

**BIG LAKE CITY COUNCIL
WORKSHOP MINUTES**

JANUARY 12, 2022

1. CALL TO ORDER

Mayor Knier called the meeting to order at 5:00 p.m.

2. 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, Community Development Director Hanna Klimmek, City Planner Lucinda Spanier, City Engineer Layne Otteson, Acting Police Chief Sam Olson, K9 Officer Guy Chaffee, Liquor Store Manager Greg Zurbey, Streets/Parks/Fleet Superintendent Norm Michels, Water/Wastewater Superintendent Dan Childs, Community Recreation Coordinator Corrie Scott, and Big Lake Student Liaison Ella Dotzler.

3. PROPOSED AGENDA

Council Member Noding motioned to adopt the proposed Agenda as presented. Seconded by Council Member Seefeld, unanimous ayes, Agenda adopted.

4. BUSINESS

4A. Proposed Amendments to Chapter 8 (Municipal Utilities) - Water Meter Inspection and Violation Amendments Review

Deb Wegeleben reviewed proposed amendments to Chapter 8 of the Big Lake City Code regarding water meter inspections and violations, and code amendments that are needed for the implementation of the new water meters. With the recommended changes to the Code, it will give the City the ability to replace and/or repair meters, and will add language pertaining to violations and unlawful acts such as tampering with, or illegally connecting/bypassing water meters on properties located in the City. Wegeleben also noted that Council feedback is requested on fees and/or penalties for violating the rules of Chapter 8 as it pertains to the theft of water. Dan Childs reviewed theft issues which are often found by plumbers who are doing work at a property, or unfounded low water use calculations. Wegeleben also discussed we would also like to know which properties have sand point wells as a well-watered lawn is an indicator of substantial water use so this type of list would tell us if the water is coming from the water treatment plant, or from a private sand point well.

Mayor Knier stated that he is a little uncomfortable with the wording as recommended, specifically in relation to allowing free access to private properties. Childs responded that if a person is stealing water,

Staff would need to have access to the property. Childs also explained that the recommended wording would allow the City access to install the new meters. Norm Michels discussed issues they have had with installing new meters when a meter isn't operating properly. We aren't asking to enter without notice, but we should have the means to access a property to inspect a water meter. We would offer a reasonable amount of time for inspecting and/or replacing meters. With limited access rights that we currently have, we have residents that are just paying whatever they feel like paying, which we know is not the correct cost for the amount of water use. The new meter project will be very difficult to accomplish without the recommended language. Michels clarified that we aren't proposing language that would grant the City immediate access upon demand. The intent is to offer a reasonable amount of time and to have a schedule for install, and to have the legal right to access the property to replace the meters. Right now, we don't have strong enough language in our code to allow for swapping out the meters. Knier discussed that he would rather have a fine process for water meter violations/theft/replacement. Knier acknowledged that he knows Staff's recommendation is not to be doing this for this purpose, but the language looks very similar to this idea that our federal government wants to access our bank accounts because they want to mitigate fraud. Knier stated that he is not in favor of this language at all, but would prefer wording that would allow for staggered fines if you don't comply with getting your meter changed out.

Council Member Halverson noted that we need language to require that the install be done or contracted out, by the City. Halverson also agreed that the fine system would be better language to use.

Council Member Hanson discussed that he would like the language to be specific for the replacement of water meters, noting concern that we don't want to step on citizens freedoms. Wegeleben discussed the need for the City to have access for replacement of meters as well as for repair of meters that aren't working properly.

Council Member Noding discussed using language in our code to allow access to replace or repair broken, malfunctioning, or outdated meters. Noding also asked if we could implement a shut-off process for property owners who won't allow access when needed.

Halverson also discussed code language that would allow the City to inspect sump pump discharge connections when staff is onsite to replace/repair water meters. This has been a problem in the past with residents discharging sump pump flow into the City's sewer system which can overload the wastewater treatment plant. Childs indicated that this type of language is included in the meter replacement program.

Council directed Staff to survey other community code language and fines for allowing access for water meter replacement and/or repair, and to bring this item back to a future Workshop for further discussion.

4B. City Hall Signage Discussion

Corrie Scott reviewed quotes received from Kouril Woodworks and Majestic Creations for replacement of City Hall signage. Scott reviewed the Community Brand and Identity Project the City undertook which

included the introduction of a new City logo. The project was unveiled in October 2021, and replacement of outdated signage at City Hall with signage that reflects the new logo is directly related to the branding project. Scott discussed the benefits of pushing forward and progressing with implementing the new City logo.

