergency telephone number in an area on the cabinet of the small wireless facility that is visible to the public. Signage required under this section shall not exceed 4 inches by 6 inches, unless otherwise required by law (e.g. radio-frequency (RF) ground notification signs) or the City. If no cabinet exists, the signage shall be placed at the base of the pole.

(k) Lights. New small wireless facilities and wireless support structures shall not be illuminated, except in accord with state or federal regulations, or unless illumination is integral to the camouflaging strategy such as design intended to look

like a street light pole.

(l) Logos/Decals. The small wireless facility operator/permittee shall remove or paint over unnecessary equipment manufacturer decals. The color shall match or shall be as approved by the City. Small wireless facilities and wireless support structures shall not include advertisements and may only display information required by a federal, state or local agency. The small wireless facility operator/permittee shall utilize the smallest and lowest visibility RF warning sticker required by government or electric utility regulations. Placement of the RF sticker shall be as close to the antenna as possible.

(m) Cooling Fans. In residential areas, the small wireless facility operator/permittee shall use a passive cooling system. In the event that a fan is needed, the small wireless facility operator/permittee shall use a cooling fan with a low noise profile.

**Subd. 5. Small Wireless Facility Most Preferable Locations.** The following are the most preferred areas for new small wireless facilities in the order of preference (a being most preferable):

(a) Industrial Districts if not adjacent to a park, or residential district

(b) Highway Rights of Way areas if not adjacent to a park, or residential district.

(c) Business Districts if not adjacent to a park, or residential district.

**Subd. 6. Small Wireless Facility Collocation Preference.** It is the City's strong preference that whenever an applicant proposes to place a new small wireless facility that the applicant collocate the same on existing wireless support structures.

**Subd. 7. Small Wireless Facility Consideration of Alternate Locations.** The City reserves the right to propose an alternate location for a wireless support structure to the location proposed in the application within three hundred feet of the proposed location or within a distance that is equivalent to the width of the ROW in or on which the wireless support structure is proposed, whichever is greater, which the operator shall use if it has the right to use the alternate location on reasonable terms and conditions and the alternate location does not impose technical limits or additional costs.

**Subd. 8. Small Wireless Facility Guidelines on Placement.** The City desires to promote cleanly organized and streamlined facilities using the smallest and least intrusive means available to provide wireless services to the community. Generally, a small wireless facility and/or wireless support structure shall match and be consistent with the materials and finish of the wireless support structure, adjacent City poles, and of the surrounding area adjacent to their location. In the absence of adjacent City poles, the wireless support structure shall match the materials and finish of the adjacent utility poles.

The following additional guidelines on placement shall apply:

- (a) Wireless support structures shall be located no closer than one hundred (100) feet away, radially, from another wireless support structure.
- (b) A combination wireless support structure and streetlight pole should only be located where an existing pole can be removed and replaced, or at a new location where it has been identified that a streetlight is necessary.
- (c) Small wireless facilities and wireless support structures shall be located in a manner that does not impede, obstruct, or hinder usual public pedestrian or vehicular travel or public safety on a ROW.
- (d) Small wireless facilities and wireless support structures shall be located in a manner that does not obstruct the legal use of a ROW by a utility provider.
- (e) Small wireless facilities and wireless support structures shall be located in a manner that does not violate the federal Americans with Disabilities Act.
- (f) Small wireless facilities and wireless support structures shall be located in a manner that does not negatively impact the structural integrity of the associated wireless support structure.
- (g) Small wireless facilities and wireless support structures shall be located in alignment with existing trees, utility poles, and streetlights.
- (h) Small wireless facilities and wireless support structures shall be located equal distance between trees when possible, with a minimum of 15 feet separation such that no proposed disturbance shall occur within the critical root zone of any tree.
- (i) Small wireless facilities and wireless support structures shall be located with appropriate clearance from existing utilities.
- (j) Small wireless facilities and wireless support structures shall be located so as not to be located along the frontage of any building deemed to be of historic significance on a federal, state, or local level.
- (k) Small wireless facilities and wireless support structures shall be located not within sight triangles at street intersections.
- (l) New wireless support structures shall not be located directly in front of any existing residential, commercial or industrial structure. To the greatest extent possible, new wireless support structures shall be located in line with existing lot lines or an equidistance from any two existing structures. In areas of the City where multiple structures abut each other and/or where no side

lot setback requirements exist, new wireless support structures shall not be located directly in front of an entrance or window of any existing structure.

**Subd. 9. Small Wireless Facility Agreement.** A small wireless facility shall only be collocated on a small wireless support structure owned or controlled by the city, or any other city asset in the right-of-way, after the applicant has executed a standard small wireless facility collocation agreement with the city. The standard collocation agreement may require payment of the following:

- (a) Up to \$150 per year for rent to collocate on the city structure.
- (b) \$25 per year for maintenance associated with the collocation;
- (c) A monthly fee for electrical service as follows:
  - (1) \$73 per radio node less than or equal to 100 maximum watts;
  - (2) \$182 per radio node over 100 maximum watts; or
  - (3) The actual costs of electricity, if the actual cost exceed the foregoing.

The standard collocation agreement shall be in addition to, and not in lieu of, the required small wireless facility permit, provided, however, that the applicant shall not be additionally required to obtain a license or franchise in order to collocate. Issuance of a small wireless facility permit does not supersede, alter or affect any then-existing agreement between the city and applicant.

#### **1400.10 ACTION ON SMALL WIRELESS FACILITY PERMIT APPLICATIONS**

**Subd. 1. Deadline for Action.** The city shall approve or deny a small wireless facility permit application within 90 days after filing of such application should the associated support structure be new. The city shall approve or deny a small wireless facility permit application within 60 days after filing of such application should the associated support structure be existing. The small wireless facility permit, and any associated building permit application, shall be deemed approved if the city fails to approve or deny the application within 90 days.

