

**BIG LAKE CITY COUNCIL
REGULAR MEETING MINUTES
APRIL 27, 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: Interim City Administrator/ Community Development Director Hanna Klimmek, City Clerk Gina Wolbeck, Finance Director Deb Wegeleben, City Planner Lucinda Spanier, Acting Police Chief Sam Olson, Liquor Store Manager Greg Zurbey, Streets/Parks/Fleet Superintendent Norm Michels, and Big Lake Student Liaison Ella Dotzler.

4. OPEN FORUM

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

Paul Petersen, 341 Park Avenue – Presented an affidavit regarding voting integrity and noted that he is a voter judge in Big Lake. Petersen reviewed an experience he had during the 2020 Presidential Election. Prior to the election he contacted City Coordinator Gina Wolbeck and offered to help with early voting. He was assured that the responsibility was being covered by our Sherburne County Staff. He also asked if the party proportions of Republican and Democrat would be honored by the Staff. He was assured that would not be a problem. Petersen also informed the City Coordinator that he would be available to work on the Absentee Ballots, and her response was the same in that it was also being covered by the county people. Petersen stressed that he was troubled by the response so he mentioned that the employees at the county were all union members and that may not provide for Republican representation. He was told not to worry, that wouldn't be a problem. Petersen stated that he learned later that the county staff was in fact supplemented by hired temp workers hired by the County with no knowledge of the temp workers party affiliation, noting that none of the county workers are listed on the Republican voter roll.

Petersen also discussed that the voting machine equipment stopped processing ballots in Precinct 1 on election day and reviewed the process the head judges followed in getting a replacement machine. Petersen noted that while everything seemed o.k. at the time, after hearing about the problems with Dominion, he can't keep from thinking that something more nefarious may have been happening and questioned if our conservative Big Lake voters had overloaded the algorithm installed on the machine and caused the breakdown.

Teri Dickinson, 3310 Lake Ridge Drive – Thanked Council for receiving input from their constituents, and requested that the City discontinue the use of the Dominion voting systems in our City. Dickinson referenced MN State Statute 206.58, subd. 1 that regulates that a governing body of a municipality may provide for the use of an electronic voting systems. Subd. 3 also states that the governing body of the municipality may provide for the use of electronic voting systems of the City. The governing body of the municipality shall give approval, so the decision on whether or not to use the Dominion system is clearly the City's to make. Dickinson asked the City to not be deceived by those attempting to convince them otherwise. Handout 2 was a Certificate of Conformance by the United States Elections Assistance Commission of Dominion Voting Democracy Suite 4.0. This certificate is not an endorsement of the product by any US agency or government and no warranty of the product is either expressed or implied. Page 2 of the EAC Certification says it is not an endorsement of Federal Warranty of any system or its components or determination that a voting system will be operated in a manner that meets HAVA requirements or a determination that the system is ready for use in an election. Handout 3 was a Dominion operating system for the 2021 elections. Dickinson noted that we used Windows 7 on Windows Server 2008 and identified that Sherburne County is in red font and that is because on January 14, 2020, Windows support for Windows 7 ended. That means that there were no software security updates or fixes for 10 months before our 2020 election. According to Microsoft, the system would be at greater risk for virus' and malware. The 4th handout was a Sherburne County document that states that the \$654,000 Dominion system was selected by the County Auditor because it includes a wireless modem to transmit results. Handout 5 was by Dominion Director of Product and Strategy and Security and explains that the machines transmit directly and they use chips, cellular, and wireless modems and are compatible with all networks. An Allied Security Operations Group forensic report stated that they concluded that the Dominion Voting System is intentionally and purposefully designed with inherent errors to create systematic fraud and influenced election results. We have been canvassing and we have found extra votes, missing votes, and precinct votes that show up as Absentee. One election judge stated that the ballot counting machine errantly counted 5% more ballots than the controlled paper ballots. We have also given our share of the list of dead voters, duplicate voters, and rental box voters. He then turned it over to the County Attorney's Office but the County Attorney has given us no indication that anything will come of it. Dickinson again asked Council to discontinue the use of the Dominion system in the City. Dickinson stated that the choice is yours and they are counting on you.

Tracy Sodon, 4987 Mitchell Road – Read aloud a resolution to suspend the City’s electronic voting systems.

George Quinn, 810 Lake Street North – Discussed the re-landscaping plan for the Big Lake Veteran’s Memorial. Quinn noted that they have been working with non-profits to continue to get funding for the project and expects the costs to be fully funded. Quinn noted that the goal is to have the project done by Memorial Day. Quinn also discussed that the new landscaping will provide lower maintenance for those maintaining the memorial and the improvements will further beautify the memorial.

