

**BIG LAKE CITY COUNCIL  
REGULAR MEETING MINUTES**

**JULY 14, 2021**

**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 Meyers, City Engineer Layne Otteson, Acting Police Chief Matt Hayen, Liquor Store Manager Greg Zurbey, Streets/Parks/Fleet Superintendent Norm Michels, Water/Wastewater Superintendent Dan Childs, Fire Chief Seth Hansen, and Big Lake Student Liaison Ella Dotzler.

**4. OPEN FORUM**

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

Peter Bruley, 213 Crescent Street – Discussed his lake home that is located in the R5 zoning district. Bruley reviewed that he received a code enforcement complaint notice for parking of a travel trailer on a parking pad that doesn't meet the City Code requirements. The notice also indicated that he wouldn't be allowed to install a parking pad in this zoning district as it would exceed the impervious surface ratio. Bruley asked council to amend the parking rules to allow for parking on grass surfaces and other impervious surfaces for vehicles/trailers that don't have an engine. Bruley also discussed that he has an issue with the City accepting anonymous complaints, noting that it is unfair if you have a disgruntled neighbor who will use the City to punish someone else. Bruley suggested that the City do a

sweep of the entire neighborhood when they do code enforcement inspections at a property.

Donald Vierimaa, 149 Hill Street – Informed Council that he has summered in Big Lake since 1953 when Big Lake had a population of 700 residents. Vierimaa requested that the City ask the State to allow him to vote in local elections, noting that if there is taxation, there should be representation. Vierimaa also discussed his concern with the Police Department accepting donations through fundraisers held at local liquor establishments which he feels is inappropriate, and noted that alcohol consumption needs to be better regulated. Vierimaa also discussed that Lake Liquor shouldn't operate as a business but more as a public service. The profits from these stores should be going to stop addiction and educate the public on alcohol awareness. They need to address the problems they create through the sale of alcohol. Vierimaa also stated that State bicycle regulations are nonsense.

Dan Larsen, 551 Ormsbee Street - At the last meeting, he spoke in support of the City supporting the Second Amendment and entire Bill of Rights of the Constitution. Larsen discussed that the best person in our County to help support the Bill of Rights and the Second Amendment is the County Sheriff. Larsen presented to the Council and the Chief of Police a book written by Sheriff Richard Mack on how important the County Sheriff is in protecting our rights.

Mayor Knier closed the Open Forum at 6:10 p.m.

## **5. PROPOSED AGENDA**

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

## **6. CONSENT AGENDA**

Council Member Seefeld 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 Council Workshop Minutes of June 22, 2021, 6C. Approve Council Workshop Minutes of June 23, 2021, 6D. Approve Council Meeting Minutes of June 23, 2021, 6E. Accept Resignation of Part-Time Liquor Clerk Brady Bebeau, 6F. Approve Market Rate Adjustment to Hourly Liquor Staff Pay Scale, 6G. Approve 2021 Farmers Market Administrative Grant Agreement with Hunger Solutions, 6H. Approve Resolution No. 2021-46 Decertifying Tax Increment Redevelopment District No. 1-6, 6I. Approve AIS Inspection Services Proposal with Blue Water Science, 6J. Approve AIS Treatment Services Proposal with Lake Restoration, Inc., 6K. Approve Appointment of Planning Commissioner Tony Benecke, 6L. Approve Resolution No. 2021-47

Authorizing the 2021 Street and Utility Improvement Project Driveway Contracts, 6M. Approve the Hire of Part-time Liquor Clerk Will Boeckman, and 6N. Approve Right of Entry/Waiver of Trespass Agreement with Lupulin Brewing, LLC.

## **7. BUSINESS**

### **7A. Appointment and Oath of Office of Police Chief Matthew Hayen**

Clay Wilfahrt discussed that at the last meeting, Council directed Staff to offer the Chief of Police position to Matthew Hayen and to negotiate terms of employment. Staff asked for a vote of the City Council to approve the appointment of Hayen to the Chief of Police position effective immediately, with the starting wage to be at Step 5 of Grade 20 on the City's pay scale.

