

**BIG LAKE CITY COUNCIL
REGULAR MEETING MINUTES
JANUARY 25, 2023**

1. CALL TO ORDER

Mayor Paul Knier called the meeting to order at 6:00 p.m.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

3. ROLL CALL

Council Members present: Ken Halverson, Sam Hanson, Paul Knier, Kim Noding, and Paul Seefeld. Also present: City Administrator Hanna Klimmek, City Clerk Gina Wolbeck, Finance Director Deb Wegeleben, City Planner Lucinda Spanier, Police Captain Sam Olson, Liquor Store Manager Greg Zurbey, Streets/Parks/Fleet Superintendent Norm Michels, Water/Wastewater Superintendent Dan Childs, and Big Lake Student Liaison Allie Cross.

4. OPEN FORUM

Mayor Knier opened the Open Forum at 6:01 p.m. No one came forward. Mayor Knier closed the Open Forum at 6:01 p.m.

5. PROPOSED AGENDA

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

6. CONSENT AGENDA

Council Member Halverson motioned to approve the Consent Agenda as presented. Seconded by Council Member Noding, unanimous ayes, Consent Agenda approved. The Consent Agenda consisted of: 6A. Approve List of Claims, 6B. Approve Council Workshop Minutes of January 11, 2023, 6C. Approve Regular Council Meeting Minutes of January 11, 2023, 6D. Approve Joint City/County/Township/School Meeting of January 19, 2023, 6E. Approve Change Order No. 1 for

the Well No. 1 Improvement Project, 6F. Approve Resolution No. 2023-10 approving a Conditional Use Permit for 4330 Sterling Drive, 6G. Approve Resolution No. 2023-11 approving Conditional Use Permits for 711 Rose Drive, 6H. Approve Year End 2022 Transfers, 6I. Approve 2023 Planning Commissioner Officer Appointments, 6J. Approve 2023 BLEDA Commissioner Officer Appointments, and 6K. Accept Resignation from Parks Advisory Committee Member Jack Merwin.

7. BUSINESS

7A. Recognitions – Employee Years of Service

Mayor Knier presented years of service certificates to City employees who reached a milestone year of service. Those employees recognized included Jeffrey Halligan (5-years), and Thomas Kucala (5-years).

7B. Zoning Text Amendment/Concept Plan Review for Parcel No. 65-607-0105

Lucinda Spanier reviewed the zoning text amendment and Concept Plan review applications submitted by Jerry Minor of Jerry's of Elk River for parcel no. 65-607-0105. The Applicant is interested in operating his vehicle sales business on Lot 1, Block 1, Big Lake Marketplace 9th Addition. The subject property is located in the Innovation Industrial (I-4) zoning district, which does not permit vehicle sales. Minor has requested to amend the district to allow for his proposed use of indoor vehicle sales, and is also seeking feedback on his concept plan for the subject property. Spanier reviewed that the purpose of the Innovation Industrial District is to provide an affordable industrial space in the community for start-up businesses, home occupations that have outgrown their space, and other small businesses that are at a stage where they cannot yet afford a building constructed with first class materials. Due to the presence of outdoor storage and manufacturing, this zoning district is intended to be isolated from residential uses and buffered from commercial uses. The district permits major and minor automobile repair provided the operation is conducted within an enclosed building. The district also allows accessory retail sales as a conditional use, subject to conditions. Spanier reviewed that a public hearing was held during the January 4, 2023 Planning Commission meeting and no public input was received. Finding the proposed use compatible with the uses allowed in the I-4 district, the Planning Commission voted 7-0 in favor of the request to allow motor vehicle sales as a permitted use in the I-4 zoning district provided the operations are conducted entirely within an enclosed building.

Spanier reviewed the proposed concept plan for the I-4 parcel located at the corner of 166th Street NW and 197th Avenue NW. The Applicant is proposing to construct a 6,000 square foot building to house an indoor online car dealership, noting that they would not have any outdoor storage. They have a very limited amount of walk-in business and most of their sales are national and international.

Council Member Noding asked if the code revision project will impact their project. Spanier responded that the ordinance amendment would be effective upon Council approval and summary publication.

Council Member Seefeld motioned to approve Ordinance No. 2023-01 amending Chapter 10, Section 1062.02 of the Big Lake City Code to permit indoor vehicle sales in the Innovation Industrial (I-4) district. Seconded by Council Member Halverson, unanimous ayes, motion carried.

Council Member Noding motioned to approve Resolution No. 2023-12 authorizing summary publication of Ordinance No. 2023-01. Seconded by Council Member Halverson, unanimous ayes, motion carried.

