

**BIG LAKE CITY COUNCIL
REGULAR MEETING MINUTES**

JANUARY 9, 2019

1. CALL TO ORDER

Council Members Paul Knier and Mike Wallen took their Council Member Oath of Office prior to the start of the January 9, 2019 meeting.

City Administrator Clay Wilfahrt called the meeting to order at 6:00 p.m. Wilfahrt explained that Former Mayor Raeanne Danielowski has submitted her resignation and has been sworn in as a Sherburne County Commissioner representing Big Lake.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

3. ROLL CALL

Council Members present: Dick Backlund, Seth Hansen, Paul Knier, and Mike Wallen. Also present: City Administrator Clay Wilfahrt, City Attorney Soren Mattick, Finance Director Deb Wegeleben, Community Development Director Hanna Klimmek, Public Works Director Mike Goebel, Police Chief Joel Scharf, Police Captain Matt Hayen, City Engineer Layne Otteson, City Clerk Gina Wolbeck, Fire Chief Ken Halverson, and Liquor Store Manager Greg Zurbey.

4. MAYORAL APPOINTMENT

Clay Wilfahrt discussed the recent resignation of Mayor Raeanne Danielowski. At the November 6, 2018 General Election, Danielowski won election to the Sherburne County Board of Commissioners as the District 2 Representative. Danielowski submitted her written resignation after being sworn in on Tuesday, January 8, 2019. The Council discussed this vacancy at a Special Workshop on December 19, 2018 and directed staff to place the Mayoral Appointment item on the first meeting Agenda of the year for appointment of a sitting Council Member. At this time, Council is being asked to accept Mayor Danielowski's resignation, and then decide the process to fill the vacancy.

Council Member Hansen motioned to accept the resignation of Mayor Raeanne Danielowski effective upon her taking the Oath of Office as Sherburne County Commissioner, District 2. Seconded by Council Member Knier, unanimous ayes, motion carried.

Council Member Knier asked that the Council open it up for discussion to allow members from the public an opportunity to speak before a decision is made. The general consensus of the Council was to allow public comment.

Bruce Pfeffer, 1351 Isanti Street – Stated that he feels a lot of people would choose to elect a Mayor as there are two years left in the term. Pfeffer stated that in all fairness to everyone in the City, this should go to a general election.

Randy McCloud, 1481 Hill Street – Stated that tax payers should have the right to select their elected officials. McCloud stated that he is o.k. with appointing an Acting Mayor until an election can be held, and questioned if we can elect a new Mayor for a 4-year term instead of until the term ends in 2020. McCloud stated that he would volunteer to serve as an election judge.

Dan Larson, 551 Ormsbee Street – Stated that he is in favor of a city-wide election for the open Council seat, noting that the public should choose who is on the Council.

James Brian Calva, 145 Turnberry Trail - Agreed with other statements made. Stated that he is not opposed of appointing a Mayor, but wants a special election for the 4-year Council seat. Questioned if the City could hold a special election for both seats.

Erv Danielowski, 948 Nicollet Avenue – Stated that he is totally against a special election, which historically have drawn very limited numbers of voters. People currently serving on the Council are elected officials, so if one of them is appointed to the Mayor seat, that would be an elected position. Danielowski also stated his concerns about high costs the City will incur to hold a special election noting that he doesn't want his tax dollars used to pay for a special election.

Bettina Potter, 120 Edgewater Place – Stated that the vacancy discussion was already held at the December 19th Council Workshop where the Council consensus was to appoint. Potter stated that she would support the appointment of an existing Council Member for Mayor.

Hansen reviewed discussions held at the Workshop and stated that he is in favor of appointing for the Mayor position.

Knier stated that he supports appointment for the Mayor seat, but doesn't support appointment for the City Council Member seat.

Council Member Hansen motioned to approve the appointment of Mike Wallen as Big Lake City Mayor. Seconded by Council Member Knier. Council Members Backlund, Hansen, and Knier voted aye, and Council Member Wallen abstained. Motion carried.

