1. **CALL TO ORDER**

Mayor Mike Wallen 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: Seth Hansen, Paul Knier, Mike Wallen, and Scott Zettervall. Council Member absent: Rose Johnson. Also present: City Administrator Clay Wilfahrt, Finance Director Deb Wegeleben, Community Development Director Hanna Klimmek, Public Works Director Mike Goebel, City Engineer Layne Otteson, Police Chief Joel Scharf, City Clerk Gina Wolbeck, City Planner Michael Healy, Liquor Store Manager Greg Zurbey, and Consultant Planner Sara Woolf from Landform.

4. **OPEN FORUM**

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

Bettina Potter, 120 Edgewater Place – Discussed that waterways belong to all of us, and reminded the public of the upcoming BLCLA fundraiser on October 25, 2019 at the Friendly Buffalo. Potter also thanked the municipal liquor store for their participation in the fundraiser.

Mayor Wallen closed the Open Forum at 6:03 p.m.

5. **PROPOSED AGENDA**

Council Member Zettervall motioned to adopt the proposed Agenda as presented. Seconded by Council Member Knier, unanimous ayes, Agenda adopted.
6.  **CONSENT AGENDA**

Council Member Hansen motioned to approve the Consent Agenda as presented. Seconded by Council Member Zettervall, unanimous ayes, Consent Agenda approved. The Consent Agenda consists of: 6A. Approve List of Claims, 6B. Approve Council Workshop Minutes of October 9, 2019, 6C. Approve Regular Council Meeting Minutes of October 9, 2019, 6D. Approve Employment Status Change for Part-time Liquor Clerk Jodie Audette to Part-time Lead Liquor Clerk, 6E. Approve 2020 Ice Rink Lease Agreement with Mary of the Visitation Catholic Church, 6F. Approve Establishing Membership with the Crow River Regional Safety Group and LMCIT, 6G. Approve Resolution No. 2019-70 approving a 2020 Tobacco License for TD Restaurants LLC dba Friendly Buffalo, 6H. Accept Resignation of Liquor Clerk Anthony Hill, 6I. Approve Resolution No. 2019-71 Designating 2020 Polling Locations, 6J. Approve Transfer to the Computer Maintenance Capital Improvement Fund 194, 6K. Approve Transfer to Street Maintenance Capital Improvement Fund 196 and Transfer of Municipal State Aid Funds to the Dedicated Debt Service Fund for the 2018A General Obligation Bond, 6L. Approve Resolution No. 2019-72 Accepting the Bicycle Fix It Station Donation from CentraCare Health Monticello, Authorize Donation of the Station for use at the Big Lake Commuter Train Station, and Approve Agreement with the Metropolitan Council, 6M. Accept the Low Quote for the McDowall Park Trail Edge Work Project Improvements, and 6N. Approve City Administrator Outside Employment Request Form.

7.  **BUSINESS**

7A.  **Recognitions – Employee Years of Service**

Mayor Wallen presented years of service certificates to City and Fire Department employees who reached a milestone year of service. Those employees recognized included Kiel Golly (5 years), Jeffrey Johns (5 years), Daren Hardies (15 years), and Mike Ziemer (20 years). Council thanked the recognized employees for their years of service.

7B.  **Station Street Apartments PUD Concept Plan Review**

Sara Woolf reviewed the planners report for the Station Street Apartments PUD Concept Plan Review. Kuepers, Inc. submitted a development application for a subdivision that would create three lots and one outlot. The three lots are each to be developed as part of an overall development concept for a 3-structure, market-rate apartment community, and the outlot will remain with the original owner and remain undeveloped. The existing 11.82-acre property is currently vacant agricultural land with no existing structures on the site. The parcel lies directly south of the Big Lake Train Station and west of Station Street NW. The proposed development would include three 35-unit apartment structures for a total of 105 units. Parking is proposed to be provided for each structure by a surface lot and accessory garage structures. Between the three buildings is a proposed landscaped open-
space area that may include shared amenities such as a pool, pool building, and playground area. The structures are proposed to be a mix of vinyl siding in three shades of brown, vinyl shakes, and a simulated stone veneer. The development is proposed to be constructed in three phases with one structure to be completed in each phase. Woolf reviewed the applicant’s request of a planned unit development overlay in order to receive flexibility on items required by the zoning and subdivision codes. The parcel is currently zoned Agricultural and is required to be rezoned to TOD and then to PUD. Woolf reviewed planned vehicle and pedestrian circulation designs, lot coverage, setbacks, parking requirements, landscaping, building design standards, and proposed recreation areas. Woolf reviewed the public hearing that was held at the October 2, 2019 Planning Commission Meeting noting that there were no comments from the general public, and that the Planning Commission consensus was in support for the project. Woolf also noted that a comment was submitted by a resident across the street from the development on October 23 in opposition to the development due to density concerns.