**Subd. 2. Consolidated Applications.** An applicant may file a consolidated small wireless facility permit application addressing the proposed collocation of up to 15 small wireless facilities, or a greater number if agreed to by a local government unit, provided that all small wireless facilities in the application:

- (a) are located within a two-mile radius;
- (b) consist of substantially similar equipment; and

(c) are to be placed on similar types of wireless support structures.

In rendering a decision on a consolidated permit application, the city may approve some small wireless facilities and deny others, but may not use denial of one or more permits as a basis to deny all small wireless facilities in the application.

**Subd. 3. Tolling of Deadline.** The 90-day deadline for action on a small wireless facility permit application may be tolled if:

(a) the applicant fails to submit all required documents or information and the city provides written notice of incompleteness to the applicant within 30 days of receipt the application. Upon submission of additional documents or information, the city shall have ten days to notify the applicant in writing of any still-missing information.

(b) the city and a small wireless facility applicant agree in writing to toll the review period.

#### **1400.101 PERMIT FEES.**

**Subd. 1. Permit Fee.** The city shall establish a Permit fee in an amount sufficient to recover the following costs:

- (a) the city management costs;
- (b) degradation costs, if applicable;
- (c) city labor and engineering costs.

**Subd 2. Small Wireless Facility Permit Fee.** The city shall impose a small wireless facility permit fee in an amount sufficient to recover:

(a) management costs, and;

(b) city engineering, make-ready, and construction costs associated with collocation of small wireless facilities.

**Subd. 32. Payment of Permit Fees.** No permit shall be issued without full payment of the permit, or small wireless facility permit, fees.

**Subd. 43. Non Refundable.** Permit fees that were paid for a permit that the city has revoked for a breach as stated in Section 1.20 are not refundable.

**Subd. 54. Application to Franchises.** Unless otherwise agreed to in a

franchise, management costs may be charged separately from and in addition to the franchise fees imposed on a right-of-way user in the franchise.

#### **1400.142 RIGHT-OF-WAY PATCHING AND RESTORATION.**

**Subd. 1. Timing.** The work to be done under the permit, and the patching and restoration of the right-of-way as required herein, must be completed within the dates specified in the permit, increased by as many days as work could not be done because of circumstances beyond the control of the permittee.

**Subd. 2. Patch and Restoration.** Permittee shall patch and restore its own work. The city may choose to restore the right-of-way itself if the work is not completed in accordance with the deadlines outlined in the permit.

(a) *City Restoration* If the city restores the right-of-way, permittee shall pay the costs thereof within thirty (30) days of billing. If, following such restoration, the pavement settles due to permittee's improper backfilling, the permittee shall pay to the city, within thirty (30) days of billing, all costs associated with correcting the defective work.

(b) *Permittee Restoration.* If the permittee restores the right-of-way itself, it shall at the time of application for an excavation permit post a construction performance bond in accordance with the provisions of Minnesota Rule 7819.3000.

**Subd. 3. Standards.** The permittee shall perform excavation, backfilling, patching and restoration according to the standards and with the materials specified by the city and shall comply with Minnesota Rule 7819.1100.

**Subd. 4. Duty to Correct Defects.** The permittee shall correct defects in patching or restoration performed by permittee or its agents. The permittee upon notification from the city, shall correct all restoration work to the extent necessary, using the method required by the city. Said work shall be completed within five (5) calendar days of the receipt of the notice from the city, not including days during which work cannot be done because of circumstances constituting force majeure or days when work is prohibited as unseasonable or unreasonable.

**Subd. 5. Failure to Restore.** If the permittee fails to restore the right-of-way in the manner and to the condition required by the city, or fails to satisfactorily and timely complete all restoration required by the city, the city at its option may do such work. In that event the permittee shall pay to the city, within thirty (30) days of billing, the cost of restoring the right-of-way. If permittee fails to pay as required, the city may exercise its rights under the construction performance bond.

#### **1400.123 JOINT TRENCH APPLICATIONS.**

**Subd. 1. Joint application.** Registrants may jointly apply for permits to excavate or obstruct the right-of-way at the same place and time.

**Subd. 2. Shared fees.** Registrants who apply for permits for the same excavation, which the city does not perform, may share in the payment of the permit fee. In order to obtain a joint permit, registrants must agree among themselves as to the portion each will pay and indicate the same on their applications.

**Subd. 3. With city projects.** Registrants who join in a scheduled excavation performed by the city, whether or not it is a joint application by two or more registrants or a single application, are not required to pay the permit fee, but a permit would still be required.

#### **1400.134 SUPPLEMENTARY APPLICATIONS.**

**Subd. 1. Limitation on Area.** A right-of-way permit is valid only for the area of the right-of-way specified in the permit. No permittee may do any work outside the area specified in the permit, except as provided herein. Any permittee which determines that an area greater than that specified in the permit must be obstructed or excavated must before working in that greater area (i) make application for a permit extension and pay any additional fees required thereby, and (ii) be granted a new permit or permit extension.

**Subd. 2. Limitation on Dates.** A right-of-way permit is valid only for the dates specified in the permit. No permittee may begin its work before the permit start date or, except as provided herein, continue working after the end date. If a permittee does not finish the work by the permit end date, it must apply for a new permit for the additional time it needs, and receive the new permit or an extension of the old permit before working after the end date of the previous permit. This supplementary application must be submitted before the permit end date.