Council directed Staff to move forward with the Kouril Woodworks quote in the amount of \$5,644.25 for replacement of all three signs at City Hall.

4C. Police K9 Program Fundraising Request

Guy Chaffee discussed the Department's request to raise funds to replace the 2017 Ford Explorer K9 vehicle. The vehicle is reaching end of life and is set for replacement in 2023. Chaffee noted that with other pressing police vehicle needs, Staff would like to start a fundraising campaign to help alleviate the financial burden of replacing the K9 vehicle in 2023. The goal is to raise enough funds to purchase a Ford Explorer. The reason for the need to fundraise is that the car that the K9 unit currently uses was a donated car and was not put into the rotation for replacement. Next year we are looking at the need to replace the two Dodge Chargers and this would push his vehicle replacement out to 2024. His squad is the oldest in the fleet and is specifically used as the K9 unit.

Council Member Halverson stated that he is strongly against a fundraising campaign for replacement of a police vehicle, expressing that the City is able to come up with funding for other City projects that are needed. This piece of equipment is a necessity, and Halverson stressed that fundraising for a police vehicle is absolutely ludicrous, and as a taxpayer he would be furious if the Council was not standing behind its police department and supporting them financially. Halverson also discussed concerns that there could be an expectation of favors from residents/business owners if they help fund a K9 vehicle. Halverson stated that it would be irresponsible for this Council to make the Department fundraise for a squad car as this vehicle is a necessity to the job. The Legion is already contributing monthly towards the K9 program, so that money is being carried over so the K9 program is secure in moving forward even after Bruno retires. Mayor Knier asked Chaffee if anyone asked the Department to fundraise for the purchase of a new K9 vehicle. Chaffee indicated that he was not asked to fundraise, but he knows this squad is coming to end of life and he wants to be able to give Bruno a comfortable vehicle. Chaffee reviewed his plans for fundraising and getting out in the community.

Council Member Noding asked why we did fundraising for the K9 vehicle purchase in 2017 instead of budgeting for the purchase. Chaffee noted that he wasn't the K9 Officer at that time so he isn't able to provide a response to that, but did review that the Department was able to successfully raise enough funds to get the program up and running. Chaffee explained that if the Department was able to raise the funds previously, he felt he could do the same for a replacement vehicle. Halverson clarified that he isn't opposed to fundraising for smaller needs, but a car is the main backbone of the operation. Deb Wegeleben explained that Staff is looking for the betterment of other squad needs for 2023 as the Chargers aren't scheduled to be replaced yet and Chaffee knows that there is a need to switch those vehicles out sooner rather than later. Chaffee had shown an interest in helping to fundraise so that the K9 unit doesn't take a squad away from another officer. Chaffee discussed that there has been substantial maintenance issues with the Chargers and these do need to be replaced. He is trying to find a

way to be able to get three squads next year when only two are budgeted for. Halverson asked if there are funds available in the CIP account which is how we funded new cameras in late 2021. Knier discussed that there are a lot of charitably minded people, and Big Lake has shown that they love to get behind Bruno. There are people who would rather give to a K9 program rather than funding the program through taxpayer dollars. Chaffee noted a lot of private citizens contributed generously to the K9 program, noting that Bruno is an ambassador to the City. Knier stated that he likes the fundraising idea. Council Member Hanson stated that he sees Halverson's point, noting that he agrees that we need to stand behind the officers. Hanson also discussed the need to replace the Chargers and that he is fine going this route this time, but that we also need to keep on top of our CIP fund to ensure the K9 squad is scheduled in for replacement. Wegeleben discussed that the squad was built into the replacement schedule, it just wasn't scheduled in the best way to suit the Department. Originally this squad was set for replacement in 2022, but was pushed out due to the need to replace the Chargers being greater. Hanson discussed that future Council's should not always expect that the car be purchased through donations. Wegeleben discussed the benefits of using Bruno for public relations purposes when we can. Halverson stated that it's not Chaffee's fault that past administrations didn't do their job by putting that car in the rotation, and discussed concerns that Chaffee will need to expend substantial time fundraising both during hours and after his working hours because past administration didn't do their job. Knier expressed that fundraising for the Department should be done as part of Chaffee's work day duties, and is not expected to be done during his personal time. Council Member Noding asked what the timeline is for the project, and what the plan is to start building the squad into the budget. Wegeleben reiterated that the K9 squad replacement had been budgeted for replacement in 2022, but another vehicle needed to be replaced so it was pushed back to 2024. Halverson suggested we identify a cutoff time that Chaffee needs to secure funds by before the City covers the remainder of the costs. Wegeleben explained that we already have a designated fund balance for the K9 program and it's up to the department on how the funds are utilized. Chaffee indicated that he would like to have funding in place by October 1, and get the new squad ordered for delivery in January 2023.

