

**BIG LAKE CITY COUNCIL  
REGULAR MEETING MINUTES  
SEPTEMBER 10, 2014**

**1. CALL TO ORDER**

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

**2. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

**3. ROLL CALL**

Council Members present: Dick Backlund, Nick Christenson, Raeanne Danielowski, Seth Hansen, and Mike Wallen. Also present: Interim City Administrator/Finance Director Jessica Green, Police Chief Joel Scharf, City Clerk Gina Wolbeck, Economic Development Manager Heidi Steinmetz, Fire Captain Nick Fiester, Consultant City Planner Ben Wikstrom, and City Engineer Brad DeWolf of Bolton & Menk, Inc.

**4. OPEN FORUM**

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

**5. PROPOSED AGENDA**

Council Member Christenson motioned to adopt the proposed Agenda. Seconded by Council Member Hansen, unanimous ayes, agenda adopted.

**6. CONSENT AGENDA**

Council Member Wallen motioned to approve the Consent Agenda as presented. Seconded by Council Member Christenson, unanimous ayes, consent agenda approved. The Consent Agenda consists of: 6A) Approve Council Meeting Minutes of August 27, 2014, and 6B) Set a Council Gathering for the Xcel Energy Civic and Business Leader Meeting on Wednesday, October 1, 2014 at the Monticello Community Center.

## **7. BUSINESS**

### **7A. Conditional Use Permit for 401 Jefferson Blvd**

Ben Wikstrom reviewed the Planners Report for the Conditional Use Application submitted by Abraham Ahmed to operate an auto repair business at the commercial property located at 401 Jefferson Blvd. The application requires three Conditional Use Permits that include 1) minor auto repair, 2) limited sales of autos, and 3) expansion of the impervious surface on the site. The applicant is proposing to utilize an existing building with a slight expansion on the north side to operate an auto repair business, install a paint booth for painting car parts, and to use the front of the property for limited auto sales. The applicant has indicated that he is willing to have a restriction placed on the number of vehicles that can be offered for sale at any one time. Wikstrom reviewed discussions held at the August 20<sup>th</sup> Planning Commission Meeting and identified specific conditions that would be placed on approval of this application that include: 1) Applicant is required to provide a survey and site plan showing proposed alterations to the site, to be reviewed by the planning and zoning, public works, and engineering departments, 2) Applicant is required to submit an application for Design Review prior to applying for any permits for alteration or construction, 3) Applicant will not be permitted to operate the business without receiving approval through Design Review and installation/implementation of required improvements resulting from that review process, 4) The number of vehicles for sale at any one time shall be limited to five, 5) Any vehicle not for sale, not including employee vehicles or customers' vehicles, shall be stored inside or enclosed within the future fenced area on the northeast corner of the site, 6) The lot shall be kept clean at all times, 7) This conditional use permit can be revoked at any time by the City of Big Lake if any of the conditions listed herein are violated, 8) This conditional use permit shall be reviewed on an annual basis by the City of Big Lake to ensure that the conditions listed are being complied with and to suggest any improvements to the site, and 9) Any other conditions deemed necessary and relative to the application by the City of Big Lake. Wikstrom also provided a letter opposing the application submitted by Bruce and Diane Jacobsen from the Carousell Works.

Council discussed the City's Comprehensive Plan and questioned if the application meets the goals and policies of the comp plan. Wikstrom noted that it doesn't meet all of them and stressed that most applications do not. Wikstrom explained that the Comp plan is meant to be backed by the City Code. Discussion was also held on Interim Use Permits explaining that this type of permit is generally issued for things that are going to be temporary in nature. Wikstrom noted that the City Code does not require an Interim Use Permit for this business district. Wikstrom also explained that Council has the option to deny the application based on findings in the Comp Plan, or approve it based on merit. Also discussed was the commercial lot next to the site that already has a CUP for up to eight autos and 2 boats. Council invited the property owner to provide information relating to his CUP and the two commercial sites.

Carl Aubol – Big Lake, MN; Questioned the accuracy of the aerial map which doesn't look correct. Aubol also noted that using correct lot lines would decrease the useable square footage of the lot. Aubol also questioned how snow removal would be handled, and stated his concern with proper accesses to the site as there are no curb cuts to the property from Highway 10 unless the applicant uses Aubol's property to access their site, and stressed that there is no access from Powell unless they enter the commercial site from the alley. Aubol also noted that most body shops have a lot of junked parts and is concerned with potential clutter. Aubol stated that he doesn't feel it's a good location for this use.