Council Member Hanson motioned to approve the appointment of Matthew Hayen to the Chief of Police position effective immediately. Seconded by Council Member Noding, unanimous ayes, motion carried.

Mayor Knier conducted the Oath of Office Ceremony with newly appointed Police Chief Matthew Hayen. Mayor Knier expressed that he feels Chief Hayen will be a strong asset to the City of Big Lake for years to come.

### **7B. Marketplace Crossing Development Application – Preliminary Plat and Development Stage PUD**

Lucinda Meyers discussed that the City Council tabled this item at their meeting on June 9, 2021 and reviewed timeline requirements for development applications. Due to the Council action on June 9, 2021, the City requested an extension of the 60-day timeline for further consideration. The extension allowed the City an additional 60 days to approve or deny the application. In the absence of direction provided to the Applicant on June 9<sup>th</sup>, there have been no changes made to the proposal, and Council is being asked to approve or deny the application as submitted.

Mayor Knier discussed that each time he was elected to the City Council he made a promise to be fiscally prudent by continuing to pay down the City's debt. He also promised to work on attracting business to town. Another promise he made was to protect the liberty and freedoms of the people. We have discussed this project for many months, and in his opinion, this project satisfies all three of the promises he made to the people of Big Lake. We are adding to the tax base, we are attracting business to town, and we are protecting freedoms and liberties. Liberty can be messy, and he acknowledged that there are folks who don't want this project in town, noting that we will need to agree to disagree on this one. Knier stated that he feels this is a great project, noting that he has done his research

on the project, and stated that he feels we made a mistake a month ago by overstepping our bounds. Knier stated that he feels that we are overstepping our bounds when we get into things like concerning ourselves with things that should be the decision of the developer. Knier discussed that he is not at all concerned about parking, and noted that in our Comprehensive Plan, we say we want to give developers greater latitude. He is all for letting the market decide, and if the developer thinks that the lack of balconies, the playground size, and the parking is what they need to get it done, then so be it. If the people that rent there don't like it, they will move. This is what "letting the market decide" is.

Council Member Halverson stated that he still stands where he stood before. There is no reason to have codes and rules if we don't stand behind them. We shouldn't allow this project when we held other apartment projects to the City's standards, noting that those projects invested money to meet the City's requirements. Halverson expressed his disappointment that the project hasn't changed and feels this shows a disrespect to Council. It shows that anyone that comes in and pushes, that we are going to give them whatever they want. He reiterated that he feels there are serious issues with allowing them to not build to the City Code, and to be held to the same standards as other projects have been required to do. Halverson questioned why we are making such a large exception for this project when renters are already paying for nicer amenities, and we currently have a less than 1% vacancy rate. Halverson stated that he will continue to vote no until there are changes to the project.

Council Member Seefeld stated that to say that each apartment was built to our code is an overstatement. He spoke with Staff who indicated that each apartment building has gotten some variance so they haven't all been 100% built to code. Seefeld also stressed that the City Code is currently under review by the Code Revision Task Force, as we know our code needs to be adjusted and does appear to be too burdensome to developers. Seefeld also discussed that since this developer first came to us six months ago, they have adjusted their plan by putting in some covered parking, and have given us some options to put in covered balconies in place of taking away other amenities. Seefeld also stated that he prefers the other amenities over the covered balconies.

Council Member Hanson discussed that he has been contacted by a number of community members and one of the things that keeps coming back up as a glaring issue is if we approve this project as presented it could set a precedent. Hanson noted that while it may set a precedent, we can use this to our advantage by bringing in a project like this, to this area of town that hasn't seen development in a number of years. It could serve as a catalyst for kick-starting both commercial and residential development. Businesses want to see people, and they want to see the potential for employees, which is why he feels we wouldn't be setting a precedent as we can show that this project was approved in this area because we have not seen growth in this area in a number of years. Council Member Halverson discussed that we haven't seen the expected boom in industry from the

apartments built near the train station. Hanson reviewed the annexation approved earlier this evening that is proposed to house a 150,000 square foot building and is projected to employ 250 employees, which sounds like a big boom to him.

