

**BIG LAKE CITY COUNCIL
REGULAR MEETING MINUTES
JANUARY 26, 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, City Planner Lucinda Spanier, Acting Police Chief Sam Olson, Liquor Store Manager Greg Zurbey, Streets/Parks/Fleet Superintendent Norm Michels, Fire Captain Tim Davis, Big Lake Student Liaison Ella Dotzler, and Consultant City Engineer Jared Voge from Bolton and Menk, Inc.

4. OPEN FORUM

Mayor Knier opened the Open Forum at 6:01 p.m. No one came forward. Mayor Knier closed the Open Forum at 6:01 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 Seefeld 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 January 12, 2022, 6C. Approve Regular Council Meeting Minutes of January 12, 2022, 6D. Approve Joint City/County/Township/School Meeting Minutes of January 20, 2022, 6E. Accept Resignation of Police Officer Tim Mickelson, 6F.

Approve 2022 BLEDA Officer Appointments, 6G. Approve Big Lake Marketplace North Release Documents consisting of a Release of the Development Contract for the Commerce Park Development, a Satisfaction and Release of the Assessment Agreement for the Commerce Park Development, approval of Resolution No. 2022-14 terminating Resolution No. 2008-86 , and approval of Resolution No. 2022-15 terminating Resolution No. 2008-96, 6H. Approve Stage Rental Agreement with Midwest Sound and Stage, Inc. for the 2022 Music in the Park Concert Series, 6I. Authorize Sale of Police Squad 702 at Auction, 6J. Approve 2021 Budget Amendment No. 1 Resolution No. 2022-16, 6K. Approve 2021 Year-end Inter-fund Transfers, and 6L. Approve a Temporary Liquor License to the Elk River American Legion Post 112 for the February 5, 2022 “United We Shiver” Fundraising Event Sponsored by the Sherburne County Area United Way Organization.

Council Member Hanson thanked Officer Mickelson for his service to Big Lake.

7. BUSINESS

7A. Recognitions – Employee Years of Service

Mayor Knier presented years of service certificates to City employees who reached a milestone year of service. Those employees recognized included Chera Cruze (5-years), Ryan Aderman (5-years), Kiel Rudberg (5-years), Ryan Hanson (10-years), Phil Kollar (15-years), and Michael Bondhus (30-years). Council thanked the recognized employees for their years of service.

7B. Swearing in of New Police Officer

Sam Olson introduced new Police Officer Kyle Rossberg that started service with the Police Department in October 2021. Rossberg has successfully passed his FTO/PTO program and is currently an active Police Officer on the Big Lake Police Department.

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

7C. Recognition – Years of Service and Retirement of Investigator Rich Berg

Sam Olson reviewed that Investigator Rich Berg submitted his retirement notice approximately 6-months ago and has been actively working with his fellow employees to ensure his duties and knowledge are passed down. His last day of employment will be on February 4, 2022. Rich started his employment with the City of Big Lake in 1997, and has been an essential asset to the Big Lake Police Department for 25 years. Rich held many positions within the Department starting as Patrol Officer, and then taking on more duties through the years including serving as the City’s Dare Officer, K9 Officer, Firearms Instructor, and is retiring as the Department’s Police Investigator. Rich has also managed the Evidence Room, and managed building, squad, and fleet maintenance. Rich

served in so many areas of the Department through the years, and his presence in the office each day will be greatly missed by the Officers and Administrative Staff at the Police Department. Rich's retirement will be felt by the Big Lake Community as well as he has been a well-known, and greatly respected employee for the City of Big Lake all his years of service. Olson also noted that Berg is also being recognized for reaching a milestone year of service. Rich celebrated his 25-year work anniversary on January 9, 1997. Council thanked Berg for his years of service and commitment to the Big Lake community.

7D. Annual Update – Sherburne County Attorney Kathleen Heaney

Sherburne County Attorney Kathleen Heaney provided an update on the Sherburne County Attorney's Office statistics and services provided to the City. Heaney reviewed Big Lake cases their office sees as part of the prosecution contract with the City including petty misdemeanors, misdemeanors, and enhanced gross misdemeanors. Her office also statutorily handles gross misdemeanor and felony cases as well. The contract is written in that a portion of the fines that are set aside for the prosecution services are the monies that are remitted back to the Sherburne County Attorney's Office for payment of their time, which amounted to \$14,304.34 in 2021. Last year there were 762 cases filed with the court. Their services include all of the in-custodies, all of the Rule 48 review packets on the weekends, they have someone from their staff on-call 24/7 to answer law enforcement, and they will assist the Police Department as needed. Heaney also reviewed that 101 gross misdemeanor cases were referred to their office last year, and during that same time 100 felony cases were also referred for review and potential charging. One of the things that there's been discussion on, is prosecutorial discretion. The County Attorney's Office process is that when a case is referred in, they take into consideration three factors; 1) is there sufficient evidence to charge and can they prove that case beyond a reasonable doubt at trial, 2) there may be more investigation that they need for them to make the consideration on if they will charge, and 3) they can decline charging if the case has been referred. When they decline a case, they always talk to law enforcement before they do a declination, noting that they want to be sure to have their perspective and input. The second thing that happens within their office is there are always two attorneys who review the gross misdemeanor and felony cases to see if charging should be appropriately declined. Every single declination letter has to be justified and that a full analysis has been done, and all are reviewed by her as well. They also have to talk to the victim and they have to have those conversations with the victim on whether or not they can provide the charges. The communication they have is critical for making it a success when they get to court if they have the evidence to charge the case. Heaney also noted that overall, their office did see an increase in gross misdemeanor cases and felony cases that were referred to them. Heaney credited her County Board who have been extraordinarily supportive with the backlog from COVID. They know that the office has seen both the numbers back up due to court scheduling conflicts created by COVID, and we've also seen an increase in the numbers. The County Board has been very good about providing the office with additional staff, and gave them credit for supporting public safety.