#### **1400.145 OTHER OBLIGATIONS.**

**Subd. 1. Compliance With Other Laws.** Obtaining a right-of-way permit does not relieve permittee of its duty to obtain all other necessary permits, licenses, and authority and to pay all fees required by the city or other applicable rule, law or regulation. A permittee shall comply with all requirements of local, state and federal laws, including but not limited to Minnesota Statutes, Section 216D.01-.09 (Gopher One Call Excavation Notice System) and Minnesota Rules Chapter 7560. A permittee shall perform all work in conformance with all applicable codes and established rules and regulations, and is responsible for all work done in the right-of-way pursuant to its permit, regardless of who does the work.

**Subd. 2. Prohibited Work.** Except in an emergency, and with the approval of the city, no right-of-way obstruction or excavation may be done when seasonally prohibited or when conditions are unreasonable for such work.

**Subd. 3. Interference with Right-of-way.** A permittee shall not so obstruct a right-of-way that the natural free and clear passage of water through the gutters or other waterways shall be interfered with. Private vehicles of those doing work in the right-of-way may not be parked within or next to a permit area, unless parked in conformance with city parking regulations. The loading or unloading of trucks must be done solely within the defined permit area unless specifically authorized by the permit.

**Subd. 4. Trenchless Excavation.** As a condition of all applicable permits, permittees employing trenchless excavation methods, including but not limited to Horizontal Directional Drilling, shall follow all requirements set forth in Minnesota Statutes, Chapter 216D and Minnesota Rules Chapter 7560, and shall require potholing or open cutting over existing underground utilities before excavating, as determined by the director.

**1400.156 DENIAL OF PERMIT.** The city may deny a permit for failure to meet the requirements and conditions of this chapter or if work is not completed on a previous permit issued to the same applicant, or if the city determines that the denial is necessary to protect the health, safety, and welfare or when necessary to protect the right-of-way and its current use.

**1400.167 INSTALLATION REQUIREMENTS.** The excavation, backfilling, patching and restoration, and all other work performed in the right-of-way shall be done in conformance with Minnesota Rules 7819.1100 and 7819.5000 and other applicable local requirements, in so far as they are not inconsistent with the Minnesota Statutes, Sections 237.162 and 237.163. Installation of service laterals shall be performed in accordance with Minnesota Rules Chapter 7560 and these ordinances. Service lateral installation is further subject to those requirements and conditions set forth by the city in the applicable permits and/or agreements referenced in Section 1.20 subd. 2, of this Ordinance.

**1400.178 INSPECTION.**

**Subd. 1. Notice of Completion.** When the work under any permit hereunder is completed, the permittee shall furnish a completion certificate in accordance with Minnesota Rule 7819.1300.

**Subd. 2. Site Inspection.** Permittee shall make the work-site available to the city and to all others as authorized by law for inspection at all reasonable times during the execution of and upon completion of the work.

**Subd 3. Authority of Director.**

(a) At the time of inspection, the director may order the immediate cessation of any work which poses a serious threat to the life, health, safety or well being of the public.

(b) The director may issue an order to the permittee for any work that does not conform to the terms of the permit or other applicable standards, conditions, or codes. The order shall state that failure to correct the violation will be cause for revocation of the permit. Within ten (10) days after issuance of the order, the permittee shall present proof to the director that the violation has been corrected. If such proof has not been presented within the required time, the director may revoke the permit.

#### **1400.189 WORK DONE WITHOUT A PERMIT.**

**Subd. 1. Emergency Situations.** Each registrant shall immediately notify the director of any event regarding its facilities that it considers to be an emergency. The registrant may proceed to take whatever actions are necessary to respond to the emergency. Excavators' notification to Gopher State One-Call regarding an emergency situation does not fulfill this requirement. Within two (2) business days after the occurrence of the emergency, the registrant shall apply for the necessary permits, pay the fees associated therewith, and fulfill the rest of the requirements necessary to bring itself into compliance with this chapter for the actions it took in response to the emergency.

If the city becomes aware of an emergency regarding a registrant's facilities, the city will attempt to contact the local representative of each registrant affected, or potentially affected, by the emergency. In any event, the city may take whatever action it deems necessary to respond to the emergency, the cost of which shall be borne by the registrant whose facilities occasioned the emergency.

**Subd. 2. Non Emergency Situations.** Except in an emergency, any person who, without first having obtained the necessary permit, obstructs or excavates a right-of-way must subsequently obtain a permit and, as a penalty, pay double the normal fee for said permit, pay double all the other fees required by the city code, deposit with the city the fees necessary to correct any damage to the right-of-way, and comply with all of the requirements of this chapter.

**1400.1920 SUPPLEMENTARY NOTIFICATION.** If the obstruction or excavation of the right-of-way begins later or ends sooner than the date given on the permit, permittee shall notify the city of the accurate information as soon as this information is known.

#### **1400.201 REVOCATION OF PERMITS.**

**Subd. 1 Substantial Breach.** The city reserves its right, as provided herein, to revoke any right-of-way permit without a fee refund, if there is a substantial breach of the terms and conditions of any statute, ordinance, rule or regulation, or any material condition of the permit. A substantial breach by permittee shall include, but shall not be limited to, the following:

(a) the violation of any material provision of the right-of-way permit;

- (b) an evasion or attempt to evade any material provision of the right-of-way permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the city or its citizens;
- (c) any material misrepresentation of fact in the application for a right-of-way permit;
- (d) the failure to complete the work in a timely manner, unless a permit extension is obtained or unless the failure to complete work is due to reasons beyond the permittee's control; or
- (e) the failure to correct, in a timely manner, work that does not conform to a condition indicated on an order issued by the City.

**Subd. 2. Written Notice of Breach.** If the city determines that the permittee has committed a substantial breach of a term or condition of any statute, ordinance, rule, regulation or any condition of the permit, the city shall make a written demand upon the permittee to remedy such violation. The demand shall state that continued violations may be cause for revocation of the permit. A substantial breach, as stated above, will allow the city, at its discretion, to place additional or revised conditions on the permit to mitigate and remedy the breach.

