

**BIG LAKE CITY COUNCIL  
SPECIAL WORKSHOP MINUTES**

**APRIL 19, 2023**

**1. CALL TO ORDER**

Mayor Paul Knier called the meeting to order at 5:00 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, and City Planner Lucinda Spanier.

**4. PROPOSED AGENDA**

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

**5. BUSINESS**

**5A. Code Revision Project Discussion**

Mayor Knier asked for feedback from Council on the draft code revisions for Chapters 10, 11, and 13 of the Big Lake City Code.

Council Member Seefeld discussed his position still hasn't changed, noting freedom and limiting costs. Seefeld reviewed that years back when he went to rent an apartment he considered cost and didn't look at parking or balconies. Seefeld stressed the freedom of the builders needs to be considered, noting excess costs get passed on to the end user. Seefeld discussed there is all this talk in government about the need for affordable housing and when you force a builder to do something, you add on to the unaffordability. Seefeld reviewed votes taken by the BLEDA (4:2), the Taskforce (4:5), and the Planning Commission (unanimous) on the code language brought forward to the City Council. Seefeld stated he is in favor of moving forward with the recommendation of the Taskforce.

Council Member Noding discussed she likes the idea of some covered parking, noting a lot of communities around here have some covered parking, and some do not. We have a current standard that is a nicer, higher standard and developers can always negotiate down to some middle ground, but

it's hard to negotiate up from a bottom position. Noding also stated she likes uniformity of standards. She discussed she has lived in crappy places in her life and doesn't care to see that kind of minimum standard in Big Lake, reviewing she has been homeless and has lived in tenement housing and this is not something she wants to see happen in Big Lake. She clarified she is not suggesting we twist anyone's arms, but we should be requiring landscaping and recreational areas, and maybe we could require parking be available without hurting people too much. If they don't have to pay for it that is great, or if they have to pay extra for it they would have that option. Noding also reviewed less covered parking amounts to more asphalt and large gigantic parking lots, stating she is opposed to the recommendation of the Taskforce. Noding added there isn't a lot of mandated deck requirements, but believes our current multi-family PUD requirements require balconies as part of the PUD and asked staff for further clarification on if this can be negotiated. Lucinda Spanier responded it wouldn't necessarily be a negotiation but would be a variance request the City Council would consider. Noding discussed a variance is kind of the same thing as a negotiation. Spanier explained for a variance, there is a three-part test that is regulated by MN Statute, that cities have to find certain findings in order to be able to rationalize the variance. Spanier and Therese Haffner reviewed past applications and standards have to be met as part of the three-part test. Seefeld reviewed that one of the directives to the Taskforce was to rewrite code so less variances and PUD's would be required. Noding discussed the requirements for indoor sprinkler systems and asked how many stories a multi-family structure would need to have to trigger this type of requirement. Council Member Halverson discussed the requirement would be based on the square footage of the building.

Mayor Knier discussed he agrees we need to let the market decide. Knier noted he went to an Energy meeting with Congressman Tom Emmer where it was discussed that every \$1,000 in government mandates we require prices 2,700 people out of that market. They also said almost half the cost of building a home is due to government mandates. We are pricing people out of homes, including apartments. Knier stated he is not for any mandates we can avoid. He stated he thinks we all ran on limited government and that is not what this is and he can't get behind it. He knows other cities have mandates for parking and commented covered parking doesn't necessarily mean underground parking, it can also mean covered, and feels it doesn't necessarily shrink the size of the parking lot, noting it could potentially make it bigger. Knier discussed he thinks the Taskforce had a process in place for a reason and we had very intelligent people on the Taskforce that as a majority, decided this was the way to go and he trusts that process. Knier also noted he has received feedback from a number of people on the balcony and covered parking requirements, and all of them were for less mandates. Knier stated he is in favor of the Taskforce recommendation. Spanier discussed there is a regulation in the parking section of the code that requires parking lots in excess of 30 stalls be separated by greenspace to avoid having a sea of asphalt or concrete to break up the heat island effect and to make it a more appealing place to be. There is an ordinance currently in place that will be carried over into the new code that requires that amenity.