Council Member Halverson asked who the County Attorney answers to if there are disagreements on the Office's decision whether to prosecute a crime or not. Heaney responded that she is an elected official and she answers to the voters, every four years.

7E. Code Revision Project Contract

Lucinda Spanier reviewed discussion at the Workshop regarding the professional services contract language submitted by Landform to facilitate the City's code revision project. The contract identifies that Landform will be paid hourly in an amount not-to-exceed \$101,278 and funds will be drawn from unallocated CIP funds.

Council Member Noding motioned to approve a Professional Services Proposal for City of Big Lake Ordinance Revisions between the City of Big Lake and Landform to facilitate and complete the Code Revision Project. Seconded by Council Member Halverson, unanimous ayes, motion carried.

7F. Comprehensive Plan Amendment Adopting a Road Functional Classification Plan

Lucinda Spanier reviewed the Big Lake Comprehensive Plan rewrite that was completed in 2018. The first action step identified in the Transportation Chapter of the Comprehensive Plan is to adopt the future roadway network proposed by Figure 12-1: Functional Classification Plan. Effective transportation systems are central to maintaining the productivity, health, and safety of communities and regions. A transportation plan guides the investment in, and time of, improvements to the transportation network to meet community mobility, accessibility, safety, economic and quality of life needs. Spanier noted that typically, both the transportation plan and land use plan are adopted with a Comprehensive Plan, and it is not apparent why this did not occur with the adoption of the Big Lake Comprehensive Plan. Spanier noted that a public hearing was held at the January 5, 2022 Planning Commission Meeting where no public comment was presented. The Planning Commission unanimously recommended approval of the amendment.

Council Member Halverson discussed that Hwy 25 is a primary arterial and asked if it will stay that way with the proposed changes presented by Sherburne County at the January 20, 2022 Joint Meeting pertaining to a possible swap of Highway 25 with CR 11 so they are able to apply for MNDOT and federal funding to expand and widen CR 11. Clay Wilfahrt noted that we really don't know yet and we have scheduled a meeting with Sherburne County tomorrow to further discuss. There has been limited communication on this subject so we don't know what their timeline is projected to be. As we know more, Staff will update Council and if a change to the map needs to occur, that will come later.

Mayor Knier asked, other than the classification of the roads, what affect does the Highway 25/CR 11 designation have on the City. Wilfahrt reviewed that from what he understands, they are talking about moving the designation of State Aid Highway 25 west out of town to be in the direction where Airport Road is located right now. They want to change Highway 25 so that it is not the same as it sits today. How it could impact us is that the road most likely would be built to a different standard and there would potentially be less traffic on that road which is going to have some good and bad implications. It could have some impact on our local Municipal State Aid if there is less traffic on our interior local roads. Wilfahrt expressed that we expect to learn more in our conversation with Sherburne County as this could have a significant impact. Wilfahrt also discussed that it is part of the State Constitution that Highway 25 must run within the municipal boundary of the City of Big Lake. In order for them to change that, it would take an agreement by all municipalities involved that we all want to see this change made.

Council Member Halverson asked if by changing the classification of the county roads, will that change our ability to receive State Aid or MNDOT funding. Jared Voge reviewed that our Road Functional Classification Plan Map shows the State Highways and County Roads as designated as part of their own County or State Transportation plans. It's not that the City is taking steps to modify the County or State designations, it's more internal to the collector roads identified within the community. Voge indicated that it is his understanding that when the Comprehensive Plan was updated in 2018, the future transportation network of both the State and County were reviewed and the map was updated to reflect those future designations as principal arterial or minor arterial roadways.

Council Member Hanson motioned to approve Resolution No. 2022-17 approving a Comprehensive Plan Amendment adopting a Road Functional Classification Plan. Seconded by Council Member Halverson, unanimous ayes, motion carried.

