

**BIG LAKE CITY COUNCIL
REGULAR MEETING MINUTES
FEBRUARY 23, 2022**

1. CALL TO ORDER

Mayor Paul Knier 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: Ken Halverson, Sam Hanson, Paul Knier, Kim Noding, and Paul Seefeld. Also present: City Administrator Clay Wilfahrt, City Clerk Gina Wolbeck, Finance Director Deb Wegeleben, Community Development Director Hanna Klimmek, City Planner Lucinda Spanier, City Engineer Layne Otteson, Acting Police Chief Sam Olson, Liquor Store Manager Greg Zurbey, Streets/Parks/Fleet Superintendent Norm Michels, Water/Wastewater Superintendent Dan Childs, Deputy City Clerk Janette Rust, and Big Lake Student Liaison Ella Dotzler.

4. OPEN FORUM

Mayor Knier opened the Open Forum at 6:01 p.m.

Phil Collins, 16234 Jarvis Street NW, Elk River, MN and the owner of Collins Bros. Towing in Elk River and Peterson Towing in Big Lake - Collins requested that the City open up bids for towing services in the City. Collins noted that they offer full-service towing services in Big Lake, stated that he has 38 years of experience in the towing business, and suggested the City invite towers to help work on drafting a contract.

No one else came forward. Mayor Knier closed the Open Forum at 6:03 p.m.

5. PROPOSED AGENDA

Council Member Seefeld motioned to adopt the proposed Agenda with the removal of item no. 7B (Ordinance Amending Section 1027) for future consideration. Seconded by Council Member Halverson, unanimous ayes, Agenda adopted.

6. CONSENT AGENDA

Council Member Halverson motioned to approve the Consent Agenda as presented. Seconded by Council Member Noding, unanimous ayes, Consent Agenda approved. The Consent Agenda consisted of: 6A. Approve List of Claims, 6B. Approve Council Workshop Minutes of February 9, 2022, 6C. Approve Regular Council Meeting Minutes of February 9, 2022, 6D. Set Special Joint Council, Planning Commission and BLEDA Workshop at 5:00 p.m. on April 11, 2022 in the City Council Chambers for Tax Abatement and Tax Increment Financing Training with Northland Securities, 6E. Accept a Permanent Easement for 168th Street NW, 6F. Approve Completion of Well No. 1 Rehabilitation Project, and Approve Professional Engineering Services Contract with Short, Elliot, Hendrickson, and 6G. Approve Joint Powers Agreement with Sherburne County for Installation of Water and Sewer with the CR 81 Improvement Project.

7. BUSINESS

7A. Variance Application – 450 Jefferson Blvd

Lucinda Spanier reviewed the planners report for the Variance application submitted by Ember Coffee Company LLC for the B-2 zoned commercial property located at 450 Jefferson Blvd. The Applicant is seeking a variance from City Code Section 1300.17, subd. 3 to allow improvements to an existing non-conforming shopping center sign located on the southerly property line adjacent to Putnam Avenue, and a Variance from City Code Section 1300.17, subd. 2 to allow for construction of a second freestanding sign adjacent to the northerly property line and Highway 10. Spanier discussed that a public hearing was held at the February 2, 2022 Planning Commission meeting and no public input was provided. The Planning Commission unanimously recommended approval of the application. Spanier also noted that granting the variance will correct an encroachment into the public right of way, and bring a non-conforming sign into compliance.

Council Member Seefeld motioned to approve Resolution No. 2022-20 approving a Variance to City Code Section 1300.17, Subd. 2 and Subd. 3 for the property located at 450 Jefferson Blvd. Seconded by Council Member Halverson. Mayor Knier asked if there was any further discussion.

Council Member Noding discussed that she agrees with the need for granting this variance, and asked how these types of issues that come up will be forwarded to the Code Revision Taskforce. Spanier reviewed that this exercise is just wrapping up and staff has compiled and provided various application approvals that have been granted in recent history and it is a priority to include all that information to the taskforce.

No further discussion was presented. Unanimous ayes, motion carried.

Council Members welcomed Ember Coffee to the Big Lake Community.

7B. Ordinance Amending Section 1027 (Landscape, Screening, and Tree Preservation) Regulating Buffer Yard Requirements

Item was removed from agenda due to lack of a public hearing being held. Item will be brought back to Council after a public hearing is duly noticed and held by the Planning Commission.

7C. Ordinance Amending Section 390 (Animals) to Allow for the Keeping of Honey Bees

Lucinda Spanier reviewed the draft ordinance amending City Code Section 390 (Animals) to allow for the keeping of honey bees in City limits. Spanier reviewed past discussion on this topic and noted that Staff has revised the ordinance language in accordance with the direction of the City Council during the November 29, 2021 workshop. Spanier also noted that Council had requested Staff create an informational handout on honey bee keeping, similar to the one available for backyard chickens. This handout will be available from City Hall and on the City Website.