Council Member Noding asked if decks are still an option for this project. Meyers indicated that the proposal as presented does not include attached private balconies to each unit, but does include additional enhanced outdoor communal amenities. Mayor Knier reiterated that it is not our job to dictate to this developer whether they need balconies. Council Member Halverson stressed that it is our job to make sure we enforce our Codes, and Knier responded that they would be subject to variances. Council Member Noding asked the developer to provide information on how the affordable housing component would be broken down. Leah Stockstrom from CommonBond Development presented information on market rate and affordable rate units within the project noting that there would be 12 market rate units and 48 affordable rate units. Noding asked how many of the 48 affordable rate units would be at 30% AMI. Stockstrom indicated that 13 of the units would be at 30% AMI and noted that the building will accept Housing Choice Vouchers that are issued through the County. Noding reviewed the pros of the project which include an increase in the tax base as well as an increase in housing and affordable housing. This project could also potentially increase commercial development in that it would be a signal to the outside that we are a business/developer friendly City. The cons to the project are the less covered parking and available storage that could lead to blight. Meyers explained that we have ordinances in place that help control junk and blight in our community. Noding noted that there is strong opposition by area residents, and discussed that the access onto Highway 10 is a concern, but stated that an access to a State Highway is an issue that would need to be addressed by the State of MN. Noding also discussed possible concerns with this project being located far outside of the main city area, but noted that this area has sat undeveloped over a decade if not longer. Noding stated that she is not 100% thrilled about the project, but does see the potential for increasing the tax base and development in this area.

Council Member Hanson motioned to approve Resolution No. 2021-48 approving the Preliminary Plat and Development Stage PUD for Marketplace Crossing subject to the conditions identified therein, with the additional condition of a fire lane or other access to the northwestern portion of the building shall be provided to the satisfaction of the Fire Chief. Seconded by Council Member Seefeld, 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.

### **7C. City Council By-Laws Amendment Extending Open Forum Time Limit**

Clay Wilfahrt reviewed Council direction at the June 23, 2021 Council Workshop to draft an amendment to the Big Lake City Council By-Laws to extend the Open Forum timeframe

from two minutes to three minutes per person, and presented the amendment to Council for their consideration.

Council Member Seefeld discussed that he will vote in favor of the amendment, but he would rather that people not be cut off during Open Forum so he prefers a 5 minute time limit. We need to give the people the freedom to be heard by their representatives, but noted that he does understand that there needs to be a limit.

Mayor Knier agreed that it is hard to cut people off during Open Forum, but stated that he feels the extended 3 minute time frame will be acceptable.

Council Member Noding motioned to approve an amendment to the City of Big Lake Council By-Laws amending Section 207 (City Council Open Forum) extending the time limit during Open Forum to three minutes per person. Seconded by Council Member Hanson, unanimous ayes, motion carried.

#### **7D. Monthly Department Reports**

Fire Department – Fire Chief Seth Hansen provided statistical information on calls for service for the month of June. Hansen also reviewed department training including online training that covered fire alarms and fire/hose streams, as well as hands-on training that included hydrants and water flow. Hansen also reviewed the Departments involvement in the Big Lake Spud Fest event, and the Big Lake Ambassador program. Hansen also discussed that with prolonged heat and dry conditions, Big Lake is in a drought status and wildland and grass fire concerns are high.

Police Department – Police Chief Matt Hayen updated Council on police statistics, calls for service and significant arrests, and reviewed community events the Department participated in including the Big Lake Spud Fest event and discussed upcoming community events the Department will be assisting with including the Night to Unite event on August 3, the August 7 Graniteman Triathlon and the August 21 Chamber of Commerce Block Party. Hayen also introduced new Mental Health Co-Responder Roy Neumann who will be riding along with Officer Sam Norlin every Tuesday.