7C. Code Revision Project Review

Kendra Lindahl reviewed proposed amendments to the zoning code Chapter 10 as recommended by the Code Revision Taskforce and the Planning Commission. Lindahl discussed that the rewrite of the Zoning Ordinance will be a repeal and replace. The goal of the update is to make the ordinance clear and concise by reducing unnecessary text and referencing policy documents where possible. As part of the sections, there were significant text edits made to clarify language and reorganize for clarity. The existing ordinance is 574 pages and the draft ordinance is currently 268 pages. Lindahl also reviewed that the draft Zoning Ordinance has been revised with the new logo, colors and Calibri font to fit with the City's recent branding update. The ordinance has also been reformatted for clarification and consistency. The table of contents includes the sections present in the ordinance and the subsections within each of those sections to allow easy navigation of the document. Staff is also working on a modification to the draft ordinance that is not included in the current draft ordinance. The modification is to include an interim use permit to allow for specific lots (PID 65-026-2201, 65-026-2205, 65-026-2000) to be developed without municipal sewer and water and instead use a septic and well system. This would allow them to have a septic and well system until such time as municipal sewer and water become available for hookup to the property and would require them to hookup at that time. Staff is utilizing a similar process from the City of Andover as a framework for the addition to the ordinance. Lindahl explained that the City Council is asked to review the draft Zoning Ordinance and provide feedback to staff. Staff will make any desired changes for inclusion in the formal public hearing for adoption with the Subdivision Ordinance and Sign Ordinance in spring of 2023.

Council Member Halverson noted that he sits on the Code Revision Project Committee, and expressed concerns with various changes that were recommended by the committee. Halverson stated that the Council should look at the no covered parking for apartments, stressing that it would be an injustice if we don't have any covered parking requirements for apartments, noting

that most communities have this requirement, specifically so the parking lot doesn't look like a car dealership. Halverson also stated that it would stretch out our infrastructure, and expressed that we need to keep a higher standard for our developments.

Council Member Hanson agreed with Halverson, noting that we have impervious surface requirements for properties located in the R1 zoning district, and he would prefer to see less parking lot parking in higher density districts. Halverson also noted that there would be less storm water runoff going into our storm water system. It was also noted that covered parking would be more attractive to potential renters during the winter months.

Council Member Seefeld discussed that he also sits on the Code Revision Taskforce, and he is in agreement with the Taskforce recommendation, noting that amenities should be market driven. Seefeld also noted that he does like smaller parking lots and asked Lindahl if the Taskforce did fully remove requirements for covered parking. Lindahl responded that direction from the Taskforce was to reduce the number of delineated enclosed parking requirements, which was based on the developers knowing their market, and that there was no public interest on the City's side to require.

Council Member Noding stated that she agrees that the covered parking requirement should be put back in, noting that we could go case by case through the variance process if a developer wants it looked at.

Mayor Knier noted that he is hesitant to make a blanket statement to over vote the Taskforce.

Lindahl discussed that they can bring information back, noting that most cities have some type of requirements for covered parking. Lindahl reviewed that the Taskforce was set up in an effort to eliminate unnecessary restrictions and to make the code language more understandable to developers, residents and staff. Lindahl also reviewed that the trend they are seeing is that communities and developers are moving away from enclosed parking for various reasons.

Council Member Halverson discussed deck requirements on apartments, noting that it is Council's job to help steer things in the City. Halverson stated that we would not be doing justice to our community by removing things from the code such as requiring decks on apartments. Halverson expressed concern that currently, decks are only required for projects with a PUD. He noted that recently, all apartment complexes have required a PUD, but by amending the code, apartment projects most likely won't need a PUD so they wouldn't be required to construct decks with each unit. Halverson stated that we need to build the community up, and by taking things out of the code we would be bringing it down. Halverson stated that he feels it is important to require projects to build covered parking and balconies because we are building apartments not motels.

Mayor Knier responded that it is a difference of philosophy, noting that others have questioned if it is government's job to tell a developer what to do, and noted that freedom can be messy. Knier stated that the market will decide what is needed as a developer isn't going to build something they can't sell. It's not the builder against the City or the builder against the tenants, but that they are going to want to put something out there that is going to be something that people want.

Council Member Hanson stated that he feels balconies are going to provide a life safety for both the tenants and firefighters. Hanson expressed that if a firefighter is stuck in a building, they can be found much easier if they have an egress from a balcony.

Council Member Noding discussed the need to balance flexibility with safety. Noding discussed the possibility of having it be the exception, not the rule, noting that the developer can always apply for a variance which requires a vote by the Council.