Council Member Knier asked staff to provide an opinion on the resident’s opposition to the project. Woolf expressed that the TOD Zone has been established long-term, and that the City appears to be in support of a more dense area in the TOD. The apartments will be located a distance from the street and that the project will possibly include tree screening along CR 43. Woolf also noted that Staff doesn’t feel the additional traffic will be problematic.

Council Member Hansen stressed that this type of use is what our Comprehensive Plan calls for, and noted that landscaping requirements will be further discussed at time of application.

Mayor Wallen stated that he has professional knowledge of the types of buildings constructed by the Applicant, noting that he likes their other projects.

7C. Car Condo Development Application – PUD, Ordinance Amendment, Rezone, CUP, Site/Building Plan Review, and Comprehensive Plan Amendment

Michael Healy reviewed the planners report for the Car Condo development application submitted by Richard Hinrich’s seeking to develop a car condo community in the Big Lake Marketplace Third Addition Development. Healy noted that the Planning Commission and City Council reviewed a concept plan for this development in May 2019 and the Applicant submitted his application on July 5, 2019. The initial application had significant zoning and engineering issues relating to utilities, platting and phasing. Staff advised the Applicant that most of the issues would need to be resolved before Staff could recommend an approval on the application. Staff has been working with the Applicant since July to revise the plans to address the zoning and engineering issues. Healy reviewed timeline requirements relating to development application reviews and consideration by the Council. Staff has
extended the review to November 2, 2019 which was deemed necessary due to the lack of early progress on addressing the outstanding zoning and engineering issues. The Applicant has made substantial revisions to his plans to address most of the identified issues. Healy noted that due to these changes, the project has changed significantly in terms of scope and amenities since Council reviewed their Concept Plan in May. The Planning Commission reviewed the modified project on October 9, 2019 and felt the project is still supportable in its current form. Healy reviewed significant changes since concept review, noting the Applicant has not designed the full project and is now seeking standalone approval for Phase I which is a single garage condo building. The Applicant has indicated that he wants to build Phase I immediately and will seek approval for additional phases if Phase I is successful. The Applicant has indicated that he understands the phased approach will take longer and will increase review fees. The revised project also will not be serving individual garage condo units with sewer and water, will not have premium amenities in the condo units, will include two single-stall public bathrooms that will serve the entire building, and the Applicant has indicated that future buildings may have sewer and water in the units. Healy also noted that Phase I will have zero delineated parking stalls and will consist only of the garage building, a driveway, and a 48-foot wide paved area in front of the units. The clubhouse and guest parking area may be built as part of a future phase if additional phases take place. Condo owners will park in front of their garage units. Healy clarified that the City Council is only being asked to review Phase I as a standalone project at this time.

