

**BIG LAKE CITY COUNCIL  
REGULAR MEETING MINUTES  
APRIL 12, 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 Engineer Layne Otteson, Community Development Director Therese Haffner, Police Captain Guy Chaffee, Fire Captain Tim Davis, Liquor Store Manager Greg Zurbey, Streets/Parks/Fleet Superintendent Norm Michels, Water/Wastewater Superintendent Dan Childs, Leah Koch from the Big Lake City Attorney's Office of Campbell Knutson, and Big Lake Student Liaison Allie Cross.

**4. OPEN FORUM**

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

Tracy Sodon, 4987 Mitchell Road – Reviewed that on April 27, 2022, she put forth a resolution to suspend the use of the electronic voting systems. Since then, it has come to light that the contract between Dominion and Sherburne County had expired on April 1, 2022 with the software, maintenance license expiring on April 4, 2022. When she came to Council on April 27, 2022 with the resolution, the County's contract with Dominion had expired. The first amendment to the expired contract was dated June 23, 2022 which happens to be one-day prior to the start of the absentee voting. The first amendment to the contract wasn't signed until August 30, 2022 by the County Administrator. The first amendment to the software license wasn't signed by the County Auditor until October 30, 2022. This is days after the Minnesota Primary. Sherburne County's contract with Dominion appears to have expired April 1, 2022 under the master terms. The software license expired on April 4, 2022. The contract did offer a renewal, but it appears it didn't happen until after the expiration date. The expired contract was amended with a back dated

effective date of June 23, 2022, noting that we know it was backdated because the amendment wasn't signed until August 30, 2022 by the County officials. This was done days after the Primary. As a taxpaying property owner in Big Lake and Sherburne County, these dates are concerning and they should also concern citizens and Council Members of Big Lake. Last night's presentation by Rick Wiebold was amazing and it was recorded and she will send the Council the link to that recording.

Phil Collins, 16234 Jarvis Street, Elk River - Thanked the Police Chief, the City Administrator, and Council Members for their review of the towing contract. While he is disappointed in the outcome, he questioned if the new Bob's Towing impound lot has been approved by the necessary parties for a CUP. Collins also asked who will be policing the contract, discussed concerns from people who have filed a complaint on fees being charged by Bob's Towing, and suggested the City set up a committee to review future complaints and offered to sit on this type of committee. Collins also asked if the contract would go away if Bob's Towing decides to sell their business.

Mayor Knier closed the Open Forum at 6:06 p.m.

## **5. PROPOSED AGENDA**

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

## **6. CONSENT AGENDA**

Council Member Halverson motioned to approve the Consent agenda as presented. Seconded by Council Member Seefeld, unanimous ayes, Consent Agenda approved. The Consent Agenda consisted of: 6A. Approve List of Claims, 6B. Approve Council Workshop Minutes of March 22, 2023, 6C. Approve Regular Council Meeting Minutes of March 22, 2023, 6D. Approve Amendments to the City Personnel Policy, 6E. Accept Resignation from Accounting/Deputy City Clerk Janette Rust, and approve an Interdepartmental Transfer of Lisa Miller to fill the position, 6F. Approve Communication Site Lease Agreement Between the City of Big Lake and Arvig, 6G. Accept Resignations from Liquor Store Employees Tara Hintz and Chera Cruze, 6H. Authorize Advertising to Fill Full-time Lead Liquor Clerk and Full-time Assistant Liquor Manager Positions, 6I. Set Special Workshop for Code Revision Project Discussion on April 19, 2023, 6J. Approve Amendment to the City of Big Lake Financial Policy, 6K. Rescind Canine Officer Appointment for Officer Tyler Hecht, 6L. Approve Resolution No. 2023-26 approving MNDOT Delegated Contract No. 1052162, 6M. Approve the Purchase of a Public Works Vehicle, 6N. Approve Employment Status Change for Nicole Pearson to Police Specialist II, 6O. Approve SHIP Grant Agreement for the Big Lake Farmer's Market, 6P. Authorize the Sale of City Equipment at Auction, 6Q. Approve Temporary Liquor License Application for The Wave on May 20, 2023 at Lupulin Brewing Company, 6R. Approve Resolution No. 2023-27 approving a Lawful Gambling License to Big

Lake Spud Fest for Charitable Gambling Operations at the Big Lake Smoke Shop located at 635 Rose Drive, Suite 3, and 6S. Approve Appointment of Heather Brooks to the Vacant Planning Technician Position.

