

**AGENDA
BIG LAKE CITY COUNCIL
WORKSHOP**

**WEDNESDAY, FEBRUARY 24, 2021
5:00 p.m.**

1) CALL TO ORDER

2) ROLL CALL

3) ADOPT PROPOSED AGENDA

4) BUSINESS

4A. Code Revision Task Force – Council Member Representation

4B. Public Hearing Notification Procedures Discussion

4C. Co-Responder Program

4D. Committee Appointment Discussion

4E. New Ideas Discussion

5) OTHER

6) ADJOURN

CITY COUNCIL MEETING COVID-19 NOTICE

Attendance at Meetings: All attendees are expected to follow CDC recommendations and State of MN Executive Orders relating to the COVID-19 Pandemic. Some members of the City Council may participate in this Meeting via telephone or other electronic means on an as needed basis.

Disclaimer: This agenda has been prepared to provide information regarding an upcoming workshop of the Big Lake City Council. This document does not claim to be complete and is subject to change.



WORKSHOP ITEM

Big Lake City Council

Prepared By: <i>Hanna Klimmek, Community Development Director</i>	Meeting Date: 2/24/2021	Item No. 4A
Item Description: <i>Code Revision Task Force – Member Selection</i>	Reviewed By: <i>Clay Wilfahrt, City Administrator</i>	
	Reviewed By: <i>Lucinda Meyers, City Planner</i>	

ACTION REQUESTED

Select a City Council Member to serve on the Code Revision Task Force.

BACKGROUND/DISCUSSION

Big Lake Community Development created a Code Revision Task Force in May of 2020 to proactively discuss and recommend reasonable and necessary changes to the City Code. The overall goal of the Code Revision Task Force is to recommend well thought out change that strives to create efficiencies in process, establish user friendly language, and cater to a developer-friendly approach.

The Code Revision Task Force includes 1 City Council Member, 2 Planning Commission Members, 1 BLEDA Member, 1 Parks Advisory Committee Member, and Staff.

Commitment on the Task Force will require a Member to attend monthly meetings. Recommendations will be presented to the Code Revision Task Force for discussion. From there, staff will be looking to obtain a solid recommendation from the Task Force to bring to the Planning Commission.

Staff is currently exploring ways in finding the capacity to carry out the revision project. The project has unfortunately had to be set aside so that staff could meet the demand of development/zoning applications. Once a facilitator of the project is assigned, staff is estimating the project will take 12-18 months to complete.

The next Code Revision Task Force meeting is scheduled for 6 pm on Tuesday, March 16th. During this meeting, new members (1 Council Member and 1 Planning Commission Member) will be presented with an introduction to the project.

FINANCIAL IMPACT

N/A

STAFF RECOMMENDATION

Select a City Council Member to serve on the Code Revision Task Force.

ATTACHMENTS

N/A



WORKSHOP ITEM

Big Lake City Council

Prepared By <i>Lucinda Meyers, City Planner</i>	Meeting Date: 2/24/2021	Item No. 4B
Item Description: <i>Public Hearing Notification Procedures</i>	Reviewed By: <i>Clay Wilfahrt, City Administrator</i>	
	Reviewed By <i>Hanna Klimmek, EDFP, Community Development Director</i>	

COUNCIL DIRECTION REQUESTED

The Council should direct staff to utilize established procedures for providing notice of public hearings associated with land development activity or to modify them as they see fit.

BACKGROUND/DISCUSSION

During the City Council Workshop held November 12, 2020, Council reviewed the notification procedures for public hearings associated with land development activity. The Council directed staff to conduct research on the financial implications of expanding these procedures- specifically expansion of the radius of mailed notifications- and for the Planning Commission to evaluate the procedures and financial implications of expansion, and provide a recommendation regarding the adequacy of the procedures.

The Planning Commission reviewed existing procedures and the financial implications of increasing the radius used for mailed notice during their December 2, 2020 regular meeting. The Commission brainstormed opportunities to expand upon the procedures and offer the following suggestions for Council consideration:

- Increase radius of mailed notice from 350’ surrounding the subject parcel to a quarter mile.
- Utilize the 350’ radius as a base measurement but ensure that entire subdivisions, as opposed to a selection of properties within them, receive mailed notification.
- Site a temporary sign on the subject parcel to alert passersby of the existence of an active development application.
- Utilize social media to disseminate information pertaining to larger, more impactful development projects.