Mayor Wallen accepted the appointment and took the Oath of Office.

Council Member Hansen motioned to declare a vacancy on the City Council for Mike Wallen's Council Member seat. Seconded by Council Member Backlund, unanimous ayes, Motion carried.

Council Member Knier stated that he feels we need to let the people decide on their own representation, noting that the seat could be filled in 2 to 3 months through a special election process. This would give candidates an opportunity to make their case to the citizens of Big Lake as to why they should be on Council. Knier stated that he consistently heard citizens wanting smaller government and less government, noting that we should keep government out of the way of the people. Knier discussed the number of voters that turnout for special elections, explaining that it is up to the candidates to inspire voters to vote for them. Knier discussed that cost was also stated as a concern, but feels it would be money well spent. Knier also stated that he feels a special election would provide stability in our government by filling the seat for the next 4 years. Discussion was held relating to holding a special election at this time versus at the next General Election, and whether it would be for a two-year or four-year term. City Attorney Mattick informed Council that he will bring back clarification on special elections and whether a special election held now would be to fill the entire term.

Council Member Hansen reviewed the City's previous appointment process which has proved to work well. Hansen also noted that he finds it ironic that members of the Council are o.k. with appointing a Mayor, but not o.k. with appointing a Council Member. Knier clarified that he did vote against a Mayoral appointment at the Workshop, but recognizes that we as a Council act as one body. Hansen stated that he is more in favor of an interview process that includes staff than spending funds on holding a special election. Hansen also reiterated his concerns about poor voter turnout at a special election, and how the turnout would not be a fair representation of what the City would have at a General Election.

Council Member Backlund stated that he agrees with Council Member Knier that the City should hold a special election. Council Member Hansen reminded Council that we would still need to appoint a Council Member in the interim if the final decision is to hold a special election now, so we would be doing a two-step process that doesn't need to be done. Knier stated his concern with the Mayor seat being able to choose appointment if there is a tie vote. Hansen also discussed his concern with the limited campaign timeframe that would be available if we decide to hold a special election now, instead of at the next General Election.

Mayor Wallen reviewed discussions at the December 19 Workshop that laid out the facts of holding a special election now, or doing an appointment until the General Election. Wallen reminded Council that there are always two sides to every issue. Wallen noted that he has also been approached by many constituents that are not in favor of wasting the time, or the money to hold a special election now. Wallen stated that at the Workshop he was on the fence about possible appointment versus holding a special election in the spring to fill a potential Council Seat. Wallen stated that after hearing discussion on the matter, he agrees with Council Member Hansen noting high costs of a special election, the disarray a special election will create due to not filling the seat in a timely manner, and the expected low voter turnout. Wolbeck clarified that if the City chooses to hold a special election now, any judges assigned to work do need to be trained and certified, and informed Council that she will contact Sherburne County to see if they even offer training during this off-season time.

Council Member Hansen motioned to direct staff to advertise a Council Vacancy seeking applicants to fill the City Council Seat until the November 3, 2020 General Election. Seconded by Mayor Wallen. Council Member Hansen and Mayor Wallen voted aye, and Council Members Backlund and Knier voted nay. Motion failed.

Soren Mattick explained that the law wants Council to fill the seat. The sooner we can determine a process, the better. If a Special Meeting or Workshop will do that, he recommended Council schedule that as soon as practicable. Mattick reviewed the difference between Workshops and Meetings explaining that the City's past practice has been that they generally do not take action at Workshops. Mattick also reviewed procedures that would need to occur when Council decides if they will hold a special election this spring, including drafting an Ordinance and appointing a Council Member in the interim. Mattick encouraged Council to make this decision priority number one.