Spanier continued discussion on transportation planning and action steps that are identified by the Transportation Plan portion of the City's Comprehensive Plan. The next steps will be looking to amend the City's subdivision ordinance to ensure consistency between our policy documents and our ordinance which will establish design standards by roadway type. This can be something that we roll into our subdivision ordinance since that is the first item on the code revision agenda, so most likely that will be accomplished as a component of that project, but will also check one of the boxes of the Comprehensive Plan action steps. Also, staff is working with the Planning Consultant on the parkway feasibility study. We are designing parkway sections by land use type including commercial, industrial and residential. The results will be forwarded to the City's Engineering Consultant for them to make a determination of the costs per lineal foot for the construction for each one of those sections and then it will move forward to the Planning Commission who will review the feasibility for the parkway system and bring forward a recommendation to the City Council. If we decide that we want to proceed with the parkway network, it will be a similar

process to what was approved tonight and will include different designs of how the roadways will be designed as they traverse through different land use types.

7G. Big Lake Fire Relief Association Benefit Increase Request

Tim Davis from the Big Lake Fire Relief Association presented the Association's request for a benefit increase of \$300.

Council Member Halverson motioned to approve the Big Lake Fire Department Relief Association Benefit Increase of \$300. Seconded by Council Member Noding, with discussion following.

Mayor Knier asked if he is correct in that the pension will be 102% funded. Deb Wegeleben reviewed that they will be close to 102% vested after taking into consideration the proposed benefit increase. Currently they are at approximately 116% funded so they should be fine. Knier reviewed that we wouldn't want to see it go below 100%, and Wegeleben stated that the pension amount must also stay at or below the State regulated amount, which is currently at \$6,100. Knier reviewed that fire personnel will receive a lump sum pension based on a vesting schedule which will be set at \$5,400 per year of service and is based on the number of years they have served at time of retirement.

Motion passed with a vote of 4:0 with 1 abstention with Mayor Knier, and Council Members Halverson, Noding and Seefeld voting aye, and Council Member Hanson abstaining. Motion carried.

7H. Department Reports

Public Works Department – Norm Michels provided an update on the Streets/Parks/Fleet Department. Michels reviewed snowplowing services the department has provided this winter season, and discussed that all three ice skating rinks are open and in good condition, but noted that the warming house is temporarily closed due to COVID concerns. Michels also reviewed the general vehicle maintenance that the department has done on police vehicles.

Council Member Halverson asked how close we are to doing maintenance on all City vehicles. Michels responded that they wanted to get the Police Department rolling first, and then implement plans to bring in other departments in a phased approach, hopefully implementing city-wide by spring 2022.

Mayor Knier asked if we have been able to lessen the amount of salt used on our roads. Michels responded that he has been working with plow staff and fixing equipment issues in hopes of limiting the amount of salt use. Michels noted that we have used more salt and sand this year than

the past few years due to the weather, noting that we have changed to a 20/80 salt/sand mixture. Michels discussed that using extra sand has been beneficial during the colder temperatures. He has also been providing education on the proper use of operating plow equipment, which will help reduce the amount of salt used during snow events, and noted that it is a delicate balance with public safety. Michels reviewed that he will be bringing information to Council on a brine system later this summer.

Council Member Halverson asked what the status is for delivery of the Powell Park equipment. Michels reviewed that Midwest Playscapes is slated to have the ordered equipment at their facility at the end of March.

8. ADMINISTRATOR'S REPORT

Clay Wilfahrt discussed the potential State Highway 25 swap with CR 11, noting that City staff will be meeting with County staff to discuss further, and information will be provided to Council when it is available. Staff has also been working on the water meter replacement project, with the kick-off meeting being held last week. Wilfahrt also discussed the wastewater treatment facility Request for Proposals (RFP) that were sent out recently. We have scaled that back to only being the first phase of the project, rather than being from the planning phase all the way through construction. We are focusing on the planning phase so the RFP was amended to only include the facility plan phase. We have received three proposals back and will be bringing information back to Council.

Council Member Noding asked for an update on the all-staff strategic plan meeting. Wilfahrt noted that due to him being out sick at the time this was originally scheduled, this meeting has been moved to early February.

9. MAYOR & COUNCIL REPORTS and QUESTIONS/COMMENTS

Mayor Knier: Reviewed the 2022 annual Joint City/County/Township/School meeting held on January 20, 2022.

Council Member Halverson: Discussed that the Big Lake School website will have facility improvement bid information available to provide transparency and accountability during their construction projects.

Council Member Hanson: Discussed the January Big Lake Beyond the Yellow Ribbon Meeting (BLBYR). Mayor Knier also reviewed Council discussion at the Workshop of asking the Legion and BLBYR to possibly help fund a camera system at the Veterans Memorial.

Council Member Seefeld: Discussed that we could possibly do a live stream of the Veterans Memorial.

10. **OTHER** – No other.

11. **ADJOURN**

Council Member Seefeld motioned to adjourn at 6:57 p.m. Seconded by Council Member Hanson, unanimous ayes, motion carried.

Gina Wolbeck
Clerk

Date Approved By Council 02/09/22