Hanson agreed that the market is going to drive itself, but we need to look out for our fire personnel as well. Lindahl noted that we don't require them now, but is hearing that there is interest in adding this requirement to the code. Lucinda Spanier reviewed that the City's current code requires balconies in the R3 zoning district only when the project is in a PUD. The recent Aeon project did not require balconies as it is located in the TOD zoning district. Lindahl expressed that balconies are not currently required in the R3 zoning district, it is only required in the R3 if you change the R3 to a PUD. Halverson stressed that every recent apartment project has been required to get a PUD. Lindahl stressed that it's important to be factually accurate is that the zoning code does not allow it today, but we have a lot of people ask for a PUD for a variety of reasons, and as a result of the PUD have had to add that. From the discussion tonight, Lindahl has heard that at least 3 of the 5 Council Members would like further discussion on balconies and covered parking, which will be brought back to the Taskforce, the Planning Commission, and ultimately back to Council.

Council Member Seefeld discussed that the topics we have been discussing were approved, one by a variance and one that didn't require a variance, and questioned if we are going to go in the direction of approving them anyways, why would we require them. Seefeld also noted that he does see the need for safety.

Lindahl recapped that this topic can be brought back to the next Taskforce and Planning Commission meeting, and then a final recommendation will be forwarded to Council. Discussion was held that the Council would like to see feedback from the Taskforce. Lindahl reviewed that both items have affordability components also, so we are trying to balance life safety, affordability, quality, and a response to the market that will offer a variety of housing types.

Council Member Seefeld discussed the recommendation from the Planning Commission on implementing a short term rental registration program, which was differing from the recommendation from the Taskforce. Discussion at the Taskforce was that it is a solution in search of a problem because we don't have a problem, and he stated that he agrees with the Taskforce recommendation over the Planning Commission, noting that we can always add in language if we need to. Lindahl reviewed that the discussion at the Planning Commission was if we should be regulating short term rentals, with Planning Commission discussion centering on negative implications on neighborhoods relating to traffic, strangers in the neighborhood, noise, and party houses so it's something that cities have been adding regulations to manage these properties especially in the areas of noise and parking. If the property owner wants to rent their house out, they would need to get a license from the City that would spell out requirements. Lindahl explained that the Taskforce did not feel we needed to add a licensing program in to our code, but the Planning Commission felt that it made sense to add it in, and Lindahl explained that we do have some of these properties already in town and the Planning Commission felt it would be good for the City to have some regulations in place to manage them. Noding asked if we have had any problems with the ones that currently exist. Lindahl reviewed that the Taskforce was not aware of any issues. Hanna Klimmek reviewed that the first time we discussed this topic was when Minneapolis hosted the Super Bowl, and at that time we decided not to pursue anything. Spanier reviewed that staff has fielded a number of inquiries for redevelopment properties around the lake where the owner is interested in renting their property out for vacation homes and for rentals, noting that these property owners get very excited when they find out we don't have any regulations. Mayor Knier reviewed that we do have local laws in place to enforce nuisance complaints. Spanier noted that the crux of the discussion at the Planning Commission rested on the fact that it's not a homeowner that is raising their family on the property and isn't maybe as invested in the community. It's basically a business that is being run in a single-family neighborhood.

Council Member Noding asked what the concern was with the accessory dwelling units (ADU's), in relation to adding back in versus taking out. Seefeld discussed that Lisa Odens is on the Taskforce and the Planning Commission and she wanted accessory dwelling unit amendments, and he thought the Taskforce was in agreement with that. Lindahl explained that she recalls that it was in the details of the ADU's. Commissioner Odens was in favor of allowing two principal structures, and the difference was in scale. Ultimately, they both ended up supporting it, but with different conditions. The Planning Commission wanted to manage it more tightly, making sure the ADU truly is accessory to the home. Council Member Halverson discussed that if you have a second dwelling and there is an emergency call, there could be concerns with addressing and emergency responders locating a victim/patient in need. Lindahl reviewed that the two committees had differences in some of the standards, with the Taskforce being open to bigger units with fewer standards, and the Planning Commission indicating that they like the idea, but with more standards to address life safety and ensuring that the property feels like a single-family residence.

Noding discussed addressing concerns in relation to a resident receiving City notifications. Lindahl also reviewed that one of the challenges with the ADU's is in regards to elections and addressing at these types of structures. Lindahl noted these structures can be a little challenging, and we have to work with the post office on addressing; however, it does provide a way to provide affordable housing or care for a family member or for live in help. Noding asked for clarification that this language has been built into the developing code and Lindahl responded that it has been.