**Subd. 3. Response to Notice of Breach.** Within twenty-four (24) hours of receiving notification of the breach, permittee shall provide the city with a plan, acceptable to the city, that will cure the breach. Permittee's failure to so contact the city, or permittee's failure to timely submit an acceptable plan, or permittee's failure to reasonably implement the approved plan, shall be cause for immediate revocation of the permit. Further, permittee's failure to so contact the city, or permittee's failure to submit an acceptable plan, or permittee's failure to reasonably implement the approved plan, shall automatically place the permittee on probation for one (1) full year.

**Subd. 4. Cause for Probation.** From time to time, the city may establish a list of conditions of the permit, which if breached will automatically place the permittee on probation for one full year, such as, but not limited to, working out of the allotted time period or working on right-of-way grossly outside of the permit authorization.

**Subd. 5. Automatic Revocation.** If a permittee, while on probation, commits a breach as outlined above, permittee's permit will automatically be revoked and permittee will not be allowed further permits for one full year, except for emergency repairs.

**Subd. 6. Reimbursement of city costs.** If a permit is revoked, the permittee shall also reimburse the city for the city's reasonable costs, including restoration costs and the costs of collection and reasonable attorneys' fees incurred in connection with such revocation.

## **1400.212 MAPPING DATA.**

**Subd. 1. Information Required.** Each registrant and permittee shall provide mapping information required by the city in accordance with Minnesota Rules 7819.4000 and 7819.4100. Within ninety (90) days following completion of any work pursuant to a permit, the permittee shall provide the director accurate maps and drawings certifying the "as-built" location of all equipment installed, owned and maintained by the permittee. Such maps and drawings shall include the horizontal and vertical location of all facilities and equipment and shall be provided consistent with the city's electronic mapping system, when practical or as a condition imposed by the director. Failure to provide maps and drawings pursuant to this subsection shall be grounds for revoking the permit holder's registration.

**Subd. 2. Service Laterals.** All permits issued for the installation or repair of service laterals, other than minor repairs as defined in Minnesota Rules 7560.0150 subpart 2, shall require the permittee's use of appropriate means of establishing the horizontal locations of installed service laterals, and the service lateral vertical locations in those cases where the director reasonably requires it. Permittees or their subcontractors shall submit to the director evidence satisfactory to the director of the installed service lateral locations. Compliance with this subdivision 2 and with applicable Gopher State One Call law and Minnesota Rules governing service laterals install after December 31, 2005, shall be a condition of any city approval necessary for 1) payments to contractors working on a public improvement project including those under Minnesota Statutes, Chapter 429, and 2) city approval of performance under development agreements, or other subdivision or site plan approval under Minnesota Statutes, Chapter 462. The director shall reasonably determine the appropriate method of providing such information to the city. Failure to provide prompt and accurate information on the service lateral installed may result in the revocation of the permit issued for the work or for future permits to the offending permittee or its subcontractors.

## **1400.223 LOCATION AND RELOCATION OF FACILITIES.**

**Subd. 1.** Placement, location, and relocation of facilities must comply with the Act, with other applicable law, and with Minnesota Rules 7819.3100, 7819.5000 and 7819.5100, to the extent the rules do not limit authority otherwise available to cities.

**Subd. 2. Corridors.** The city may assign a specific area within the right-of-way, or any particular segment thereof as may be necessary, for each type of facilities that is or, pursuant to current technology, the city expects will someday be located within the right-of-way. All excavation, or other permits issued by the city involving the installation or replacement of facilities shall designate the proper corridor for the facilities at issue.

Any registrant who has facilities in the right-of-way in a position at variance with the corridors established by the city shall, no later than at the time of the next reconstruction or excavation of the area where the facilities are located, move the facilities to the

assigned position within the right-of-way, unless this requirement is waived by the city for good cause shown, upon consideration of such factors as the remaining economic life of the facilities, public safety, customer service needs and hardship to the registrant.

**Subd. 3. Nuisance.** One year after the passage of this chapter, any facilities found in a right-of-way that have not been registered shall be deemed to be a nuisance. The city may exercise any remedies or rights it has at law or in equity, including, but not limited to, abating the nuisance or taking possession of the facilities and restoring the right-of-way to a useable condition.

**Subd. 4. Limitation of Space.** To protect health, safety, and welfare, or when necessary to protect the right-of-way and its current use, the city shall have the power to prohibit or limit the placement of new or additional facilities within the right-of-way. In making such decisions, the city shall strive to the extent possible to accommodate all existing and potential users of the right-of-way, but shall be guided primarily by considerations of the public interest, the public's needs for the particular utility service, the condition of the right-of-way, the time of year with respect to essential utilities, the protection of existing facilities in the right-of-way, and future city plans for public improvements and development projects which have been determined to be in the public interest.

**1400.234 PRE-EXCAVATION FACILITIES LOCATION.** In addition to complying with the requirements of Minn. Stat. 216D.01-.09 ("One Call Excavation Notice System") before the start date of any right-of-way excavation, each registrant who has facilities or equipment in the area to be excavated shall mark the horizontal and vertical placement of all said facilities. Any registrant whose facilities are less than twenty (20) inches below a concrete or asphalt surface shall notify and work closely with the excavation contractor to establish the exact location of its facilities and the best procedure for excavation.