Bryon Bogenrief, 1931 Hiawatha Avenue – Stated that he does not trust the Dominion voting system, and doesn’t believe in them. He believes that maybe we have gotten too sophisticated with technology in our lifetime with phones and computers and now we are hearing about software that can corrupt your phones or tap into our data. Bogenrief discussed that he wants Council to really consider hand counting the votes and asked how we can do this as a small City. This is the grassroots, this is the rock bottom, this is where it starts. He believes we really need to take responsibility of this, noting that what we have seen in other states, counties, and places where Dominion has not even surrendered their data and how their numbers come about and stuff like that. They had the hand count down in Arizona where they spent millions of dollars down there trying to figure that out. Dominion wouldn’t cooperate, wouldn’t hand it over, wouldn’t work with them, and questioned if we want that here. Bogenrief asked if we want Dominion to be able to be here and if there was a conflict or something going on, to be able to have reliable numbers, questioning if they would come in here and give us our data and the information that we need. He wants truth, honesty, and integrity within our voting. He believes in one vote, stating that he is a Patriot. He had forefathers before him that served in the Civil War. They fought for freedom in this country and that is what we are about. That’s what makes a difference in America, because of the truth and honesty that we live in. Bogenrief thanked Council for the opportunity to be here and to be able to share his heart with them.

Mayor Knier closed the Open Forum at 6:16 p.m.

5. PROPOSED AGENDA

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

6. CONSENT AGENDA

Council Member Noding motioned to approve the Consent Agenda as presented. Seconded by Council Member Halverson, unanimous ayes, Consent Agenda approved. The Consent Agenda consisted of: 6A. Approve List of Claims, 6B. Approve Special Joint City/BLEDA/Planning Commission Workshop Minutes of April 11, 2022, 6C. Approve Council Workshop Minutes of April 13, 2022, 6D. Approve Regular Council Meeting Minutes of April 13, 2022, 6E. Approve 2022 Big Lake Spud Fest Licensing and Fee Waiver Request, 6F. Approve 2022 SCORE Grant Agreement for the City Compost Site, 6G. Approve Appointment of Seasonal Part-time Public Works employee Oliver Beckers, 6H. Approve Appointment of Seasonal Part-time Public Works employee Ben Piehl, 6I. Approve Appointment of Melissa Vilmo and Kameron Pikus as Part-time Liquor Clerks, 6J. Approve Resolution No. 2022-33 approving a Variance for a Residential Fence at 18576 Green Tree Court, 6K. Approve Resolution No. 2022-34 approving a Variance to allow an OHWL Encroachment at 111 Jefferson Blvd, 6L. Approve Resolution No. 2022-35 approving the Prairie Meadows Third Addition Final Plat and Final PUD, Ordinance No. 2022-05, and Summary Publication Resolution No. 2022-36 6M. Approve Purchase of Public Works Mower and Trailer Equipment, and 6N. Approve Resolution No. 2022-37 amending the 2022 Council Committee Appointments.

BUSINESS

7A. Citizen Commendation Award Presentation

Sam Olson reviewed a recent Amber Alert that was broadcast across Minnesota, notifying the public that a 2-year old child was taken from Pope County. The suspect and child were spotted by El Loro Mexican Restaurant employee Emily Lanager-Chelsey, who notified her manager, Lorenzo Macias. Due to their observations, the child was safely returned to his family. Olson also noted that Macias also responded to the residence in Big Lake and assisted with interpreting for officers until the BCA arrived. Olson presented Lanager-Chelsey and Macias with City of Big Lake Citizen Commendation Awards.

Mayor Knier expressed his appreciation to the hero's in our community.

7B. Oath of Office for Police Officer Jennifer Franzen

Sam Olson introduced new Police Officer Jennifer Franzen, who started service with the Police Department on January 1, 2022. Franzen has successfully passed her FTO/PTO program and is currently an active Police Officer on the Big Lake Police Department.

Mayor Knier conducted a Swearing in Ceremony for Franzen who took the Patrol Officer Oath.

7C. 2021 Audit Report Presentation from BerganKDV

Caroline Stutsman from BerganKDV presented the 2021 management letter and the audited financial statements.

Mayor Knier discussed that as the tax value continues at the same rate, we are looking at it being close to 40% or so from 2017 to 2021, we could be at \$15 million in that same timeframe for five years and if we can keep our levy there at that growth as well, we could be under 40% for the tax capacity. Knier asked if a lot of cities get to that level. Stutsman indicated that it really varies from one city to another. There are all different things that go into that including debt which has really helped this picture as well. The City has had a significant debt load in the past and we are seeing the results of the City's efforts to reduce our debt. Stutsman also stressed that the City was very prepared, and very quick to respond for the audit, and they see positive trends happening in Big Lake.