Council Member Hanson thanked everyone on the Taskforce, committees, Council and staff that have put time into this code revision project. It has taken a lot of time and a lot of smart people have put time into it. Hanson discussed the balcony requirement, he was previously in favor of, noting as a firefighter he recognizes the means of an egress and a safe space for citizens and firefighters is important. As we seen in our update last week, there currently aren't any regulations that require a balcony as it is just

included in the outdoor living space. Hanson stated he doesn't want to be adding new regulations to our code so he has changed his stance on this. He noted he will still push for balconies on every single apartment project that comes to Big Lake, but doesn't want to create a new code regulation we don't already currently have. When it comes to the covered parking, he looked at staff's notes and they had some comparables from other cities he felt weren't very comparable to our city. He took the time to contact comparable cities to Big Lake, spoke to various staff members within those comparable cities, and combed through their city codes. Hanson noted of the 15 cities he compared, only one of them did not have a covered parking requirement, every other one he looked up had a covered parking requirement just as ours currently has. We wouldn't be adding anything new to the code by keeping this requirement. Hanson also noted the Planning Commission had a 7:0 vote in favor of changing the code to not require covered parking, and encouraged the Council to look back to our meeting on January 27, 2021 on the Meadowview Estates project the builder was proposing to build deconstructed apartments. Planning and Council unanimously voted against this project due to the project not having garages. He has spoken to a lot of people in the last couple weeks, and he is not in favor of getting rid of this requirement in our code, but knows it has created a lot of extra work for staff to have to bring PUD's and variances forward for approval. He understands we want to get off these builder's backs, and no one wants to be adding work to the process. He is comfortable, but won't necessarily like it, but will be comfortable with approving the recommendation of the Taskforce. Personally he doesn't want to see it happen, but it should streamline the process. We truly only have two R-3 lots available right now, but recognizes there could be more in the future. He hopes the market shows MN winters should have covered parking, noting if our goal for this was to help our policies streamline, then he is in favor of it. Seefeld noted we can negotiate up, as we did this with the Aeon development at the Planning Commission level.

Council Member Halverson stated he feels it is hypocritical for us to say there is government over-reach in this deal. We have all these regulations for construction, but when the big guy with all the money comes in we back off. Halverson also stressed that both the Planning Commission and the Parks Board both said we wanted sidewalks in the development outside of town and it came to the City Council and he was mad he got out-voted. He brought it to City Council and we removed half the sidewalks out of that development at absolutely no cost to the taxpayers to save the developer money, and we are doing the exact same thing here so it is pretty hypocritical to him to sit here and say we won't have any government mandates when our code already regulates things like landscaping, curb, and road width. When the big guy comes to town with big pockets, we back off. Knier asked who ends up paying for it as the big guy will pass the costs along to the end user. Halverson reviewed a newspaper article about a City of Becker project being done by Aeon with many amenities, which is a beautiful project. Halverson asked why we would lower our standards, and commented we shouldn't be negotiating up for covered parking as it is not going to work. Halverson stressed we put all these rules in place for the little guy, but when the big guy comes in we have to save him money on all costs. Halverson questioned if we are doing justice to our taxpayers when surrounding communities are getting really high standard projects, and suggested we try to set our standards at a higher level, and then if they come in and negotiate, we can consider their requests on a case-by-case basis. Halverson stressed we should be building Big Lake up, not down. Seefeld commented at a Taskforce meeting, it was Halverson who said we want more mandates on the little guy who are building homes in Big Lake, and the rest of the members said we can

reduce the size of the garage which would reduce the size of the house, and so on. Seefeld said Halverson said we need bigger, bigger, bigger. Halverson stated he was for the two-car garage, commenting if we don't have something like that in place, then a previously denied developer can come back with an extremely small development as we won't have a leg to stand on because we won't have any regulations in our code to require specific amenities. Halverson clarified what he meant was we need to be protected so this doesn't happen. Seefeld commented those were single-family homes with a yard, noting people are going to collect stuff and they need a garage. Halverson clarified we didn't have that in the code when this went through. Spanier reviewed under our current code, single-family homes require a two-stall garage with specific dimensions, which is not moving forward with the new code. At the time the Meadowview Estates detached apartment concept came through, those were reviewed as single-family homes because that is exactly what they were and the requirement for a two-stall garage was in place and is proposed to be in place in the future. Knier discussed the City of Becker has the same parking requirements we are now going to change to, which was confirmed by Council Member Hanson, noting they do not have an underground parking requirement. Knier recapped the market will dictate this, noting we aren't building slums here, we are still building quality apartments and many builders and developers are going to put on balconies as the market is going to decide that. They are going to make more money on that as some people are going to want this feature as well as covered parking. We need to let the market decide and give people choices. Halverson questioned if Becker regulates their projects through a PUD, because we don't require things until a project needs a PUD. Noding asked if this code revision project eliminates the need for multi-family projects to seek a PUD. Spanier responded eliminating the PUD requirement was a large goal of the project to streamline the process for staff and those that want to invest in our community. Spanier reviewed the current code requirement for all multi-family projects to have a PUD only applies to projects that are residentially zoned and would really only apply to our R-3 zoning district. Hanna Klimmek discussed the current concept plan review process and if a development comes in that doesn't need a PUD, that requirement is gone and they wouldn't be required to go through the concept plan review process. Spanier explained it won't be required, but will be advised. Spanier also noted we aren't eliminating the PUD option, it just won't be a requirement for all multi-family projects. Haffner reviewed when a developer is interested in developing a property, we want them to sit down with a staff team, which is in essence a concept plan review. Where we have the most authority is when we are drafting our ordinances, which is our legislative capacity. If we have those standards laid out and they follow that, it doesn't need to go through formal concept plan, they go straight to the platting steps. If they want deviation from code, there is a process for that in the variance option, but they would have to meet the practical difficulty test.