Council directed Staff to move forward with a fundraising campaign for replacement of the Police Department K9 vehicle. The campaign is authorized to run through October 1, 2022, at which time the City will consider other options for funding the remainder of costs needed.

4D. CR 43 and CR 81 Project Updates

Layne Otteson provided project updates on two Sherburne County road projects. County Road 43 is programmed to take place this coming summer. The design is 90% complete and bidding is expected to begin in about a month. The County held an open house at Liberty Elementary School on December 15, 2021 with about 15 people attending. Sherburne County will be pursuing a Safe Routes to School (SRTS) grant which could potentially save the City between \$75,000 to \$100,000 for the roundabout and for pedestrian facility improvements. Construction is likely this summer, but a Federal grant would likely delay work to 2023. The County Road 81 reconstruction project is programmed to take place this year and is being performed in two phases. The first phase is several miles northwest of the City and is currently under construction. Otteson noted that 95% of the project is located in Big Lake Township. The second phase is located adjacent to City limits and will likely take place later this summer. A new turn lane at County Road 73 will be constructed to provide better visibility at the intersection. Potential

development along County Road 81 may result in minor design adjustments. Otteson also indicated that the Sherburne County Engineer is estimating that it will be approximately 20 to 25 years before County Road 81 will be resurfaced or reconstructed. Otteson reviewed City water and sewer trunk lines in this area, noting that the reconstruction of County Road 81 is an opportunity for the City to extend water and sewer trunk lines and save substantial costs related to removals and restoration. Water and sewer needs to be extended approximately 350 feet northwest along County Road 81 to get past Lake Ridge Drive and to the edge of future development. This would position the City for utility system expansion to the north and west in the future, and Otteson noted that extending services to developable land promotes growth in an orderly and cost-effective manner. Otteson reviewed budget prioritization, noting that the investment of water/sewer infrastructure must be prioritized based on need, cost savings opportunity and likely development. The recommended work to extend water and sewer to the plat line as part of a County project should be a priority due to 1) timing to install water and sewer without removal or restoration costs, 2) water distribution redundancy, and 3) the extension of water and sewer service area to potential development. The cost for recommended sanitary sewer work is \$80,000 and water work in the amount of \$65,000. Performing this work as a standalone project would likely triple the costs due to removals and restoration. Otteson indicated that this work would have to be budgeted in the 2023 Operating Budget for water and sewer.

Mayor Knier discussed that if it is projected to be three times more expensive to do it down the road, we should the work now.

Council directed Staff to include the installation of trunk water and sewer mains serving future properties on County Road 81 in the 2023 water and sewer operating budgets.

Otteson also discussed the need to update the Water and Sewer Comprehensive Maps which were put together in 2003, and noted that we haven't been following the plan. The maps are tools for developers to use to see how the City plans to grow. Potential costs would range between \$4,000 to \$15,000 depending on use of the City's Engineer consultant. Council Member Halverson asked if the City Engineer has the capacity to take this project on himself. Otteson explained that he would like to have the maps in place within the next 3 months, stating that at this time of the year, he does have time to substantially facilitate this project with limited help from the consultant. Otteson noted that we will need some assistance but he should be able to manage option 1.

Based on feedback from Otteson, Council directed Staff to move forward with Option 1 with the City Engineer assuming a majority of the responsibility for updating the Water and Sewer Comprehensive Maps.