State Statute and Existing City Procedures

Minn. Stat. 462.355 subd 2. requires notice of time, place, and purpose to be published in the newspaper at least 10 days prior to the hearing. Cities are required to adhere to this requirement for the following development applications: adoption of or amendment to the Comprehensive Plan, Conditional Use Permit applications, Interim Use Permit applications, and subdivision (Preliminary Plat) applications. The most substantial public hearing noticing requirement is associated with amendments to the Zoning Ordinance (includes Zoning Map amendments and text amendments). Zoning Ordinance amendments require the same notification procedure as those established in 462.355 subd. 2- notice of time, place and purpose published in newspaper 10 days prior to the hearing- plus mailing notice to properties within 350’ of the subject parcel if the amendment relates to changes in zoning district boundaries that affect an area of 5 or fewer acres.

Cities are required to adopt the state public hearing and noticing requirements as a baseline. Areas where the City of Big Lake has gone “above and beyond” state requirements include the following land use applications:

- Conditional Use Permit
- Interim Use Permit
- Variance

Properties within 350’ of a property having filed one of the above applications currently receive mailed notification the public hearing.

Table 1, *Noticing Requirements for Public Hearings Associated with Land Development Activity*, summarizes the City’s noticing requirements and those required by Minnesota Statute. This table is attached for your reference. Each statute referenced in Table 1 is provided in Attachment B. The table is organized with the “most prevalent” public hearing noticing requirements listed at the top.

The majority of area communities surveyed utilize the state standard for public hearing mailed notification radius. Table 2, *Radius Used by Area Cities for Mailed Public Hearing Notice*, below, provides data for Becker, Monticello, St. Michael, Otsego, Elk River and Big Lake.

City	Aligned with State Statute? (350 feet)	Notes
Big Lake	Yes	
Becker	Yes	
Monticello	Yes	
St. Michael	Yes	
Otsego	Yes	The City of Otsego used to require 500 feet, but faced criticism as to why not 600, 1,000 (or essentially just far enough to include the person not happy with not receiving the notice). To avoid using an arbitrary distance, the City reverted to the statutory 350 feet.
Elk River	No	500 feet

Table 2. Radius Used by Area Cities for Mailed Public Hearing Notice.

FINANCIAL IMPACT

Mailings have an associated cost, which development application fees attempt to capture. Table 3. *Financial Implications of Radius Expansion: Three Scenarios*, below, shows the costs associated with three different radii (350’, 500’, 1,320’) for three separate projects (parcels).

Radius	Avalon (65-124-1205)		Commonbond (65-543-0040)		City Hall (65-477-0110)	
	Number of properties	Postage cost	Number of properties	Postage cost	Number of properties	Postage cost
350 feet	15	\$7.50	9	\$4.50	31	\$15.50
500 feet	16	\$8.00	12	\$6.00	62	\$31.00
1320 feet (qtr. mile)	56	\$28.00	67	\$33.50	273	\$136.50

Table 3. Financial Implications of Radius Expansion: Three Scenarios.

The properties associated with the Avalon and Commonbond projects are located in fairly “open” areas. City Hall is shown to contrast more undeveloped areas with those that are densely developed. Where the less developed areas saw minute increase in number of properties between 350 to 500 feet, the densely developed areas doubled. The further the radius is expanded, the faster the rate of additional properties increases.

ALTERNATIVES

A – Do nothing. The Council feels that the existing procedures are satisfactory. Procedures are in-step with State Statute and area communities.

B – Expand procedures. The Council feels that the City should do more to inform the wider community of public hearings associated with land development activities occurring within its borders.

ATTACHMENTS

A - Table 1, *Noticing Requirements for Public Hearings Associated with Land Development Activity.*