Healy reviewed that Phase I is situated on a 6.02-acre parcel on Outlot A of the Big Lake Marketplace Third Addition Plat, is currently zoned I-1 Industrial Park, and has been steered towards Business since the 2018 comprehensive plan update. The Applicant is asking that the property be guided back towards Industry or Office. Healy also noted that car condos are not currently an allowed use in the I-1 zoning district, and the Applicant has petitioned to add “Luxury Garage” as a conditional use in the I-1 Industrial Park zoning district. With the amendment, the Applicant will be required to obtain a Conditional Use Permit (CUP). Healy also noted that the project will require Planned Unit Development (PUD) approval in addition to a CUP since it will deviate from the zoning and subdivision ordinance. Healy reviewed the Applicant’s request for Preliminary Plat approval which will only cover Phase I of the project, noting that Preliminary Platting of the other phases cannot be completed at this time since they are not fully designed. The Applicant has requested to set-up the rest of the Plat to streamline the development process for future phases. Healy also discussed that the Applicant is proposing a Townhome Plat, which is common with residential development but not common for commercial/industrial developments. Each individual townhome unit sits on its own separate lot and the owner of the unit owns the land itself along with the interior of the unit. Healy reviewed the proposed Preliminary Plat that would create a 3.89-acre Outlot A that will be owned by the Home Owner’s Association (HOA) and will include all of the parking and open space in the development. Phase I will create eight car condo lots along with one public bathroom lot
that would be owned by the HOA. The Preliminary Plat will also create six floating outlots which are planned for future building sites. Healy noted Council should only grant approval if Phase I is acceptable as a standalone project as there is no guarantee that the future phases will move forward. Council should also make sure Phase I does not undermine the potential success of future phases. Healy reviewed utilities at the site noting that the plan was revised several times in response to Staff concerns. The City does not allow townhome units under separate ownership to share a single water line. Each unit with utilities must have an individual service with a shutoff valve and a separate water meter. The current application has the Applicant proposing to have a single sewer and water line serve Lot 9 which is the public bathroom lot, and noted that the irrigation service will also come off of Lot 9. The Applicant will also be establishing a drainage and utility easement that will allow for possible future service in future phases. Healy reviewed fencing, landscaping, and curbing requirements, and the City’s approval of the initial HOA rules. Healy noted that after the initial approval, the City will have no authority to enforce the HOA rules or keep the rules in place. Healy also reviewed development fees that will be required including park dedication fees and various trunk fees. Healy discussed comments taken at the October 2, 2019 Planning Commission Meeting, noting that one resident submitted written comments in opposition to the project. The Planning Commission unanimously recommended approval requiring curbing along the length of the driveway, and that park dedication be paid in its entirety at the time of the Phase I Plat. Healy reviewed Staff’s recommendations noting that Staff has some concerns about the Applicant’s ability to deliver future phases, noting that the City Council should only give approval if they are comfortable with Phase I as a standalone project. Healy also reminded Council that the City’s 120-day review period expires on November 2, 2019 and it is not possible to table the item or request more information unless the Applicant requests an extension in writing to the December 12th meeting.

Healy also discussed future access requirements and noted that parking standards will be enforced.

Council Member Zettervall discussed the shared restrooms as part of Phase I, noting that there will be very limited sewer and water available due to the Applicant’s phasing plan. Zettervall questioned if we should have additional conditions about water usage and how it can be shared in future phases. Zettervall stated that this is a unique project and that he is in support of the project.

Council Member Hansen discussed the possibility of requiring a utility line knock out in each foundation unit in case future owners want to add services. Without the possibility of water and sewer services, we are basically just allowing the building of a storage shed at this point. Mayor Wallen discussed that if a future owner wants to add water and sewer services to their specific condo, the lines would still need to be run and the cost for utilities to be run through would be at the expense of the future owner. Healy clarified that one of
the engineering conditions is that every unit has to have a sewer and water connection if it’s going to have sewer and water. The Applicant chose to be his own project manager on this project and after a couple of conversations with the Building Official, the Applicant decided to go a different direction on water and sewer services for Phase I. Healy stressed that it is the City’s role to react to the Applicant’s proposal, not to redesign their project for them. Council Member Hansen stated his concern that this project is not even close to the Concept Plan.

The Applicant’s Engineer, Paul Otto stated that his client feels he has enough buyers for this phase without utilities. Otto also indicated that his client has instructed them to plan for a trunk line that would run south of Phase I, so that the line would be in place to serve future phases as well as for future installs in the Phase I condos. Healy noted that this would be a minor change and would require an easement over the line extension. Healy also clarified that the current conditions do not restrict water and sewer services to each condo, just that they need to have their own connection, not through the public restroom lines.

Council Member Knier stated that he feels the project would be a successful endeavor and is in favor of the project.

Mayor Wallen stated that he is in support of the project.

Council Member Knier motioned to approve Ordinance No. 2019-12 adding “Luxury Garage” as a Conditional Use in the I-1 zoning district, approve summary publication Resolution No. 2019-73, and approve Resolution No. 2019-74 approving a Conditional Use Permit allowing a luxury garage, approve a Comprehensive Plan Amendment steering the subject property to Industry or Office, approving the Preliminary Plat, approving the Site and Building plan, and approving a Development Stage Planned Unit Development. Seconded by Council Member Zettervall. The motion failed with a vote of 3:1 with Council Members Knier, Wallen, and Zettervall voting aye, and Council Member Hansen voting nay. Motion failed due to the comprehensive plan amendment requiring a super majority vote of 4 votes in favor of the motion.