The applicant, Abraham Ahmed informed Council that he would like to have the opportunity to improve the property. He recognized that he would have great neighbors and is welcome to meet them. Ahmed also stated that he is willing to hire an architect and have a site plan drawn up to make sure everything is compliant. His plan is to install a fence in the northeast corner of the lot where parts would be stored, and that parts would be picked up weekly or bi-weekly. Ahmed noted that his volume is expected to be relatively low with an anticipation of less than 100 vehicles per year. Ahmed also noted that he doesn't purchase salvage titled cars.

Mayor Danielowski reviewed the definitions and description of the B-2 zoning district, and reviewed the history of Aubol's CUP dating back to 1972. Danielowski stated that she feels an automotive repair station falls within B-2 district but doesn't feel that an auto body repair shop does. Wikstrom clarified that the Aubol CUP's date back to 1996 and 1992.

Council Member Hansen stated that he feels the CUP has pretty stringent conditions, and recognizes that the applicant is willing to improve the property.

Council discussed concerns that the applicant will need to put substantial dollars into the property and that it will take time to enforce CUP violations.

Council Member Wallen stated that while he doesn't feel it is an ideal use for this site and that he would prefer to see the structure removed, he would like to see the site improved. Wallen noted that if we are going to doubt the veracity of the applicant, then we need to take a step back. Wallen asked for clarification that the paint booth is intended to only be used to paint parts. The applicant concurred that he intends to only paint parts. Wallen stressed that he doesn't want the Carousell Works to be negatively impacted by this application, but cautioned Council to remain objective.

Mayor Danielowski stressed that she doesn't want the applicant to mistake that she is against his business, she only wants to see a good direction of planning for this community, and compatible uses within our downtown district. Danielowski stressed that she struggles with the compatibility of this use with the surrounding properties.

Council Member Christenson noted that there is a body shop located right on main street in the City of Albertville, and questioned if we can limit the times of day that the paint booth can be used.

Ahmed further noted that his business would only do minor repair work, and won't be signing any contracts with insurance companies.

Council Member Backlund stated that he agrees with Mr. Aubol and his concerns, and that he feels this particular site is wrong for this use.

Parking requirements were discussed and Wikstrom noted that at this time Council is only being asked to consider the intended use of the site and that a full Site Plan review would be the next step in the process. Council also discussed that there isn't a redevelopment plan for this property or the area surrounding it so there haven't been any dollars allocated to cleaning the site up. Discussion was also held on the design and technology of the environmentally approved paint booth that will limit odors through a filtering system.

Members from the audience asked to speak during this item. Mayor Danielowski reviewed the public hearing that was held at the Planning Commission and noted that she is in favor of allowing additional public comment at this time. Council Member Wallen stated his concern with breaking Roberts Rules of Order protocol. Wallen also stressed that if the publication was incorrect, then the correct procedure would be to hold another hearing at the Planning Commission level. Wikstrom noted that the notification that was sent out included required information concerning the general description of the project and the notice encouraged interested persons to either attend the hearing, or to contact City staff for further information. Council Members Wallen and Hansen stated that they feel notification procedures were met and that a decision is ready to be made. Mayor Danielowski stated that due to an expressed concern from two Council Members, she was opting not to allow comments from the audience.

Mayor Danielowski noted that a lot of businesses have invested in the downtown design guidelines and explained that we have asked another body shop to locate to a different area. Council Members Wallen and Hansen reiterated that design standards will be reviewed at the time of site plan review by the Planning Commission and the City Council. Wikstrom recapped that the City's control of the project is through regulation of the CUP, Design Standard requirements, and Site Plan Review. If the applicant doesn't meet the terms of the Site Plan review, then he won't be meeting the terms of the CUP. Mayor Danielowski stressed that she is opposed to the application because the site is located in the B-2 District and that it is not a compatible use with the surrounding properties, not because she is anti-business.