Mayor Knier stated that he noticed that the registered land survey and site plan requirement listed under Subd. 2,b.3. is still listed in the draft ordinance. Knier noted that he doesn't feel we need people to do that and that he thought that language had been removed. Spanier discussed that she did review the previous direction received from Council, noting that all requested changes have been implemented into the draft ordinance version. If any changes are being requested now, they would be changes that the Council had not previously agreed upon or discussed. Should the Council wish to discuss those changes, tonight would be the time to do that. Clay Wilfahrt noted that the change could be made and wouldn't require any additional notifications. If Council chose to do that, Council can simply ask that the language be stricken from the ordinance when the motion for approval is made. Knier stated that he feels it would be onerous to make someone provide that type of unnecessary information. Council Member Halverson reviewed experiences he had personally at his property with items being improperly placed across his property line, noting that sometimes property surveys are nice as they show homeowners where their property lines are located. Knier responded that bee hives are moveable.

Council Member Seefeld questioned if the permit fee will be \$50. Spanier noted that the application would fall under a \$55 zoning permit which is reviewed and issued administratively. Seefeld also asked if staff is aware of how much a land survey costs. Spanier reviewed that typically land surveys cost hundreds of dollars, and noted that the City has been requiring land surveys for all construction projects over the past 20+ years, which are kept in our property files and are made available to property owners. All building permits and zoning permits require submittal of a certificate of survey.

Council Member Noding asked if a property survey ever needs to be replaced or changed. Spanier explained that the only time a new survey would be necessary is if there is a change to the

property boundary. Halverson asked if it is accurate in that approximately 90% of properties would have a survey on file at City Hall, with Spanier responding that a majority of properties in the City have a survey on file. Spanier expressed that from a staff perspective, surveys are vital for accuracy with compliance of the city code. Knier discussed that by removing the language it's not going to affect 90% of the residents according to Council Member Halverson's calculation. The other 10%, if they want to have bees without having a survey he feels it would be o.k. Halverson stated he would like to leave the language in the ordinance, and recapped that Spanier had indicated that it is a vital part of her job so by leaving the language in there, it shows support of staff so they can do their jobs correctly. Knier stressed that we are not asking people to not have surveys who need them, we are just talking about in the instance where it is not necessary that we don't force people to pay hundreds of dollars to have bees. For the percentage that don't have a survey on file, why force them to get a survey for this when it is not necessary. Council Member Noding asked why we wouldn't have a survey on file for a property. Spanier explained that for properties that were built many years ago, the City didn't have the requirement for a survey to be submitted for new building permits. These older lots tend to be the properties that have very small lot sizes, so having that dimensional information is vital in those instances. Noding discussed that some of those smaller lots might not even meet the 10,000 square foot threshold for installing a bee hive. Spanier reviewed that Noding is correct in that, but how would she know for sure what the property lines are without a survey. Spanier discussed that the County Beacon site and the Bolton and Menk GIS site offer a ballpark estimate for property lines and size, but they are not precise.

Mayor Knier motioned to approve Ordinance No. 2022-02 amending Section 390 (Animals) to allow honey bee keeping in certain districts in the City limits, and approve Summary Publication Resolution No. 2022-21, with exclusion of subd. 2, b.3. that requires a registered land survey and site plan illustrating the dimensions of the property, location and distances of neighboring residences, and the location of the hive in relation to any property lines, sidewalk, alleys, and right-of-ways. Motion was seconded by Council Member Seefeld. Mayor Knier asked if there was any further discussion.

Council Member Halverson stated that he feels we will be handcuffing staff by eliminating the survey requirement. Knier responded that it is a bit different in that we are talking about something that would be permanent versus something that can be easily moved, and Seefeld stated a lot bigger than an aviary.

Motion passed with a vote of 4:1 with Mayor Knier and Council Members Hanson, Noding and Seefeld voting aye, and Council Member Halverson voting against. Motion carried.

7D. Resolution in Support of Housing and Local Decision-Making Authority

Clay Wilfahrt reviewed the draft Resolution language in support of housing and local decision-

making authority. In recent years, the state legislature has been presented with bills that sought to limit local authority in planning and decision making on housing within Minnesota communities. The League of MN Cities has asked cities to pass a resolution in support of municipalities rights to retain local decision-making authority. If Council approves the resolution of support, Staff will forward to our local representatives and urge them to continue to leave authority in the hands of cities.

Council Member Halverson asked if this language gets approval, how long would it be before it takes effect. Wilfahrt responded that approved bills generally take affect 6-months to a year after the bill passes. Halverson discussed the possible negative effects this bill could have on Townships. Wilfahrt commented that if the bill will require that we act on plans that may even be a mile out of town, this could lead to faster annexations.