**7. BUSINESS**

**7A. Appeal Hearing - Therapeutic Massage License Denial (Xiaoyan Wu [Big Lake Massage])**

Leah Koch reviewed staff's recommendation for denial of a Therapeutic Massage License application to Xiaoyan Wu to practice massage services at Big Lake Massage located at 635 Rose Drive, Suite No. 2, Big Lake. Koch noted that Wu has officially appealed the denial and is present at the meeting to be heard on the matter per Big Lake City Code Section 395.05. Koch identified findings for the denial of the license and invited Wu to speak to her side of the case.

Xiaoyan Wu reviewed that in St. Cloud in 2018, the boss closed the store at that time because the new owner tried to prepare to buy that store. The new owner knew they needed to have one male practitioner on the massage to apply for the license. They denied his license which is why her license wasn't granted. She only worked in St. Michael and nowhere else. It was her understanding that with Roseville, there wasn't a problem because she tried to work there for one month and felt it didn't fit her well, so that is why she didn't do it.

Koch reviewed that Council is asked to take into consideration the arguments presented, the City Code, and also the background investigation evidence, and decide whether to pass the resolution which will uphold the denial, or make a motion to direct the City Attorney to draft findings granting the license. Mayor Knier discussed that having read what is in the packet, he is going to stand with the recommendation of Chief Kaczmarek in upholding the denial of the license.

Council Member Halverson motioned to approve Resolution No. 2023-28 upholding the Therapeutic Massage License Denial for Xiaoyan Wu. Seconded by Council Member Hanson, unanimous ayes, motion carried.

**7B. Big Lake Police Department Towing Agreement**

Hanna Klimmek reviewed past towing service agreements the City has had, and recapped that the Council action at the December 14, 2022 Council Meeting was to bring the item back in March 2023 to give the owner of Bob's Towing and Recovery time to come into compliance with the storage of their towed vehicles. Klimmek reviewed that Bob's Towing and Recovery had vehicles stored at 101 Lake Street South, which was out of compliance with the City's zoning code/policies as identified at the December 14 meeting. During the December 14, 2022 City Council meeting, staff recommended that the City Council approve an agreement for Towing, Impounding, and

Storage of Motor Vehicle Services between the City of Big Lake and Collins Brothers Towing, Inc. (dba Peterson's Towing and Recovery). Even though Bob's Towing and Recovery came in at the lowest and most reasonable bid, they were out of compliance with City policy, which was the justification for recommending to move forward with Collins Brothers Towing, Inc. Through discussion on December 14, 2022, Council Member Hanson made a motion to table the discussion until March, which would provide Bob's Towing enough time to remove their vehicles from the 101 Lake Street South property. It was also mentioned that Bob's Towing was still in a lease agreement with the owners of 101 Lake Street South through February 28, 2023. Klimmek reviewed that during the week of February 20<sup>th</sup> (prior to the end of Bob's Towing lease agreement with 101 Lake Street South), a representative of Bob's Towing contacted the city stating that all vehicles had been removed from the property. City staff contacted the owner of the property afterwards, and the owner validated that all vehicles that Bob's Towing was responsible for had been removed. Klimmek noted that Council direction at the March 22, 2023 workshop was to bring an agreement with Bob's Towing and Recovery forward to a future meeting for consideration. Klimmek reviewed the fees associated with the services performed only apply to cases initiated by the Big Lake Police Department. All vehicles towed will be brought to a property located at 20104 US Highway 10 NW, Big Lake, MN.

Council Member Halverson asked if the new tow lot has been approved for a towing use. Klimmek responded that the lot now being used is in the township area and staff has not looked into that. Halverson stated that if we are going to do business, then the person we are doing business with should be on the up and up. Halverson also discussed that since they are doing towing for us, if we get complaints from citizens about excessive fees, we should have the ability to see the bills since the billing is done through us. Klimmek responded that everything the City pays goes through finance. Halverson clarified that if a vehicle that is towed from a car accident, and the owner has a billing complaint, we as the City, with Bob's Towing working through our contract, we should have the right to see that billing. Klimmek reiterated that if we initiate the phone call, we expect the fees associated with the contract to be available.

Halverson stated that he has been opposed to this as they have been non-compliant for years and we shouldn't have given them so much time to become compliant. He has a hard time leaning towards one business in town when both are local and paying taxes, and feels the amounts quoted aren't comparable as some of the amounts were by the hour and some were a flat fee. Halverson reiterated that he still feels it was poor on the City's behalf to give someone a year to become compliant and then give them the contract over someone who followed the rules. Mayor Knier commented that Halverson's comments are duly noted and asked for any further comments from Council.

Council Member Noding asked if Bob's Towing is in the process of purchasing a parcel in the City's I-4 district. Klimmek responded that they are working on that, but the purchase isn't yet complete.