Mayor Knier urged the Police Department to start advertising the August 3<sup>rd</sup> Night to Unite event as soon as they can to get the word out.

Council Member Halverson asked for feedback from the Police Department on how operations are going at Lakeside Park now that we have park Staff on duty during the busy times. Hayen indicated that parking is now going very well with no major incidents, noting that the new park attendants have been doing a great job.

Engineering Department – Layne Otteson provided an update on engineering projects underway in the City. Otteson reviewed meetings with private developers, and building and fence permit reviews. Otteson also reviewed the 2021 Street and Utility Improvement Project which commenced construction in early July.

Council Member Halverson stated that the City Engineer should have a say in the County Road 43 project, and asked if they plan to put water on the same side, because the water for the Fire Hall comes from the back and the sewer comes from the back because there isn't a water line there. Otteson indicated that it is still early in the process, however the preliminary layouts include watermain going from Minnesota Avenue northerly up to Glenwood Avenue which is currently a gap in our water system in this area. It looks to be the most efficient to put the watermain on the east side of CR 43. Sanitary sewer typically goes down the center of the roadway and we will stub out the side streets so that in the future a pipe could connect to go into the neighborhood.

Student Liaison – Ella Dotzler provided an update on Big Lake Schools. Dotzler reviewed discussions at the Big Lake School Board, and reviewed results from the residential survey recently participated in by Big Lake Schools that asked for feedback on the quality of the schools, whether or not the school is meeting the learning needs of the students, financial management, and gauged support for the upcoming \$30M Bond Referendum.

Mayor Knier asked Dotzler if she would still be attending School Board Meetings now that she is no longer the designated student liaison to the School Board. Dotzler indicated that she will still be attending those meetings and will continue to report back to Council on School Board activities.

## **8. ADMINISTRATOR'S REPORT**

Clay Wilfahrt discussed the status of the draft Strategic Plan which should come to Council within the next couple meetings.

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

Mayor Knier: Reviewed the July Fire Board Meeting and the July BLEDA Meeting. Mayor Knier also discussed the July Coffee with the Mayor event.

Council Member Halverson: Discussed the June Parks Advisory Committee Meeting. Halverson thanked Chief Hayen for letting him do a ride along with a Police Officer, and noted that he had two separate citizens approach him about a City owned ball field in the area.

Council Member Hanson: Reviewed the July Big Lake Community Lakes Association Meeting.

Council Member Noding: Discussed the recent Fire Board Meeting and the July BLEDA Meeting. Noding also presented a draft letter written to Congressman Tom Emmer relating to concerns with the condition of the Big Lake Post Office site. She connected with Barbara Harper from Emmer's Office and she indicated that she is willing to partner with the City to put pressure on the US Postal Service on needed ADA and other structural issues. Mayor Knier inquired how this request will be handled as far as who would pay for the improvements as the building that houses the post office is privately owned. Noding indicated that according to Harper, they need to find out what the current lease arrangements are with the private building owner, how long the lease lasts, and what the terms are. She did not hear them say anything that would suggest that they couldn't negotiate with the building owner to make improvements to the existing building, or to potentially move to a different location. Noding stressed that it would be worth exploring, especially to get the building compliant with ADA compliance and to accommodate for the size of the community and staffing needs. Council Member Halverson discussed his frustration that now the Council is willing to interfere with a private business owner, noting that we need to stay consistent on how we operate. Noding clarified that we are not putting pressure on the building owner, but on the United States Postal Service which is a federal governmental agency, to facilitate the improvements that are needed. Noding noted that Staff will assist in finalizing the letter which will come back to Council on July 28 for Council consideration.

Council Member Seefeld: Reviewed the June CMRP Meeting and noted that the July 7<sup>th</sup> Planning Commission Meeting was cancelled.

10. **OTHER** – No other.

11. **ADJOURN**

Council Member Seefeld motioned to adjourn at 7:11 p.m. Seconded by Council Member Noding, unanimous ayes, motion carried.

Gina Wolbeck  
Clerk

Date Approved By Council 07/28/21