Mayor Wallen asked for another vote on the same items.

Council Member Knier motioned to approve Ordinance No. 2019-12 adding “Luxury Garage” as a Conditional Use in the I-1 zoning district, approve summary publication Resolution No. 2019-73, and approve Resolution No. 2019-74 approving a Conditional Use Permit allowing a luxury garage, approving a Comprehensive Plan Amendment steering the subject property to Industry or Office, approving the Preliminary Plat, approving the Site and Building plan, and approving a Development Stage Planned Unit Development. Seconded by Council Member Zettervall, unanimous ayes, motion carried.
7D. **Beaudry Lake Reclassification Petition**

Michael Healy discussed the City’s Shoreland Management Program and how it affects properties surrounding Beaudry Lake. Beaudry Lake is a small lake roughly 10 acres in size located to the immediate east of Lake Mitchell. All of the land surrounding Beaudry Lake was subdivided into a neighborhood in 1978 through a 70-acre plat called Beaudry Estates, and most of the houses located in this subdivision were built between the years of 1978 - 1980. Beaudry Lake was already fully developed in 1980 when the DNR assigned Shoreland protection categories to the community based on each lake’s characteristics. According to City and DNR records, Beaudry Lake was categorized as a Recreational Development Lake. It is unclear why it received this categorization when the community’s two other fully developed lakes were both categorized as General Development Lakes. In 2002, it appears that Beaudry Lake was recategorized as a Natural Environment Lake in the Big Lake Zoning Code, and the DNR appears to have updated their own records since 2002 to reflect that the lake is now a Natural Environment Lake. Healy explained that since Beaudry Lake is a Natural Environment Lake, no building is allowed to be within 150 feet of the lake. This rule pertains to houses, sheds, decks, garages, and other similar structures. This leaves a majority of the properties around the lake completely unbuildable with a 150-foot setback requirement from the lake. James Bedell, area hydrologist for the DNR confirmed that Beaudry Lake was a Recreational Development Lake until 2002 and that the City had requested that the lake be classified as a General Development Lake back in 1979 but the request was not granted at that time. He stated that the DNR may be more receptive to the recategorization this time since modern aerial photography makes it fairly apparent that this lake is developed just as densely as Big Lake and Lake Mitchell. The DNR has indicated that they are open to reviewing the categorization of Beaudry Lake. The DNR has a formal review process for lake reclassification requests, and the first step for a review is the Planning Commission and City Council formally requesting that the DNR review the lake’s categorization. Upon the City Council approving a resolution requesting the DNR review the lake categorization, the DNR will conduct an internal review. The City will then be required to approve an ordinance amendment to change the categorization of the lake in the City’s Shoreland Ordinance. The DNR will not approve an ordinance amendment unless they have already completed their own internal review and decide to change the categorization of the lake at the DNR level. The Planning Commission reviewed the issue at their September 4, 2019 meeting and agreed with Staff that it seems like common sense that a fully developed lake should be considered a General Development Lake. The Commission unanimously recommended that the City Council petition the DNR to reclassify the lake as a General Development Lake.

Council Member Zettervall motioned to approve Resolution No. 2019-75 petitioning the Minnesota DNR to reclassify Beaudry Lake as a General Development Lake. Seconded by Council Member Knier, unanimous ayes, motion carried.
7E. Donations – Winter Farmer’s Market

Corrie Scott recapped the summer Farmer’s Market and reviewed donations received for the winter Farmer’s Market events. Donations received/committed to date include $1,000 cash from Big Lake Spud Fest, $2,000 cash from Climb Theatre, and in-kind donations from the Sherburne County Master Gardeners, the Big Lake Ambassador Scholarship Program, the Big Lake Bicycle Advisory Group, and the Create and Connect Studio. Scott noted that twelve vendors are registered, and with the introduction of a new location and time at City Hall and the continuation of multiple successful programs, the third annual 2019-2020 winter Farmer’s Market has a bright outlook.

Council Member Hansen motioned to approve Resolution No. 2019- 76 accepting cash donations and in-kind contributions towards the Big Lake Farmer’s Market program. Seconded by Council Member Knier, unanimous ayes, motion carried.