7D. Presentation – Annual City Report for 2022

Hanna Klimmek presented the 2022 City report. Information provided included new management team appointments, Police Department staffing changes, and department reports for the Fire Department, Community Development, Engineering, Finance, Streets/Parks/Fleet, Water/Wastewater, and Lake Liquors. Klimmek also reviewed new 2022 businesses that have opened up in Big Lake. Klimmek discussed upcoming projects including completion of the Code Revision Project, welcoming our new K9, summer community events, the Water Meter Replacement Project, and the possible Wastewater Treatment Plant upgrades. Discussion was held on the City's new K9 Ranger.

Council Member Seefeld asked what defines a buildable lot. Klimmek responded that it would be a platted lot. Klimmek reviewed the status of current projects, as well as projects under consideration, noting that one project has been delayed a year.

7E. Donations Towards City Projects

Deb Wegeleben reviewed donations received by the City for various City projects including the Lakeside Park Flag Pole Project, the Big Lake Freedom Rock Project, the Veteran's Memorial Park Landscaping Project, and services provided by Guardian Roofing for the Fire Station Roof Project.

Council Member Noding motioned to accept 2022 donations towards the Lakeside Park Flag Pole Project, the Big Lake Freedom Rock, Veteran Memorial Park Landscaping, and an in-kind donation for the Fire Station Roof Project totaling \$23,685. Seconded by Council Member Hanson, unanimous ayes, motion carried.

7F. Department Reports

Streets/Parks/Fleet Department – Norm Michels provided an update on the Streets/Parks/Fleet Department. Michels discussed fall tilling at the community garden area, storm sewer and street repair, Powell Park improvements, and thanked the part-time seasonal staff that worked in various areas this past summer. Michels also reviewed snowplowing services the department has provided this winter season, preparation for the City's ice skating rinks, reviewed fire hydrant clearing, and

proper garbage can placement in the winter months. Michels also thanked members on the Parks Advisory Committee for their time served, noting that there are currently 3 seats open and 4 applications have been submitted to fill the vacancies.

Council Member Halverson discussed recent negative behavior aimed at our Public Works employees. Michels reviewed serious issues his staff has had with members of the public, and noted that there are laws that regulate treatment of city officials. Our staff is getting done what needs to be done, acknowledging the work they are doing during this very difficult winter. Michels advised the public to contact him directly with their concerns. Mayor Knier asked Michels to relay to his staff that Council has their backs and they appreciate their hard work.

Mayor Knier also discussed the age limit required for seasonal employees, and Michels responded that seasonal employees must be at least 16 years of age or older to work for the City of Big Lake.

Water/Wastewater Department - Dan Childs provided an update on the Water/Wastewater Department for the months of November and December 2022. The utilities department provided 26,984,000 gallons of safe drinking water in November and another 28,009,000 gallons in December. The City treated 21,635,000 gallons of wastewater in November and 22,808,000 gallons in December. Childs also provided a 2021/2022 comparison on water use in the City, noting that there was 89,843,000 gallons (16%) less water used in 2022, and 7,203,000 gallons (3%) more wastewater treated in 2022. Childs also discussed that staff inspected the top of the water tower at Lakeside Park and found no ice buildup.

8. ADMINISTRATOR'S REPORT

City Administrator Hanna Klimmek discussed that this week staff is representing Big Lake at the Economic Development Association of MN Conference, the City Engineers Association of MN Conference, and at a workshop that the MN City Management Association is providing. Klimmek also reviewed that the Sherburne Soil & Water Conservation District is starting their 10-year Comprehensive Watershed Management Planning Project. Their kickoff meeting is scheduled for 5:30 pm on January 31st which will be held at the Sherburne History Center. Klimmek noted that they are looking for feedback so they can be certain that they are focusing efforts on the natural resource issues of greatest importance to the community.

9. MAYOR & COUNCIL REPORTS and QUESTIONS/COMMENTS

Mayor Knier: reviewed the annual Joint Meeting with the City/County/School/Township representatives that was held on January 19, 2023, and reviewed the January 24 Fire Board Meeting.

Council Member Halverson: discussed the Joint City/County/School/Township Meeting.

Council Member Hanson: discussed the January 16 Big Lake Beyond the Yellow Ribbon Meeting.

Council Member Noding: reviewed the January Fire Board Meeting, and the Joint City/County/School/Township Meeting.

10. OTHER – No other.

11. ADJOURN

Council Member Seefeld motioned to adjourn at 7:22 p.m. Seconded by Council Member Halverson, unanimous ayes, motion carried.

Gina Wolbeck
Clerk

Date Approved by Council 02.08.2023