Nick Christenson, the owner of Bob's Towing, discussed that he has had a lot of conversations with Mark Schneider from Sherburne County about zoning, not about their current lot. Christenson reviewed that he doesn't expect zoning to be a problem as there are no wetlands in the area. Christenson reviewed the agreement they have taken on with this current lot that will handle a lot of the overflow of vehicles, and reviewed that he has a site plan drafted up for the I-4 parcel he is interested in that is located in City limits. Christenson noted that he will contact Sherburne County zoning to discuss zoning of the Township parcel.

Halverson stated that they should have to be code compliant wherever they are at if the City is doing business with them. We would want that if someone from the Township was doing business in the City limits, we would want them code compliant that way.

Mayor Knier stated that Bob's Towing should work it out with the Township, noting that we have a 30-day notification clause if we want to switch vendors.

Council Member Seefeld motioned to approve an Agreement for Towing, Impounding, and Storage of Motor Vehicles Services between the City of Big Lake and Bob's Towing & Recovery, Inc. Seconded by Council Member Hanson. Motion passed with a vote of 4:1 with Council Members Hanson, Knier, Noding and Seefeld aye, and Council Member Halverson voting nay. Motion carried.

## **7F. Department Reports**

Fire Department – Fire Captain Tim Davis provided statistical information on calls for service for the months of February and March, and reviewed department training that included medical training with CentraCare, and preplanning and a tour of Cargill. Davis also expressed appreciation for the City's continued support of the Fire Department.

Council Member Halverson discussed that when it came to the new truck, he was wholeheartedly in favor of a new truck. Halverson stated he is disappointed two trucks were proposed; a \$1.7 million truck versus a \$2.059 million truck, noting that it was pennies on the dollar to alter the door area and he wants justification as to why we didn't look at altering the door and spend substantially less on the cost of the truck. Halverson stated that he is disappointed in the JPA Board that both options weren't presented when the City made their decision because he thinks some of the right questions could have been asked and we could have maybe done things different and saved the taxpayers a bunch of money. Mayor Knier spoke to comments made by Halverson, noting that he appreciates that Halverson spoke up about his concerns. Knier reviewed that he did have a conversation with Council Member Halverson regarding whether it was a good idea to spend the \$2.059 million on the mid-mount truck versus the \$1.7 million, and he did put some calls in to Pierce to do his research there, and also called a commercial builder to ask about the potential costs to make the doors bigger at the Fire Hall. The builder told him that it would be

quite problematic, if not impossible. Then Knier called Halverson back to discuss, and Ken had indicated he talked to a builder who could do it for \$10,000. Ken clarified that it was closer to \$30,000, and Knier responded that Halverson had told him \$10,000 on the phone. Knier further discussed that he called our City Building Official and he had commented that one door would be very expensive to do that kind of improvement, and Knier then found out that he wasn't even aware that it was two doors. Knier stated he feels we made a good decision, and that it never hurts to look at other options, but what really came out of it was everything Chief Hansen said to the Fire Board about the expense of doing those doors was spot on. Knier also noted there is some added functionality for the mid-mount in that you do get the bucket that can hold 1,000 pounds versus 750 pounds, and the amount of water it can use at a minute is roughly 70% more, and he feels Chief Hansen's analysis was good.

#### **8. ADMINISTRATOR'S REPORT**

City Administrator Hanna Klimmek discussed that Chief Kaczmarek and Captain Olson are representing the City at the Chief's Conference up in Duluth this week, reminded the public that the City Council has set a special workshop for 5:00 p.m. on Wednesday, April 19th to discuss the Code Revision Project prior to its upcoming approval, and discussed that City staff and their families will be volunteering their time on April 20th to clean up the streets that surround city hall, noting that this is an Earth Day project the Health and Wellness Committee has organized. Klimmek also reviewed City staff will be attending a tour of Big Lake schools on April 20th to determine if there is a suitable/secure location for the City to designate as a polling site. Staff will also be working with Public Works on an option for more parking at the current polling place location at the Public Works facility.

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

Mayor Knier: Reviewed the March CMRP Meeting and the April BLEDA Meeting.

Council Member Hanson: Reviewed the April BLCLA Meeting, noting that their annual meeting is scheduled on May 6, 2023 at Style Catering.

Council Member Noding: Discussed the recent BLEDA Meeting.

Council Member Seefeld: Reviewed the April Planning Commission Meeting.

**10. OTHER** – No other.

**11. ADJOURN**

Council Member Seefeld motioned to adjourn at 6:36 p.m. Seconded by Council Member Hanson, unanimous ayes, motion carried.

Gina Wolbeck  
Clerk

Date Approved by Council 04.26.23