B – State Statute on Public Hearing Notification Requirements

ATTACHMENT B

TABLE 1. NOTICING REQUIREMENTS FOR PUBLIC HEARINGS ASSOCIATED WITH LAND DEVELOPMENT ACTIVITIES

Land Development Activity	State Statute		City Policy
Comprehensive Plan <ul style="list-style-type: none"> • Adoption • Amendment 	MN 462.355 subd. 2	Notice of time, place, purpose published in newspaper at least 10 days before the date of the hearing.	Same as the state
Zoning Ordinance <ul style="list-style-type: none"> • Adoption • Amendment 	MN 462.357 subd. 3	Same as MN 462.355 subd. 2 (above), and;	Same as the state
Conditional Use Permit		When an amendment involves changes to district boundaries affecting an area of 5 acres or less, a notice shall be mailed at least 10 days before the hearing to property owners within 350 feet of the property to which the amendment relates.	Same as the state, with the addition of mailed notice to property owners within 350 feet of the subject property
Interim Use Permit		Same as MN 462.355 subd. 2 (above).	
Land subdivision (Preliminary Plat)	MN 462.358 subd. 3b	Same as MN 462.355 subd. 2 (above).	
Vacation (i.e. street, ally, easement)	MN 412.851	Two (2) weeks published and posted notice, with written notice mailed to owners of abutting properties 10 days before the hearing. Notice must include copy of petition or proposed resolution in addition to time, place, and date of hearing.	Same as the state
Annexation	MN 414.033 subd. 2b	Thirty (30) days' notice to the town or towns affected by the proposed annexation and all landowners within and contiguous to the area to be annexed.	Same as the state, unless otherwise established by an Orderly Annexation Agreement
Variance	N/A		City Code Section 1014.03, subd. 4) <ul style="list-style-type: none"> • Aligned with MN 462.357 subd. 3, mailed notices required.
<ul style="list-style-type: none"> • Planned Unit Developments* • Site Plan Review • Concept Plan Review 	N/A		N/A

Table 1. Noticing Requirements for Public Hearings Associated with Land Development Activity.

ATTACHMENT B
STATE STATUTE ON PUBLIC HEARING NOTIFICATION REQUIREMENTS

MN 462.355 subd. 2

Subd. 2. **Procedure to adopt, amend.** The planning agency may, unless otherwise provided by charter or ordinance consistent with the municipal charter, recommend to the governing body the adoption and amendment from time to time of a comprehensive municipal plan. The plan may be prepared and adopted in sections, each of which relates to a major subject of the plan or to a major geographical section of the municipality. The governing body may propose the comprehensive municipal plan and amendments to it by resolution submitted to the planning agency. Before adopting the comprehensive municipal plan or any section or amendment of the plan, the planning agency shall hold at least one public hearing thereon. A notice of the time, place and purpose of the hearing shall be published once in the official newspaper of the municipality at least ten days before the day of the hearing.

MN 462.357 subd. 3

§ Subd. 3. **Public hearings.** No zoning ordinance or amendment thereto shall be adopted until a public hearing has been held thereon by the planning agency or by the governing body. A notice of the time, place and purpose of the hearing shall be published in the official newspaper of the municipality at least ten days prior to the day of the hearing. When an amendment involves changes in district boundaries affecting an area of five acres or less, a similar notice shall be mailed at least ten days before the day of the hearing to each owner of affected property and property situated wholly or partly within 350 feet of the property to which the amendment relates. For the purpose of giving mailed notice, the person responsible for mailing the notice may use any appropriate records to determine the names and addresses of owners. A copy of the notice and a list of the owners and addresses to which the notice was sent shall be attested to by the responsible person and shall be made a part of the records of the proceedings. The failure to give mailed notice to individual property owners, or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with this subdivision has been made.

MN 462.358 subd. 3b

the application shall not be approved. The regulations shall require that a public hearing shall be held on all subdivision applications prior to preliminary approval, unless otherwise provided by law or charter. The hearing shall be held following publication of notice of the time and place thereof in the official newspaper at least ten days before the day of the hearing. At the hearing, all persons interested shall be given an opportunity to make presentations. A subdivision

MN 412.851

412.851 VACATION OF STREETS.

The council may by resolution vacate any street, alley, public grounds, public way, or any part thereof, on its own motion or on petition of a majority of the owners of land abutting on the street, alley, public grounds, public way, or part thereof to be vacated. When there has been no petition, the resolution may be adopted only by a vote of four-fifths of all members of the council. No vacation shall be made unless it appears in the interest of the public to do so after a hearing preceded by two weeks' published and posted notice. The council shall cause written notice of the hearing to be mailed to each property owner affected by the proposed vacation at least ten days before the hearing. The notice must contain, at minimum, a copy of the petition or proposed resolution as well as the time, place, and date of the hearing. In addition, if the street, alley, public grounds, public way, or any part thereof terminates at, abuts upon, or is adjacent to any public water, written notice of the petition or proposed resolution must be served by certified mail upon the commissioner of natural resources at least 60 days before the hearing on the matter. The notice to the commissioner of natural resources

MN 414.033 subd. 2b

§ Subd. 2b. **Notice, hearing required.** Before a municipality may adopt an ordinance under subdivision 2, clause (2), (3), or (4), a municipality must hold a public hearing and give 30 days' written notice by certified mail to the town or towns affected by the proposed ordinance and to all landowners within and contiguous to the area to be annexed.