4E. Buffer Yard Ordinance Review

Lucinda Spanier reviewed past Council direction for review of City Code Section 1027.04 (Landscape, Screening, and Tree Preservation). Spanier explained that the required screening language aims to mitigate impacts that occur as a result of high or higher-impact uses located adjacent to low-impact residential uses. Subdivision 3 of the ordinance requires residential lots platted adjacent to major collector and arterial roadways, railroad right of way, and overhead power lines to feature a Buffer Yard,

which is a densely landscaped area extending 20 feet from the rear lot line along the side lot lines. Owners of properties with Buffer Yards are not permitted to remove landscaping or construct anything within the Buffer Yard. Spanier noted that the exception to this rule is walls and fences which are approved during the subdivision process. All residential properties platted in the past 20 years and located adjacent to CR 43, CR 5/Eagle Lake Road, CR 81, and CR 73 have been subject to the City's Buffer Yard ordinance. At the direction of the City Council, the Planning Commission reviewed the ordinance in detail at their meeting on December 1, 2021. The Planning Commission generally felt the ordinance to be adequate as written given that it achieves its intended purpose. The Planning Commission provided a suggestion for Council consideration, which was the elimination of the requirement to maintain the Buffer Yard for properties abutting railroad right-of-way and overhead powerlines. It is assumed the property owner would desire the natural screening provided, however if they do not, removal of the screening would not create a negative impact to surrounding property.

Council Member Seefeld reviewed that his recollection is that the Planning Commission also said that it would be alright to have a see-through fence in the Buffer Yard area. Seefeld also discussed that at the Planning Commission Meeting, he had asked who benefits from the ordinance language, the homeowner or the people on the road. If it is to the homeowner's benefit, why do we need to have it if they don't want it. Mayor Knier asked what the purpose of a Buffer Yard is. Spanier explained that the intention of the Buffer Yard is to provide screening for the benefit of both high traffic areas as well as residential properties in regard to sound control and visual barriers. It is also important to consider how effective these areas are for screening for code violations which would be in line with the City's more relaxed code enforcement position. Seefeld also reviewed that discussion at the Planning Commission included that landscaping in berm areas helps to mitigate junk and blight.

Council Member Halverson asked who is responsible for planting the landscaping in buffer zones. Spanier reviewed that the buffer zone is a developer requirement for platting. Halverson also discussed the Planning Commission's recommendation for allowing see-through fencing in these areas. Spanier noted that the fence allotment did not get a consensus of approval from the Planning Commission. Halverson asked what we do with all the non-compliant fences that have been put up in these areas. Spanier noted that a vast majority of properties that are located in buffer zones are compliant with the ordinance. There are some properties that are not in compliance with the code, and these fences would have been constructed without issuance of the required permitting, which is in violation of City Code. Halverson discussed that all of the parcels along CR 5 would be non-compliant with the City Code. Halverson reviewed that he has a problem with taking 20 feet of someone's backyard when they already have a larger right of way. Halverson stated that he thinks it should go back to Planning Commission to break down the different areas where Buffer Yards are needed for utility and railroad purposes. Mayor Knier stated that he is in favor of getting rid of Buffer Yard regulations. Halverson noted that he is in agreement with Knier except in areas that have utility lines or railroad areas. Spanier reviewed that when these are platted, they must meet our minimum lot requirements and then the Buffer Yard is an additional 20 feet. These lots are not being reduced in a way that would preclude enjoyment of one's backyard in a residential area. Halverson noted one property that had a greatly reduced backyard size and that is what he has a problem with.

Council Member Seefeld motioned to recess the January 12, 2022 Council Workshop at 5:52 p.m. until immediately after adjournment of the January 12, 2022 Regular Council meeting. Seconded by Council Member Hanson, unanimous ayes, motion carried.

Council Member Hanson motioned to reconvene the January 12, 2022 Council Workshop at 7:46 p.m. Seconded by Council Member Halverson, unanimous ayes, motion carried.

Discussion under item no. 4E resumed. Mayor Knier recapped discussion on this item prior to recessing the Workshop.

Council Member Halverson discussed the large right of way areas located adjacent to Buffer Yard areas, and reviewed that the property owner is also subject to maintenance requirements in Buffer Yard areas. If it's a grassy area, the areas are subject to weed/grass regulations which can be burdensome to access these areas without a rear fence gate. Halverson reiterated that he has a hard time telling someone they lost 20 feet of their backyard.

Council Member Noding discussed fences that are built along County Road 5 in Buffer Yard areas that are setback on the street side. When the property owner in this area was required to put their desired fence 20 feet back from their property line, they chose instead to construct it without an approved building permit to be in line with other fences constructed up to the path. Spanier clarified that the property owner who did that did not receive permission from the City. First and foremost, our ordinance has been in place for over 20 years requiring the Buffer Yard, and secondly, we don't allow construction of fences within 10 feet of a trail, which is in consideration for plowing and maintenance to ensure our public works equipment does not damage personal property.