Council Member Knier expressed that he respects and appreciates City staff, but feels it is not the job of staff to choose elected officials. Council Member Hansen clarified that when an appointment is done, staff doesn't choose elected officials, but they are asked to provide valuable input. Mayor Wallen clarified the final decision falls back on the current sitting Council Members. Mayor Wallen asked Council to set a date for continued discussion and action on either an appointment to fill the vacancy, or declaring a special election date.

Motion by Council Member Hansen to set a Special Council Meeting at 6:00 p.m. on Tuesday, January 15, 2019 in the City Council Chamber to discuss the City Council Member Vacancy. Seconded by Council Member Knier, unanimous ayes, motion carried.

Mayor Wallen reminded Council that an appointment will need to be done regardless if we have a special election now, or in 2020. Soren Mattick noted that traditionally, when short term appointments are done, Council's should discuss whether they are willing to appoint someone that could potentially run for the seat in the near future.

5. OPEN FORUM

Mayor Wallen opened the Open Forum at 7:08 p.m. No one came forward. Mayor Wallen closed the Open Forum at 7:09 p.m.

6. PROPOSED AGENDA

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

7. CONSENT AGENDA

Council Member Hansen motioned to approve the Consent Agenda as presented. Seconded by Council Member Knier, unanimous ayes, consent agenda approved. The Consent Agenda consists of: 7A) Approve Council Workshop Minutes of December 12, 2018, 7B) Approve Regular Council Meeting Minutes of December 12, 2018, 7C) Approve Special Council Workshop Minutes of December 19, 2018, 7D) Set a Council Gathering on March 3, 2019 from 11:00 a.m. to 2:00 p.m. at Big Lake High School located at 501 Minnesota Avenue for the 2019 Big Lake Chamber of Commerce and Industry Vendor Show, 7E) Approve 2019 Planning Services Contract with Municipal Development Group, 7F) Approve Well Siting Proposal with Wenck and Associates, 7G) Approve 2019 Sand Creek Employee Assistance Agreement, 7H) Approve City Financial Policy Amendments, 7I) Approve Cable Ordinance No. 2019-01, Cable Franchise Ordinance No. 2019-02 with CC VIII LLC I/k/a Charter Communications, and Summary Publication Resolution No. 2019-01, and 7J) Approve the Appointment of Denise-McDowall Seyko as the Parks Advisory Committee Chair

8. BUSINESS

8A. 2018 Official City Council Appointments

Clay Wilfahrt discussed the 2019 official City appointments resolution. Former Mayor Raeane Danielowski provided an opportunity for each Council Member to identify any committee appointments they were interested in serving on in 2019. Wilfahrt explained that the recommendation to appoint Raeane Danielowski to the Highway 25 Coalition is due to the group going through a very pivotal time right now due to the upcoming determination on whether or not to move forward with a traffic study, and noted that Danielowski currently chairs the committee and staff feels that the January meeting is a make or break meeting

for them on whether they are going to move forward, or table that discussion for an indefinite period of time. Wilfahrt also noted that some changes are needed to what was presented in the packet, including 1) choosing a different Acting Mayor due to the appointment of Mike Wallen as Mayor, 2) under the Administration/Staff section change appointment of the Weed Inspector and the Dock Administrator to the City Administrator or his/her designee, and 3) add Mayor as the Representative for the Big Lake Fire Relief Association. Mayor Wallen opened up the floor for further feedback from Council.

Council Members Hansen and Knier volunteered to serve as Acting Mayor. Wallen described the duties of an Acting Mayor and indicated that historically, the most senior member of Council is offered this appointment. Knier agreed with appointing Hansen to the Acting Mayor seat.

Council Member Knier motioned to approve Resolution 2019-02 Adopting the 2019 Official City Appointments with changes as discussed. Seconded by Council Member Backlund, unanimous ayes, motion carried.