7F. Designation of Official Newspaper for City Publications

Clay Wilfahrt reviewed the status of the City designating a new official newspaper. Wilfahrt noted that on October 4, 2019, the City was notified that our designated newspaper, the West Sherburne Tribune, was publishing their last edition on October 5. MN Statute 331A regulates publication requirements for Minnesota cities, and noted that Staff has prioritized research on the best option for designating a new newspaper for the City’s publication needs. Big Lake is required to select a qualified newspaper of general circulation. To be a qualified newspaper for Big Lake, the newspaper must, in part, be circulated in the City of Big Lake and have at least 400 copies regularly delivered to paying subscribers, or 400 copies without charge to local residents, and have its office in either Sherburne County or in an adjoining county. The City Attorney’s office clarified that Big Lake cannot use a paper that is not circulated in the City limits. Staff has confirmed that general circulation means that a newspaper either delivers directly to households, or provides copies at specific locations such as gas stations, grocery stores, libraries, and City Hall. Wilfahrt noted that Staff has contacted four surrounding newspapers to obtain information relating to their publication rates, circulation commitments, whether they are willing to deliver to households, and if they are willing to report on City Council Meetings. Staff is waiting for a final response from the Elk River Star News and the Monticello Times, and Wilfahrt informed Council that this item will be brought back to Council on November 13 for consideration. Wilfahrt noted that in the interim, Staff will be publishing all required notices in the same publication that is used by the County Seat which is the Elk River Star News.

7G. Monthly Department Reports

Deb Wegeleben provided a year-to-date financial update on unaudited revenues, expenditures, the Capital Improvement Plan fund, and various enterprise funds.
Wegeleben also reviewed the City’s outstanding debt, and provided a proposed budget timeline showing the Public Input Hearing being scheduled for November 26, and final Budget/Levy adoption projected for December 11.

Greg Zurbey provided an update on the municipal liquor store operations. Zurbey discussed in-store tastings, discussed the weekly sales flyer, and noted that the Big Eagle Lake Association fundraiser was held on October 4. Zurbey also discussed the Big Lake Fire Department ice cream social, the Boy Scouts selling raffle tickets at the store, and Staff’s attendance at the MMBA Regional Meeting. Zurbey discussed upcoming events including the October 25 Big Lake Community Lake Association fundraiser, the MMBA Food Drive for the Big Lake Food Shelf, and Breast Cancer Awareness campaigns through Michelob Ultra, Sutter Home/Chloe Wines, and Grain Belt.

Hanna Klimmek provided an update on activities in the Community Development Department. Klimmek reviewed housing/commercial development statistics/projects, and redevelopment projects. Klimmek also noted that Staff has been working with the Central Mississippi River Regional Planning Partnership in securing a land use consultant, discussed the Minnesota Border to Border Broadband Conference that Staff attended, and reviewed the upcoming annual Minnesota Commercial Association of Realtors (MNCAR) Expo on October 30, 2019 where Staff will be on hand to market Phase II of the Big Lake Industrial Park. Klimmek informed Council that Staff received formal approval from the State to provide Big Lake’s first Realtor Forum that provides 2 credits of continuing education to realtors who attend. Klimmek noted that the Realtor Forum will take place on November 14, 2019 at Big Lake City Hall.

8. **ADMINISTRATOR’S REPORT**

Clay Wilfahrt discussed the potential for a Mayor for a Day project in the City, and discussed interviews held by the CMRRPP who are seeking a land use consultant firm.

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

   **Mayor Wallen:** Reviewed the October BLEDA Meeting.

   **Council Member Hansen:** Discussed the CMRRPP interview process.

   **Council Member Knier:** Reviewed the recent Big Lake Beyond the Yellow Ribbon Meeting and efforts of the group to help veterans. Council Member Knier also noted that the Veteran’s Memorial debt is almost paid off.

   **Council Member Zettervall:** Discussed the October Parks Advisory Board Meeting, and noted that he recently attended a fundraiser for the Wave Youth Center.
10. **OTHER** – No other.

11. **ADJOURN**

Council Member Knier motioned to adjourn at 7:30 p.m. Seconded by Council Member Hansen, unanimous ayes, motion carried.

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Gina Wolbeck
Clerk

Date Approved By Council _____11/13/19_____