Council Member Hanson discussed the Aberdeen trail area and asked why properties located south of Aberdeen Way have the 10-foot setback from the trail, but properties located north of Aberdeen Way have lot lines and fences built right up to the trail. Layne Otteson discussed past resident requests to put their fence up to the trail line, mostly due to property maintenance concerns. Most fences along CR 5 have been incorrectly placed, and have done so without obtaining the required permitting explaining that it's tough to go back and regulate. Halverson asked if when a development is platted, do the property lines need to be set back 10 feet from the trail, and questioned if we made an error in the Aberdeen Way area. Seefeld discussed that the CR 5 trail was built in the last 5 years and that these lot lines were already established when the trail was constructed. Otteson noted that the County designed the trail based on property lines, and in some areas where needed, the trail was constructed right up to existing property lines.

Council Member Seefeld discussed that he initially didn't like the Buffer Yard Ordinance and thought maybe we could reduce it to 5 feet. He does recognize that the properties on the east end of Highline Drive do look better due to these regulations. He did acknowledge that the Buffer Yard regulations don't apply to Highline Drive, but do affect County Road 5 and County Road 43. The Planning Commission minutes reflect discussion on getting rid of Buffer Yard requirements except in utility and railroad areas. The Planning Commission also asked about Variance provisions for people who want a fence in the Buffer Yard. Spanier explained that anyone has the right to apply for a Variance from a code provision,

and the property owner on New Castle Bay made it very clear that they did not want to conform with the ordinance and so Staff provided them information on applying for a Variance to the code section. Anyone can apply for a Variance and Spanier noted that she will coach a property owner on that option. If it is something that seems reasonable and will achieve the three-factor test for Variances, then she will encourage them to apply, but if it is something that doesn't seem like it will meet the three-factor test, Staff generally would not encourage them to apply for a Variance. Seefeld asked if the New Castle Bay property would have met the three-factor test. Spanier explained the hardship rule most likely would not have been able to be met, but they did not apply so a detailed analysis was not done to determine if the three-factor test could be met.

Seefeld noted he would be in favor of amending the buffer zone ordinance to allow for an aesthetically pleasing chain link fence. Spanier reviewed that our ordinance states that fences shall not be permitted within 10 feet of the curb and/or surface of any street, road, or alley that is regularly snow plowed by the City. Seefeld clarified his preferred amendment would be to allow for a fence that meets an aesthetic standard similar to the property on New Castle Bay but would still not permit the building of any structures or landscaping remodeling of that area. Knier suggested that the City grandfather in existing fences. Spanier expressed that we can't grandfather something in that wasn't allowed when it was installed and never permitted. Knier asked if there are problem fences now, and Spanier noted that there are certainly some non-conforming fences. Knier stressed that he does not want to go around to citizens and tell them they have to tear their fence down. Spanier reviewed that we have a complaint-based code enforcement system, so if we receive a complaint in regard to that, we are obligated to investigate. Seefeld asked if we can put the standard only going forward. Halverson also discussed the type of fencing we should allow, stating that wood fences are also very aesthetically pleasing, questioning why we would want to limit it to a chain link fence style. Seefeld reviewed that this was discussed at the Planning Commission and it was noted that the Buffer Yard with the berm and landscaping looks nice and they didn't want to block those areas with a wood fence. Seefeld stated that if the property owner doesn't care if they are seeing road, he doesn't think there is a need for the Buffer Yard ordinance. Halverson reiterated that we should reword the direction to include allow any aesthetically pleasing fence in the buffer zone. Gina Wolbeck discussed that the code should identify what is considered aesthetically pleasing material. Spanier noted that it sounds like the City Council prefers to amend the code so Staff will work on language that will go back to the Planning Commission for their recommendation, and ultimately will be brought forward to the City Council. Mayor Knier suggested that the only other option would be to get rid of the Buffer Yard altogether, but he is in favor of the amendments as discussed.

Council directed Staff to bring draft ordinance language amending the Buffer Yard regulations to the Planning Commission for their review and recommendation.

4F. New Ideas Discussion

Council Member Hanson discussed the need to use a consulting firm to hire a new Police Chief. Clay Wilfahrt discussed that Staff will obtain quotes from 2 to 3 firms and will bring to the Personnel Committee for their recommendation.

5. **OTHER** – No other.

6. **ADJOURN**

Council Member Halverson motioned to adjourn at 8:09 p.m. Seconded by Council Member Seefeld, unanimous ayes, motion carried.

Gina Wolbeck
City Clerk

01/26/2022
Date Approved By Council