**1400.245 DAMAGE TO OTHER FACILITIES.** When the city does work in the right-of-way and finds it necessary to maintain, support, or move a registrant's facilities to protect it, the city shall notify the local representative as early as is reasonably possible. If the registrant does not maintain support or move the facilities a the city request and the city maintain, support or move the facilities, the costs associated therewith will be billed to that registrant and must be paid within thirty (30) days from the date of billing. Each registrant shall be responsible for the cost of repairing any facilities in the right-of-way which it or its facilities damage. Each registrant shall be responsible for the cost of repairing any damage to the facilities of another registrant caused during the city's response to an emergency occasioned by that registrant's facilities.

**1400.256 RIGHT-OF-WAY VACATION.**

**Subd. 1 Reservation of right.** If the city vacates a right-of-way that contains the facilities of a registrant, the registrant's rights in the vacated right-of-way are governed by Minnesota Rules 7819.3200.

**1400.267 INDEMNIFICATION AND LIABILITY.** By registering with the city, or by accepting a permit under this chapter, a registrant or permittee agrees to defend and indemnify the city in accordance with the provisions of Minnesota Rule 7819.1250.

**1400.278 ABANDONED AND UNUSEABLE FACILITIES.**

**Subd .1. Discontinued Operations.** A registrant who has determined to discontinue all or a portion of its operations in the city must provide information satisfactory to the city that the registrant's obligations for its facilities in the right-of-way under this chapter have been lawfully assumed by another registrant.

**Subd. 2. Removal.** Any registrant who has abandoned facilities in any right-of-way shall remove it from that right-of-way if required in conjunction with other right-of-way repair, excavation, or construction, unless this requirement is waived by the city.

**1400.289 APPEAL.** A right-of-way user that: (1) has been denied registration; (2) has been denied a permit; (3) has had a permit revoked; (4) believes that the fees imposed are not in conformity with Minn. Stat. § 237.163, Subd. 6; or (5) disputes a determination of the director regarding Section 1.20 subd. 2 of this ordinance may have the denial, revocation, fee imposition, or decision reviewed, upon written request, by the city council. The city council shall act on a timely written request at its next regularly scheduled meeting, provided the right-of-way user has submitted its appeal with sufficient time to include the appeal as a regular agenda item. A decision by the city council affirming the denial, revocation, or fee imposition will be in writing and supported by written findings establishing the reasonableness of the decision.

**1400.3029 SEVERABILITY.** If any portion of this chapter is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof. Nothing in this chapter precludes the city from requiring a franchise agreement with the applicant, as allowed by law, in addition to requirements set forth herein.

**SECTION 2.** This Ordinance shall be effective following its passage and summary publication.

Adopted by the Big Lake City Council this 23<sup>rd</sup> day of September, 2020.

CITY OF BIG LAKE

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**Mayor Mike Wallen**

Attest:

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**City Clerk Gina Wolbeck**

*Drafted by:  
City of Big Lake  
160 North Lake Street  
Big Lake, MN 55309*

STATE OF MINNESOTA     )  
  ) SS.  
COUNTY OF SHERBURNE

The foregoing instrument was acknowledged before me this 23<sup>rd</sup> day of September, 2020 by Mike Wallen and Gina Wolbeck, the Mayor and City Clerk respectively of the City of Big Lake, a Minnesota municipal corporation, on behalf of the corporation.

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Notary Public

**CITY OF BIG LAKE  
MINNESOTA**

A general meeting of the City Council of the City of Big Lake, Minnesota was called to order by Mayor Mike Wallen at 6:00 p.m. in the Council Chambers of City Hall, Big Lake, Minnesota, on Wednesday, September 23, 2020. The following Council Members were present: Mike Wallen, Seth Hansen, Paul Knier, and Scott Zettervall. A motion to adopt the following resolution was made by Council Member \_\_\_\_\_ and seconded by Council Member \_\_\_\_\_.

**BIG LAKE CITY COUNCIL  
RESOLUTION NO. 2020-XX**

**RESOLUTION APPROVING SUMMARY PUBLICATION OF ORDINANCE NO. 2020-XX  
AMENDING CHAPTER 14 (RIGHT-OF-WAY MANAGEMENT) OF THE BIG LAKE CITY  
CODE TO REGULATE SMALL CELL WIRELESS FACILITY EQUIPMENT AND  
ASSOCIATED STREET LIGHT FIXTURES AND POLES INSTALLED IN THE PUBLIC  
RIGHT OF WAY**

**WHEREAS**, the City Council has adopted an ordinance amendment; and that amendment regulates small cell wireless facility equipment and associated street light fixtures and poles installed in the public right of way; and

**WHEREAS**, as authorized by Minnesota Statutes, Section 412.191, subd. 4, the City Council has determined that publication of the title and summary of Ordinance No. 2020-XX will clearly inform the public of the intent and effect of the Ordinance; and

**WHEREAS**, a printed copy of the Ordinance is available for inspection during regular office hours in the office of the City Clerk.

**NOW THEREFORE, BE IT RESOLVED** that the following summary of Ordinance No. 2020-XX is approved for publication:

**CITY OF BIG LAKE, MINNESOTA  
ORDINANCE NO. 2020-XX**

Chapter 14 of the Big Lake City Code is amended to establish regulations for the installation of small cell wireless facility equipment and associated street light fixtures and poles in the right of way. The amendment establishes a permitting process and is consistent with federal administrative orders and state law. A printed copy of the Ordinance is available for inspection during regular office hours in the office of the City Clerk.

Adopted by the Big Lake City Council this 23<sup>rd</sup> day of September, 2020.

CITY OF BIG LAKE

\_\_\_\_\_  
**Mayor Mike Wallen**

Attest:

\_\_\_\_\_  
**City Clerk Gina Wolbeck**

*Drafted By:  
City of Big Lake  
160 North Lake Street  
Big Lake, MN 55309*

STATE OF MINNESOTA    )  
  ) SS.  
COUNTY OF SHERBURNE )

The foregoing instrument was acknowledged before me this 23<sup>rd</sup> day of September, 2020, by Mike Wallen and Gina Wolbeck, the Mayor and City Clerk respectively of the City of Big Lake, a Minnesota municipal corporation, on behalf of the corporation.