8B. DONATION – Police Canine Program

Joel Scharf reviewed donations received towards the Police Canine Program. A \$1,000 cash donation was submitted by Fred and Jane Shiota, a \$50 cash donation was submitted by Gary and Kathleen Poslusny, and Don Weber provided an annual donation of the proceeds of ticket sales of 50 MN Gopher Hockey Game Tickets valued at \$727.54. Council thanked the Shiota Family, the Poslusny Family, and Don Weber for their generous donations.

Council Member Hansen motioned to approve Resolution No. 2019-03 accepting donations as discussed towards the Big Lake Police Department Canine Program. Seconded by Council Member Knier, unanimous ayes, motion carried.

8C. Department Updates

Fire Department – Ken Halverson provided statistical information on calls for service for the month of December. Halverson informed Council of the recent retirement of Nick Fiester, and the promotion of Tim Davis and Nick Christensen who moved up to Captain's positions.

Police Department – Joel Scharf updated Council on police statistics, calls for service, and self-initiated policing activities for the month of December. Scharf reviewed year-end arrest stats, 2018 crime rates, and thanked anonymous donors for donations totaling \$3,050 noting that 17 benefactors were presented funds from these donations. Scharf also reviewed delivery of a 2009 Chevrolet Suburban, the 2013 900 Polaris Ranger procured

from the Militaries Surplus Property Program, discussed delivery and setup of the 2019 F150 Interceptor, reviewed the Nextdoor.com program, noted that all department firearms have been laser engraved with the departments patch, and reviewed community events the department participated in.

Engineering Department – Layne Otteson provided an engineering update on various projects underway in the City. Otteson provided an update on the 2018 Street Improvement Project, the 2019 Mill and Overlay Project, and reviewed the projected timeline for the completion of the CR 5/Hiawatha Avenue Signal Project. Otteson also noted that Staff recently completed the MNDOT trail and sidewalk grant application for the proposed Highline Drive/CR 73 Trail Project.

Public Works Department – Mike Goebel reviewed activities in the various areas of the Public Works Department. Goebel discussed issues with the new dump truck, discussed the installation of a new Motor Control Center at Well No. 3, reviewed storm sewer issues due to rain that occurred during the last snow storm, and discussed ice issues on sidewalks noting that our policy is to not salt sidewalk areas. Council Member Knier asked if it is o.k. for residents to put down salt on sidewalks if they choose. Goebel explained that the City is regulated by the EPA regarding how much salt is used in the City whether it is by staff or by residents. Knier also reminded staff to set up tours of our wastewater and water treatment facilities.

9. LIST OF CLAIMS

9A. Consider List of Claims

Council Member Hansen motioned to approve the List of Claims dated December 8, 2018 through January 2, 2019 with the removal of Check No. 78797 and 78884 for separate consideration, and approve payroll no. 26. Seconded by Council Member Knier, unanimous ayes, motion carried.

9B. Consider Audio Communications Payments

Council Member Hansen motioned to approve payment of Check No. 78797 in the amount of \$127.50, and Check No. 78884 in the amount of \$1,700.00 payable to Audio Communications for services rendered. Seconded by Council Member Knier, vote passed with a vote of 3 to 0 with 1 abstention with Council Members Hansen, Knier, and Wallen voting aye, and Council Member Backlund abstaining. Motion carried.

10. ADMINISTRATOR'S REPORT

Clay Wilfahrt discussed the recent presentation he gave at the January 2, 2019 Regional Legislative Forum discussing the need for equitable funding for school districts. Wilfahrt also noted that Staff is participating in the Community Development Department's LEAN event being held on January 9-10, 2019.

11. MAYOR & COUNCIL REPORTS and QUESTIONS/COMMENTS

Mayor Wallen: Encouraged citizens to visit the City website to obtain the most current Community event information.

Council Member Hansen: Reviewed the January Planning Commission Meeting.

12. OTHER – No other.

13. ADJOURN

Council Member Hansen motioned to adjourn at 7:44 p.m. Seconded by Council Member Knier, unanimous ayes, motion carried.

Gina Wolbeck
Clerk

Date Approved By Council 01/23/19