Council Member Hansen motioned to approve Resolution No. 2014-53 approving Conditional Use Permits with conditions for Abraham Ahmed for the Commercial Property located at 401 Jefferson Blvd. Seconded by Council Member Wallen, vote passed with a vote 3:2 with Council Members Christenson, Hansen and Wallen voting aye, and Mayor Danielowski and Council Member Backlund voting nay. Motion carried.

Council and staff further discussed the site plan review process and site plan approvals.

#### **7B. Set the Preliminary 2015 Economic Development Authority Levy**

Jessica Green reviewed the proposed \$20,000 property tax levy that would support the operation of the Economic Development Authority in 2015.

Council Member Wallen motioned to approve Resolution No. 2014-54 setting the Big Lake Economic Development Authority Levy for Taxes Payable 2015. Seconded by Council Member Backlund, unanimous ayes, motion carried.

#### **7C. Set Public Hearing Date on Proposed Tax Abatements**

Jessica Green reviewed the potential refunding opportunity for the Series 2005A Public project Revenue Bonds issued by the Big Lake Economic Development Authority. The proposed refunding would include the sale of up to \$1,500,000 in General Obligation Tax Abatement Bonds to be issued in the 4<sup>th</sup> Quarter 2014. Green noted that state statute requires that the issuing body hold a public hearing on the amount of the abatement being granted, identify the parcel from which they will abate the City's portion of property taxes, and describe the public purpose for granting the abatement.

Council Member Christenson motioned to approve Resolution No. 2014-55 calling for a Public Hearing on proposed Property Tax Abatements. Seconded by Council Member Hansen, unanimous ayes, motion carried.

#### **7D. Monthly Department Updates**

Fire Department – Nick Fiester discussed recent activities of the Fire Department. Fiester also discussed upcoming training to be conducted by the Department, and discussed the upcoming Fire Department Open House on October 12<sup>th</sup> and fire prevention week scheduled in October. Fiester also noted that quotes have been sent out for the department's new turnout gear.

Police Department – Joel Scharf updated Council on police statistics and calls for service for the month of August. Scharf also discussed the County Road 5 reconfiguration and new walking trail off of Glenwood Avenue, and provided a junk and blight update noting that of 29 complaints filed, 13 complaints have been brought into compliance and 3 complaints

have resulted in criminal citations. Scharf also discussed the burglary at Liberty Elementary, quarterly training, and the Emergency Management Conference he will be attending in September.

Economic Development/Planning Department - Heidi Steinmetz reviewed efforts of the Economic Development Department. Steinmetz discussed the upcoming Business Retention visit at Russell's on the Lake, upcoming Manufacturer's Week activities, and the QuikTrip prospect for the EDA owned lot at Hwy 10/CR 5. Steinmetz also discussed that there are 4 remaining Farmer's Market events this year, noted that the former Stone Company building has been purchased and the new owner will be bringing 14 jobs to Big Lake, discussed a potential CUP application for a vacant business/industrial site, and discussed the former police department building and marketing efforts needed for the City to be successful in selling the property.

#### **8. LIST OF CLAIMS**

Council Member Hansen motioned to approve the List of Claims ranging from Check No. 67583 through Check No. 67681, Electronic Payments #2450E to #2461E, and payroll no. 18. Seconded by Council Member Christenson, unanimous ayes, motion carried.

#### **9. ADMINISTRATOR'S REPORT**

Jessica Green discussed the recent Tri-CAP closing on the 130 Hill Circle East property, and noted that the September 12<sup>th</sup> Movie in the Park event has been cancelled due to inclement weather.

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

Council Member Backlund: Discussed the September Big Lake Community Lake Association Meeting.

Council Member Christenson: Reviewed the September Big Lake Community Education and Parks Board Meetings.

Mayor Danielowski: Discussed the September BLEDA Meeting and reviewed recent community events. Mayor Danielowski also encouraged residents to vote for Big Lake in the Michelob Golden grant competition, discussed the "Old Timers" Softball events in September and October, and reviewed the Sherburne County History Center Autumn Lights Ball and the Chamber of Commerce Block Party fundraisers that she attended.

**11. OTHER**

Council Member Hansen noted that youth football players will be playing at half time during Friday night's Varsity football game.

**12. ADJOURN**

Council Member Christenson motioned to adjourn at 7:43 p.m. Seconded by Council Member Wallen, unanimous ayes, motion carried.

Gina Wolbeck  
Clerk

Date Approved By Council 09/24/14