\_\_\_\_\_  
Notary Public



# AGENDA ITEM

Big Lake City Council

<b>Prepared By:</b> Deb Wegeleben, Finance Director	<b>Meeting Date:</b> 9/23/2020	<input checked="" type="checkbox"/> <b>Regular Agenda Item</b> <input type="checkbox"/> <b>Consent Agenda Item</b>	<b>Item No.</b> <b>7C</b>
<b>Item Description:</b> 2021 Preliminary Levy Resolutions for the City of Big Lake and Big Lake Economic Development Authority		<b>Reviewed By:</b> Clay Wilfahrt, City Administrator <b>Reviewed By:</b> N/A	

## ACTION REQUESTED

1. Approve RESOLUTION adopting the 2021 Preliminary Property Tax Levy for the City of Big Lake.
2. Approve RESOLUTION adopting the 2021 Preliminary Property Tax Levy for the Big Lake Economic Development Authority.

## BACKGROUND/DISCUSSION

Staff began the 2021 budget preparation in June of 2020, determining the estimated expenditures for the next year as well as projecting all non-property tax revenues anticipated to be received in 2021. Beginning in July, staff presented the draft budget and levy amount needed to balance the budget during council workshops for council input and direction on setting the preliminary levy. The preliminary levy can be reduced, but it cannot be increased prior to the final levy certification, which occurs in December 2020. Staff will continue to identify cost saving opportunities which would allow for a reduction of the property tax levy when the final is certified in December. Following is the preliminary levy amounts for 2021.

- 2021 General Fund preliminary property tax levy of **\$4,695,345**, this includes the General Fund Levy of \$3,520,725 and the Debt Levy of \$1,174,620, this is an increase of \$259,392 over the 2020 final tax levy.
- 2021 Big Lake Economic Development Authority preliminary property tax levy of **\$130,000**, this is the same amount that was levied in 2020.

The combined preliminary tax levies for 2021 will be **\$4,825,345**, an increase of 5.68% or \$259,392, however the City Tax Rate will **decrease by .86%** to **49.76%**.

The 2021 Preliminary General Fund Balanced Budget is set at **\$5,560,546**, an increase of 2.67% or \$144,483.

The City will need to hold a meeting to allow for public input on the 2021 Budget and Levy. Council has already set this meeting at 6:00 pm on Wednesday, November 25, 2020 with a continuation meeting date of Monday November 30th, (only if needed). This will allow council time to reflect on comments received during the public input meeting and make necessary changes prior to setting the final payable 2021 Property Tax Levy, which will occur on December 09, 2020.

## FINANCIAL IMPACT

Funds needed to provide all services to the community for the fiscal year 2021.

## STAFF RECOMMENDATION

Approve the 2021 Preliminary Levy amounts.

***ATTACHMENTS***

- 2021 Preliminary Property Tax Levy for the City of Big Lake
- 2021 Preliminary Property Tax Levy for the Big Lake Economic Development Authority

**CITY OF BIG LAKE  
MINNESOTA**

A general meeting of the City Council of the City of Big Lake, Minnesota was called to order by Mayor Mike Wallen at 6:00 p.m. in the Council Chambers of City Hall, Big Lake, Minnesota, on Wednesday, September 23, 2020. The following Council Members were present: Seth Hansen, Paul Knier, Mike Wallen and Scott Zettervall. A motion to adopt the following resolution was made by Council Member \_\_\_\_\_ and seconded by Council Member \_\_\_\_\_.

**CITY OF BIG LAKE  
RESOLUTION NO. 2020-XX**

**A RESOLUTION ADOPTING  
THE PRELIMINARY 2021 TAX LEVY**

**BE IT RESOLVED BY THE BIG LAKE CITY COUNCIL** that the following information is the preliminary 2021 Tax Levy:

**PRELIMINARY PAYABLE 2021 LEVY**

	<u><b>2021</b></u>
General	\$ 3,520,725.00
 <u><b>Specials:</b></u>	
GO Tax Abatement- Series 2014A	24,750.00
GO Taxable Tax Abatement- Series 2016A	199,103.00
 <u><b>Debt:</b></u>	
2011A GO Improvement Bonds	-
2011B GO Improvement Bonds	314,000.00
2012A GO Refunding Bonds	15,000.00
2015A GO Refunding Bonds	319,865.00
2016B GO Capital Improvement Plan Bonds	60,139.00
2016C GO Improvement Bonds	241,763.00
 <b>Total Levy:</b>	 <hr/> <b>\$ 4,695,345.00</b>

**2021 PRELIMINARY GENERAL FUND BUDGET**

General Fund Revenue	\$ 5,560,546
General Fund Expenditures	\$ 5,560,546
Budgeted Change in Fund Balance	<hr/> \$ -

The City Clerk is hereby instructed to transmit a certified copy of this Resolution to the County Auditor of Sherburne County, Minnesota.

Adopted by the Big Lake City Council this 23rd day of September, 2020.

\_\_\_\_\_  
**Mayor Mike Wallen**

Attest:

\_\_\_\_\_  
**Gina Wolbeck, City Clerk**

The following Council Members voted in favor:  
The following Council Members voted against or abstained:

Whereupon the motion was duly passed and executed.

Drafted by:  
City of Big Lake  
160 Lake Street North  
Big Lake, MN 55309

STATE OF MINNESOTA        )  
  )SS.  
COUNTY OF SHERBURNE  )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of September 2020 by Mike Wallen and Gina Wolbeck, the Mayor and City Clerk respectively of the City of Big Lake, a Minnesota municipal corporation, on behalf of the corporation.