WORKSHOP ITEM

Big Lake City Council

Prepared By <i>Matt Hayen, Deputy Chief of Police</i>	Meeting Date: 2/24/2021	Item No. 4C
Item Description: <i>Co-Responder Program</i>	Reviewed By: <i>Clay Wilfahrt, City Administrator</i>	
	Reviewed By: <i>Deb Wegeleben, Finance Director</i>	

COUNCIL DIRECTION REQUESTED

Request to discuss proposed program designed to assist officers when interacting with mental health individuals.

BACKGROUND/DISCUSSION

Police officers interact with individuals who are suffering from mental illness daily. Our officers do an amazing job at de-escalating and working toward an outcome that gets the person the help they need. Sometimes these situations can avoid a trip to the hospital, but still give the individual the resources they need to get better.

In a recent study conducted by the Center for Disease Control, 25% of teenagers have reported they contemplated suicide during the pandemic, and 40% of adults have reported struggling with mental health during this time.

The department was approached by the Sherburne County Sheriff's Office to participate in a Co-Responder program they are implementing through a grant. The Co-Responder program is coordinated by Central Minnesota Mental Health Center (CMMHC) with a view toward reaching the common goal of providing quality mental health services in conjunction with law enforcement. What exactly does this mean?

CMMHC will hire a mental health professional to serve as a co-responder. The selected individual will rotate with an officer from the Big Lake Police Department, Becker Police Department, Elk River Police Department, and Sherburne County Sheriff's Office making up a full time 40 hour/week position.

Each department will select one officer to work with the co-responder. The co-responder will ride with that officer once or twice per week and will then rotate to another agency and ride with their selected officer. When officers are dispatched to a mental health situation, the officer and co-responder will respond to that location. The co-responder will work directly with the individual to help get the resources they need.

One of the goals of this program is to have a dedicated social worker who can follow up with those the department responds to, to ensure all the resources possible are provided. In some jurisdictions, as much as a 50% reduction in mental health calls for service have occurred using this model.

This program is funded in majority by a grant obtained by Sherburne County. This one-year period would serve as a trial, to see if this model is effective in our community. Following this one year, there is no commitment from the City of Big Lake to continue participation. Our partnering agencies will meet to discuss collectively the success and future at that point.

Here is a breakdown for the cost for this year based on percentage of county population:

Elk River has 25.88% of population = \$5,176
Big Lake has 11.84% of population = \$2,368
Becker has 4.99% of population = \$988
Sherburne has 57.29% of population = \$11,458

As a society, we are living in unprecedented times, which can have a devastating impact on people's emotional wellbeing. We are dedicated to getting the help our citizens need while keeping both them and our officers safe.

FINANCIAL IMPACT

Approximately \$2,368 for the first year. Funding for this year would come from the police department general fund.

ALTERNATIVES

N/A

ATTACHMENTS

N/A



WORKSHOP ITEM

Big Lake City Council

Prepared By <i>Clay Wilfahrt, City Administrator</i>	Meeting Date: 2/24/2021	Item No. 4D
Item Description: Board and Commission Appointment Process	Reviewed By: <i>Hanna Klimmek, Community Development Director</i> Reviewed By: <i>Lucinda Meyers, City Planner and Corrie Scott, Recreation and Communication Coordinator</i>	

COUNCIL DIRECTION REQUESTED

Discuss Board and Commission Appointment Process.

BACKGROUND/DISCUSSION

The City of Big Lake utilizes a number of Boards and Commissions to make recommendations to the City Council including the EDA, Planning Commission, and Parks Advisory Board. For the past five years, all expiring terms require an application and appointment process. Prior to that change, a Board or Commission member could elect to remain on the commission, and with the approval of their peers, they would remain on the board. This process resulted in lack of turnover and competition.