Council Member Hanson motioned to accept the 2021 Audit report as presented. Seconded by Council Member Noding, unanimous ayes, motion carried.

7D. Aeon Big Lake Station Senior Living PUD Concept

Lucinda Spanier reviewed the planners report for the 6.14-acre Aeon Big Lake Station Senior Living concept plan site located on Outlot A of the Station Street Acres East plat. The site is located south of the North Star Commuter Rail station, and east of Station Street NW, and is currently zoned as Transit Oriented Development (TOD). The project is proposed as a 74-unit , 4-story multifamily building for seniors. The concept would subdivide the parcel and proposes development on the western 2.6 acres and has a density of 28.5 units per acre. Spanier noted that per the Comprehensive Plan, the TOD is intended to accommodate mid or high-density housing and is supportive of public space design. Spanier discussed that the Applicant will be requesting a rezoning to planned unit development overlay in order to receive flexibility on a number of items required by the Zoning and Subdivision ordinance. Spanier also reviewed lot standards, parking, landscaping, utilities, building design standards, recreation areas, stormwater management, and park dedication. Spanier asked for feedback from the Council on the Applicant's proposal and whether there are additional items that should be addressed by the Applicant prior to submittal of the preliminary plat and development stage PUD. Spanier reviewed comments from the Parks Advisory Committee and the Planning Commission.

Council Member Hanson commented on the sufficiency of fire equipment, noting that we should be looking at the principal structure being 60 feet tall at the very peak. Spanier explained that we measure height from average grade to the highest point on the building. Hanson discussed that the Department currently has a 75-foot ladder and the Department has plans to purchase a new 110-foot ladder in 2026. Hanson also stressed that he is a proponent of balconies for fire safety.

Spanier noted that technically the ordinance is only applicable to properties within a residential district. As this is in the TOD district, that provision does not apply to this property.

Council Member Halverson agreed with Council Member Hanson because he wants us to build up, not down. Build a better facility, don't strip down the facility. Halverson asked how many parking spots are required for each residence, asking if the normal requirement is two parking stalls. Spanier reviewed that for this specific senior building use, the requirement is two stalls per unit, which is a little bit on the high side for a senior development. Halverson asked if the development will strictly be a senior development. Spanier clarified that the proposal is designed with seniors in mind. Halverson stressed that this is different than establishing an age requirement, but noted that it will be senior living. Halverson also asked if the Applicant is proposing car ports or garages. Stephanie Karp from Aeon Development indicated that they are planned to be covered car structures and that they are exploring using solar on top of it.

Council Member Noding asked how many stalls will be underground. Karp reviewed that there will be 55 underground stalls and the remaining 24 stalls will provide a multitude of options for residents.

Council Member Halverson agreed with Council Member Hanson that we need decks on this building. He would also need to see the car port system noting that the ones he has seen tend not to be a nice addition to a property and become an eye sore over time. Mayor Knier stressed that this is a property that is privately owned, so if the owner of the business is losing tenants because they have a ramshackle look to their facility, they are going to fix it up and it is going to look better. Halverson responded that it is our responsibility as a Council to build our community up. Halverson agreed that it is private property, but that is why we have codes, requirements, and specifications and if we always out vote them or override them, that creates a problem. Karp stated that she appreciates Council's feedback and acknowledged that they did not spend a lot of time rendering the parking stall structure at this point, they just simply placed in on the renderings. She anticipates it will be made of concrete and be an actual solid structure.

Mayor Knier stated that he appreciates Council Member Halverson's comments, but he does not entirely agree that it is the City's responsibility to make sure that everything is looking clean. That is the responsibility of the individual owners as well, in fact much more so than the City's responsibility.

Council Member Hanson commented that he has driven by the developer's Greenway Terrance project, and noted that it is a very good-looking facility.

Council Member Seefeld discussed the possibility of homeless people living in the facility, and

asked how these individuals are vetted. Karp reviewed that the project has 10 units that will be reserved for previously homeless individuals. They work in partnership with a service provider known as TRI-CAP who will go through a coordinated entry process which houses long-term homeless individuals on average for two or more years, who are generally placed from shelters or from instability in their housing. They are found and then brought in this coordinated entry system and must agree to be in the system which gives them a voucher and ability to live in the property. While they are there, they are able to get services from TRI-CAP to help build their lives back up and help them become more stable long-term. Halverson asked if the rest of the facility is market rate. Karp explained that the entire project is an affordable housing project serving seniors 55+ at a 50% area median income or lower.