\_\_\_\_\_  
Notary Public

**CITY OF BIG LAKE  
MINNESOTA**

A general meeting of the City Council of the City of Big Lake, Minnesota was called to order by Mayor Mike Wallen at 6:00 p.m. in the Council Chambers of City Hall, Big Lake, Minnesota, on Wednesday, September 23, 2020. The following Council Members were present: Seth Hansen, Paul Knier, Mike Wallen, and Scott Zettervall. A motion to adopt the following resolution was made by Council Member \_\_\_\_\_ and seconded by Council Member \_\_\_\_\_.

**CITY OF BIG LAKE  
RESOLUTION NO. 2020-XX**

**A RESOLUTION APPROVING A PROPOSED TAX LEVY BY  
THE BIG LAKE ECONOMIC DEVELOPMENT AUTHORITY (EDA) FOR TAXES  
PAYABLE 2021**

**WHEREAS**, pursuant to Minnesota Statutes, Section 469.090 to 469.108 (the "EDA Act"), the City Council of the City of Big Lake created the Big Lake Economic Development Authority (the "Authority"); and

**WHEREAS**, pursuant to the EDA Act the City Council granted to the Authority all of the powers and duties of a housing and redevelopment authority under the provisions of the Minnesota Statutes, sections 469.001 to 469.047 (the "HRA Act"); and

**WHEREAS**, Section 469.033, subdivision 6 of the Act authorizes the Authority to levy a tax upon all taxable property within the City to be expended for the purposes authorized by the HRA Act; and

**WHEREAS**, such levy may be in an amount not to exceed 0.0185 percent of the previous year's (Pay 2020) taxable market value of the City; and

**WHEREAS**, the Authority has filed its budget for the special benefit levy in accordance with the budget procedures of the City; and

**WHEREAS**, based upon such budgets the Authority will levy all or such portion of the authorized levy as it deems necessary and proper.





**AGENDA ITEM**  
**Big Lake City Council**

<b>Prepared By:</b> Hanna Klimmek Community Development Director	<b>Meeting Date:</b> 9/23/2020	<input checked="" type="checkbox"/> <b>Regular Agenda Item</b> <input type="checkbox"/> <b>Consent Agenda Item</b>	<b>Item No.</b> <b>7D</b>
<b>Item Description:</b> Big Lake Manufacturing Week – October 1-7, 2020		<b>Reviewed By:</b> Clay Wilfahrt, City Administrator	
		<b>Reviewed By:</b> N/A	

**ACTION REQUESTED**

Motion to approve a RESOLUTION proclaiming October 1-7, 2020 as Big Lake Manufacturing Week.

**BACKGROUND/DISCUSSION**

The Minnesota Department of Employment and Economic Development, the Minnesota Precision Manufacturing Association, and the Minnesota Chamber of Commerce are partners in promoting Minnesota Manufacturers Week once again this year. The week is designed to showcase Minnesota’s manufacturing industries and to increase legislative and public awareness of this sectors importance in providing high-wage, high-skill jobs for our community.

In recent years, Staff worked with Big Lake manufacturers to schedule tours of their facilities. Invites were sent to our Legislators, City Council, Planning Commissioners, EDA Commissioners, Parks Board Members, City Staff, Chamber Members, and the general public. Due to COVID-19, Big Lake Manufacturing Week may look a bit different as it’s likely our manufacturers may be uncomfortable setting up tours this year. Staff is currently gauging comfort level and if we can set up a tour or two, we will. Otherwise, we plan to promote Big Lake Manufacturing Week on social media as we always have.

Staff, along with the Big Lake Economic Development Authority, suggests that the City Council recognize Manufacturer’s Week for the City of Big Lake as October 1-7, 2020.

**FINANCIAL IMPACT**

N/A

**STAFF RECOMMENDATION**

Approval of a resolution proclaiming October 1-7, 2020 as Big Lake Manufacturing Week.

**ATTACHMENTS**

- Proclamation
- Draft Resolution



## ***PROCLAMATION***

### ***PROCLAIMING OCTOBER 1 – 7, 2020 TO BE BIG LAKE MANUFACTURING WEEK***

- Whereas: Manufacturing is a dynamic and robust industry, crucial to the health and strength of Minnesota's diverse economy; and
- Whereas: Manufacturing added \$52.7 billion to Minnesota's economy in 2019, representing the second-largest contribution (14 percent) to the state's gross domestic product by any industry; and
- Whereas: Workers took home \$22.1 billion in wages from Minnesota manufacturing jobs in 2019, the second-largest total payroll among private sector industries; and
- Whereas: Manufactured exports brought \$21 billion into the Minnesota economy in 2019; and
- Whereas: Manufacturing in Minnesota pays an average annual wage of \$68,081, which is 16 percent higher than the state's overall average wage; and
- Whereas: Manufacturing provides 324,000 highly skilled, well-paying jobs, which significantly contribute to Minnesota's high standard of living and economic vitality.

Adopted by the Big Lake City Council this 23<sup>rd</sup> day of September, 2020.

\_\_\_\_\_  
Mayor Mike Wallen

\_\_\_\_\_  
Council Member Seth Hansen

\_\_\_\_\_  
Council Member Paul Knier

\_\_\_\_\_  
Council Member Scott Zetervall



**CITY OF BIG LAKE  
MINNESOTA**

A general meeting of the City Council of the City of Big Lake, Minnesota was called to order by Mayor Mike Wallen at 6:00 p.m. in the Council Chambers of City Hall, Big Lake, Minnesota, on Wednesday, September 23, 2020. The following City Council Members were present: Seth Hansen, Paul Knier, Mike Wallen, and Scott Zettervall. A motion to adopt the following resolution was made by Council Member \_\_\_\_\_ and seconded by Council Member \_\_\_\_\_.