Mayor Knier stated that it is obvious to him that the best representation happens locally. He also noted that he doesn't understand why the State would consider pushing this bill through, and stated that he is in support of the resolution of support.

Council Member Noding motioned to approve Resolution No. 2022-22 supporting housing and local decision-making authority. Seconded by Council Member Hanson, unanimous ayes, motion carried.

7E. Department Reports

Deb Wegeleben provided a year-end 2021 financial recap and noted that the City's annual audit will begin on February 28 and is expected to wrap up by March 4. The financial statements will be presented to Council at the April 27, 2022 meeting. Wegeleben also provided an update on the City's outstanding debt obligations noting that after the 2022 payments, the City's debt will be \$29,916,019.

Mayor Knier asked if the Hwy 10/25 intersection improvement debt is part of our current debt figures. Wegeleben indicated that it is.

Greg Zurbey provided an update on the Municipal Liquor Store operations and provided a year-end 2021 update comparing to both 2020 and 2019. Zurbey also reviewed in-store tastings, discussed fundraising efforts of various organizations, reviewed a visit by former Viking player Chad Greenway, discussed recent staffing changes, and reviewed the Fall wine sale. Zurbey also provided information on the MN State Auditor's Report for 2020. Zurbey thanked the liquor store staff for all their efforts, as well as customers who shop at the store.

Mayor Knier asked how many municipal liquor stores exist in Minnesota. Zurbey responded that there are 179 cities in the State of Minnesota that have municipal liquor stores, but noted that some have multiple stores.

Hanna Klimmek provided an update on activities in the Community Development Department in 2021. Klimmek reviewed housing, commercial and redevelopment projects, and provided a year-to-date 2021/2022 permit activity comparison. Klimmek also reviewed economic development efforts including the Big Lake Revolving Loan Fund, the BLEDA Strategic Plan, and a recent Contract for Private Development for a future full-service laundromat. Klimmek reviewed recreation/communications activities for the past year that included the Community Gardens, Farmers Market, Music in the Park, Movie in the Park, special events permitting, and implementation of the City's new brand. Klimmek also provided an update on the Code Revision project, the Sherburne County Comprehensive Plan repeal and replace project, and participation in the Central Mississippi River Regional Partnership group.

Mayor Knier discussed that he read the ice arena story in the local newspaper and asked if we know what the potential timeframe will be. Klimmek discussed that we have had a couple of meetings with that group, and noted that she does see that project having a lot of momentum behind it and feels that it could become a reality within the next couple of years, if not sooner.

Council Member Seefeld asked if a previous business interested in the I-4 business district could potentially come back if the road is developed. Klimmek responded that is her hope.

Council Member Halverson asked how many of the structures recently built at the Sandhill Villas development are sold. Klimmek reviewed that 8 are sold, and noted that structures in this development aren't spec built.

8. ADMINISTRATOR'S REPORT

Clay Wilfahrt reviewed that we are continuing to move forward with the hiring of the police chief position, noting that staff is currently working with the firm the City hired to facilitate that process. Wilfahrt discussed that he notified the firm that the City would like a more robust background process and they will provide staff with a company that could facilitate that for us. Wilfahrt also discussed the status of the Wastewater Treatment Plant Improvement Project, noting that we have been working on the RFP and scheduling interviews for consulting firms. Wilfahrt reviewed the comments made at the last Open Forum regarding the City's Emergency Response Plan, noting that there are only certain sections of the plan that are public and he has shared that public data with Mr. Quinn.

9. MAYOR & COUNCIL REPORTS and QUESTIONS/COMMENTS

Mayor Knier: Reviewed the February BLEDA Meeting. Knier reviewed the Development Flow Chart created for developers and builders to know what they need to get their project accomplished. Knier stated that he feels this will help set proper expectations for the developers and builders so they know what they have to get accomplished.

Council Member Halverson: Reviewed the Code Revision Project meeting. Halverson noted that there will be robust conversations during the meetings as there is such a wide spectrum of views on the taskforce, noting that there is going to have to be some give-and-take during discussions.

Council Member Hanson: Discussed the recent Big Lake Beyond the Yellow Ribbon Meeting, and provided information on the March 12th Cub Scouts Chili Feed event being held at Saron Lutheran Church.

Council Member Noding: Reviewed the February BLEDA Meeting.

Council Member Seefeld: Discussed the Code Revision Taskforce Meeting, noting that we will come out with a better code in the end.

10. OTHER – No other.

11. ADJOURN

Council Member Seefeld motioned to adjourn at 7:08 p.m. Seconded by Council Member Hanson, unanimous ayes, motion carried.

Gina Wolbeck
Clerk

Date Approved By Council 03/09/22