The current process is better than the old in that it allows anyone to apply for vacant positions on boards and commissions regardless of incumbent interest, and the added competition ensures that the best possible candidates are serving the community. It also gives control of the process to the Board or Commission that are affected by the decision. Ultimately, the Council approves these decisions, but it has always been treated as a formality with recommendations from the Board or Commission coming forward on the consent agenda.

There are also some flaws with the existing system.

1. The Council, who will be relying upon the recommendations brought forward, often has no interaction with the candidates prior to their appointment. The Council does not have an opportunity to vet the candidates and make sure there is a level of compatibility and trust between the two.
2. Boards and Commissioners develop relationships with those on their boards and commissions, and those relationships may make them biased towards incumbents. Even if a stronger candidate comes along, the Commission or Board may choose to re-seat the incumbent because of such a relationship. This may give the impression to candidates applying for positions that it isn't a level playing field and discourage future applicants.

There are a few other ways that staff has identified that this could be handled. Staff would like Council to review these options to determine how to proceed. The options break down into two phases, initial appointment and re-appointment.

Initial Appointment

City Commissions have various term lengths with Parks Advisory members serving three-year terms, Planning Commission members serving four-year terms, and EDA members serving six-year terms. As previously mentioned, a candidate for a vacant seat seeking initial appointment will appear before the Board or Commission and interview for the position. Board or Commission members score and rank the candidates and then deliberate and make a decision. A recommendation is then made to Council who places the item on the consent agenda for approval. There are a couple of discussion points that should be sorted out regarding these appointments. Namely, who should be interviewing candidates, and how should Council review?

Option 1: Status Quo – The process has worked fairly well over the past five years. Staff believes that the Commissions are operating at a very high level right now.

- Pros:
 - Encourages competition
 - Engages Board or Commission in selection process
- Cons:
 - Council does not get any input in the process which may lead to a divergence between the two groups.
 - There may be a bias towards incumbents

Option 2: Appointment Panel – Staff has discussed the idea of an appointment panel. The Panel could be composed in a number of fashions. Staff discussed the idea of having a panel comprised of members of the Commission or Board, Councilmembers, and staff interview potential candidates and then make a recommendation to the Council.

- Pros:
 - This achieves the goal of having Council more involved, keeps the Board or Commission involved, and adds staff as well.
 - Keeps competition and ensures best candidates for positions
- Cons:
 - Doesn't include the full Board or Commission or Council
 - Doesn't happen publicly

This option could include a Council discussion as well, rather than a consent agenda item. It would mitigate some of the concern about the lack of full-Council participation, though the full Council would still not meet or interview the candidate(s).

Option 3: Council Interview and appointment – The full Council could conduct these interviews. It would happen exactly as it does now, but instead of the Board or Commission conducting the interview, it would be the Council conducting the interviews and selecting the candidates.

- Pros:
 - Full Council involvement
 - Streamlined process
 - No bias in decision
 - Keeps Competition
- Cons:
 - Doesn't include full Board or Commission

If Council wanted to mitigate the concern that the Board or Commission was not involved, it could invite the Chair and/or Vice-Chair to the interview and include their scoring and input in the decision making process.

Reappointment

There are really two main options for reappointment. Currently the City requires that all candidates go through a formal reappointment process at the expiration of their term. This requires incumbents to reapply for their positions. This does cause some extra work, and can be awkward for candidates to reapply for their existing positions, but it also creates competition and ensures that the City’s Boards and Commissions are filled with the most qualified candidates.

Discussion

Staff would like Council to discuss what appointment and reappointment process it would like to implement. Staff is open to any of the above options.

FINANCIAL IMPACT

None

ALTERNATIVES

1. Direct staff to proceed with one of the options
2. Direct staff to modify and bring back a new option

ATTACHMENTS

None



WORKSHOP ITEM

Big Lake City Council

Prepared By Clay Wilfahrt, City Administrator	Meeting Date 2/24/2021	Item No. 4E
Item Description New Ideas Discussion	Reviewed By: N/A	
	Reviewed By: N/A	

COUNCIL DIRECTION REQUESTED

None

BACKGROUND/DISCUSSION

This item is dedicated for City Council Members to bring up any ideas/projects that they would like to discuss during the Workshop.

FINANCIAL IMPACT

None

ALTERNATIVES

None

ATTACHMENTS

None