**CITY OF BIG LAKE  
RESOLUTION NO. 2020-XX**

**A RESOLUTION PROCLAIMING  
OCTOBER 1, 2020 - OCTOBER 7, 2020 TO BE  
MANUFACTURING WEEK IN BIG LAKE, MINNESOTA**

**WHEREAS**, manufacturing is a dynamic and robust industry, crucial to the health and strength of Minnesota's diverse economy; and

**WHEREAS**, manufacturing added \$52.7 billion to Minnesota's economy in 2019, representing the second-largest contribution (14 percent) to the state's gross domestic product by any industry; and

**WHEREAS**, workers took home \$22.1 billion in wages from Minnesota manufacturing jobs in 2019, the second-largest total payroll among private sector industries; and

**WHEREAS**, manufactured exports brought \$21 billion into the Minnesota economy in 2019; and

**WHEREAS**, manufacturing in Minnesota pays an average annual wage of \$68,081, which is 16 percent higher than the state's overall average wage; and

**WHEREAS**, manufacturing provides 324,000 highly skilled, well-paying jobs, which significantly contribute to Minnesota's high standard of living and economic vitality.

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Big Lake, Minnesota, that it hereby proclaims the week of October 1, 2020 to October 7, 2020 to be "Manufacturing Week" in the City of Big Lake to raise public awareness of the importance of manufacturing, highlight the impact of manufacturing in our community and region, and to honor area manufacturers.

Adopted by the Big Lake City Council this 23<sup>rd</sup> day of September, 2020.

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**Mayor Mike Wallen**

Attest:

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**Gina Wolbeck, City Clerk**

The following Council Members voted in favor:

The following Council Members voted against or abstained:

Whereupon the motion was duly passed and executed.

Drafted By:  
City of Big Lake  
160 North Lake Street  
Big Lake, MN 55309

STATE OF MINNESOTA    )  
  ) SS.  
COUNTY OF SHERBURNE)

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of September, 2020, by Mike Wallen and Gina Wolbeck, the Mayor and City Clerk respectively of the City of Big Lake, a Minnesota municipal corporation, on behalf of the corporation.

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Notary Public



# AGENDA ITEM

Big Lake City Council

<b>Prepared By:</b> Greg Zurbey, Liquor Manager	<b>Meeting Date:</b> 9/23/2020	<input checked="" type="checkbox"/> <b>Regular Agenda Item</b> <input type="checkbox"/> <b>Consent Agenda Item</b>	<b>Item No.</b> <b>7E</b>
<b>Item Description:</b> Discontinuation of the temporary wage change for non-exempt liquor store staff		<b>Reviewed By:</b> Clay Wilfahrt, City Administrator <b>Reviewed By:</b> Deb Wegeleben, Finance Director	

## **ACTION REQUESTED**

**Motion to discontinue the temporary pay increase of \$2 per hour for all non-exempt liquor store staff effective September 27, 2020.**

## **BACKGROUND/DISCUSSION**

Covid-19 has had a major impact on the operations and staff of Lake Liquors. The store was seeing double the sales and customer counts for some days of business. Since the beginning of March, we had lost around 60 hours a week of staffing due to a resignation and several staff members choosing to remain home to care for children and health concerns. During that timeframe, staff had been outstanding with their flexibility and commitment to the City of Big Lake and our customers.

Staff has since replaced the Full-time Liquor Clerk and Part-time Lead Liquor Clerk positions. Staff has also filled several other Part-time Clerk positions.

Lake Liquor will be returning to pre-COVID business hours of: Monday-Saturday 9am to 10pm and Sundays 11am to 4pm beginning October 1, 2020.

Several factors impacted this decision. The Council wanted the temporary pay increase tied to hours of operation, we have more staff in place currently, business has begun to stabilize, and the liquor store will not be receiving State or Federal compensation for the temporary pay increase as we anticipated.

## **FINANCIAL IMPACT**

Lake Liquors will return to 83 hours of operation per week. This will be an increase of 18 hours per week as compared to our current hours. There will no longer be an increase of \$2 per hour for all non-exempt staff. Staff has also reduced some staffing during times that we are not as busy as we were March through August 2020. Staff believes this will show an overall reduction in payroll.

## **STAFF RECOMMENDATION**

Staff recommends that the \$2 per hour temporary wage increase for non-exempt staff end effective September 27, 2020, which is the start of the next pay period.

## **ATTACHMENTS**

N/A



# AGENDA ITEM

Big Lake City Council

<b>Prepared By:</b> Gina Wolbeck, City Clerk	<b>Meeting Date:</b> 9/23/2020	<input checked="" type="checkbox"/> <b>Regular Agenda Item</b> <input type="checkbox"/> <b>Consent Agenda Item</b>	<b>Item No.</b> <b>7F</b>
<b>Item Description:</b> Monthly Department Reports		<b>Reviewed By:</b> N/A	
		<b>Reviewed By:</b> N/A	

## **ACTION REQUESTED**

No Action Required.

## **BACKGROUND/DISCUSSION**

Council has requested to receive verbal updates from Departments on a monthly basis. Due to the number of departments operating the City's business, verbal updates will be given by each department either at the first or second meeting of the month.

Department updates scheduled to be given at the second meeting of the month are as follows:

1. Finance Department
2. Liquor Store
3. Community Development Department

## **FINANCIAL IMPACT**

N/A

## **STAFF RECOMMENDATION**

N/A

## **ATTACHMENTS**

N/A