7E. Marketplace Crossing Final Plat and Final PUD

Lucinda Spanier reviewed the planners report for the Marketplace Crossing Final Plat, Final PUD, and rezoning to PUD application submitted by CommonBond Communities for the 7.57-acre property located at the northwest corner of 168th Street NW and Marketplace Drive. The site is currently zoned High Density Residential (R3) and is proposed to be rezoned as the same zoning district with a PUD overlay allowing deviations from the City's development regulations as approved by Resolution No. 2022-48. Spanier also reviewed development fees associated with the development, preliminary language in the development agreement and stormwater maintenance agreement that will require final review and amendments from the City Attorney's Office.

Council Member Hanson motioned to approve Resolution No. 2022-38 conditionally approving the Marketplace Crossing final plat and final plan PUD, approval of the development contract subject to City Attorney review, and approval of the stormwater maintenance agreement subject to City Engineer review. Seconded by Council Member Noding. Mayor Knier asked for any further discussion.

Council Member Halverson stated that he will be voting against this project as the project doesn't meet parking or deck requirements.

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

Council Member Hanson motioned to approve Ordinance No. 2022-05 rezoning the subject parcel to PUD, and approval of Resolution No. 2022-39 allowing summary publication of the ordinance. Seconded by Council Member Seefeld, unanimous ayes, motion carried.

7F. Donations towards the Big Lake Police Department

Sam Olson reviewed recent donations made to the Police Department. Donations included \$2,000 in cash donations from the Big Lake American Legion Post 147 towards the Canine Program, a \$300 cash donation from the Chad Ziegler family towards needs in the Department, and a \$10,000.00 cash donation from Suzanne Granger towards the Canine Fundraiser.

Council Member Seefeld motioned to approve Resolution No. 2022-40 accepting donations towards the Big Lake Police Department as presented. Seconded by Council Member Noding, unanimous ayes, motion carried.

7G. Department Reports

Deb Wegeleben provided a year-to-date 2022 financial recap, debt obligations, and reviewed 2023 budget cycle planning.

Greg Zurbey provided an update on the Municipal Liquor Store operations and provided a year-to-date 2022 update compared to 2021. Zurbey reviewed contributing factors in the decrease in transactions, sales, and gross profits, that included weather, the economy, competition, and historically high sales in the past two years due to COVID closures of bars and restaurants. Zurbey also reviewed in-store tastings, discussed fundraising efforts of various organizations, and reviewed the spring wine sale. Zurbey also provided information on the MN Legislative Day event held on March 28.

Hanna Klimmek provided an update on activities in the Community Development Department in February and March 2022. Klimmek reviewed housing, commercial and redevelopment projects, and provided a year-to-date 2021/2022 permit activity comparison. Klimmek reviewed recreation/communications activities that included the Community Gardens, Farmers Market, Music in the Park, Movie in the Park, special events permitting, and the City website redesign project. Klimmek also introduced Will Bucheger, who started as the new Planning Technician recently.

Council Member Halverson discussed the number of multi-family buildings being built compared to single-family residential structures. Klimmek reviewed that there are 60 units projected in the Marketplace Crossing Development, and 74 units in the Aeon Development. Klimmek also noted that there are numerous concepts under review that add up to 720 units of housing but only Aeon and Marketplace Crossing are apartment structures included in that total.

Mayor Knier asked how we are doing on office/retail space in town. Klimmek noted that the inventory is low for special services.

8. INTERIM ADMINISTRATOR'S REPORT

Hanna Klimmek reviewed that Staff continues to work with Sharon from BakerTilly on the Chief of Police/Emergency Manager recruitment, discussed the Big Lake Substance Prevention Coalition through Big Lake Schools, reviewed the kick-off of the City's website redesign which is done with Civic Plus every 3 to 5 years at no additional cost, and noted that she will be attending a Redevelopment Conference the rest of this week. Klimmek also noted that she will virtually attending the CMRP meeting tomorrow morning as well.

9. MAYOR & COUNCIL REPORTS and QUESTIONS/COMMENTS

Mayor Knier - Discussed that the National Day of Prayer is May 5, 2022 at the Carousell Works at 6:45 a.m. Knier also noted that the May 14th Coffee with the Mayor event will be at Ember Coffee.

Council Member Halverson - Reviewed the March Parks Advisory Committee Meeting, and the Code Revision Taskforce Meeting.

Council Member Hanson - Discussed the March Big Lake Beyond the Yellow Ribbon Meeting. Hanson also discussed that the two new firefighters recently completed their training and graduated tonight.

Council Member Seefeld - Discussed the Code Revision Task Force Meeting.

10. OTHER – No other.

11. ADJOURN

Council Member Seefeld motioned to adjourn at 7:41 p.m. Seconded by Council Member Hanson, unanimous ayes, motion carried.

Gina Wolbeck
Clerk

Date Approved By Council 05/11/22