Therese Haffner recognized the code revision project has gone through a detailed process and recognized the work of the Taskforce as well as the EDA and Planning Commission. Haffner reviewed some concerns from City Staff and asked for Council comments regarding private septic and well language, along with the increase to the outside storage ratio to be approved administratively.

Staff's concerns relating to the EDA recommendation to allow a private well and septic as an interim use on property known as the Big Lake Industrial Rail Park that was annexed into the City around 2008, which never developed, and noted the City received a request from the property owner to detach from the City to allow for industrial development for this location. Haffner clarified the EDA's recommendation was

limited only to the area where the rail park was planned for. Ultimately, the Taskforce discussed this topic and recommended allowing it throughout the City for properties 1,000 feet or more from utilities. Staff recommends limiting the area as recommended by the EDA to 1) Protect Investment in City Infrastructure, 2) Protect Well Head Protection Area, 3) Ensure adequate water supply, 4) Provide for orderly growth and extension of city services, and 5) Prevent barriers to connecting in the future, including costs. Haffner suggested Council follow the recommendation of the EDA and limit to the area they had discussed. She noted there has been a lot of discussion regarding eliminating or reducing variances and she appreciates that. If we are handing out a lot of variances on issues, we should amend our ordinance; however, that avenue is there and this seems to be an area where it is appropriate and she recommended if there is a situation where a property owner does have practical difficulties, they will come to us to seek a variance that would get reviewed by Council. It doesn't change the timeline if they would go through an Interim Use process, but it gives the Council more discretion. An Interim Use is a type of permitted use, similar to a Conditional Use. One main difference between the two is it has a sunset date. Haffner again encouraged Council to have that option for areas that might be outside of this area. Spanier noted we do have that option already. Seefeld asked if the Taskforce and Planning Commission wanted that option left open. Spanier responded if they would have specific conditions associated with the use that all need to be met in order for the permit to be granted, such as it has to be 1,000 feet from City services, then it would qualify a property to receive this type of Interim Use Permit. Haffner reiterated she is recommending the Council limit the area for the Interim Use process, noting her recommendation is based on comments from key City staff that have weighed in on the discussion including engineering, public works, administration and finance. We have other properties we want to grow in an orderly fashion. If we start allowing properties to annex without hooking up to City services, our utilities will never be extended, and if it does, she questioned who is going to cover that cost. Halverson questioned who would have to pay for the 1,000 feet, noting someone could potentially have to pay for their area as well as the neighbor's property. Haffner discussed the idea is that we want to have utilities extended in an orderly fashion right up to the property line and that is how you grow orderly.

Mayor Knier discussed he agrees with staff on this topic, noting maybe there was some misunderstanding at the Taskforce level. Seefeld suggested redefining the ordinance to better define who pays costs within 1,000 feet of services. Haffner noted if we limit this to the area that the EDA discussed at the industrial rail park, she doesn't think it would be an issue, noting the intent would be to have it right up to the property line. Deb Wegeleben discussed if we limit it to just the two specific parcels, it should not be an issue.

Council unanimously directed staff to limit the new code language to allow a private well and septic as an interim use only on property known as the Big Lake Industrial Rail Park two parcels, and other parcels can request a variance.

Lucinda Spanier discussed the recent ordinance change to increase outdoor storage limits in the I-4 zoning district from 3.5:1 to 7:1 as an administratively permitted use that doesn't require any other oversight. The current code requires an interim use permit for any outdoor storage, noting there is no cap on the amount. With the new code, we are eliminating what is currently our I-3 district and we are

moving all properties from the I-4 into the I-3 and the staff recommendation is to continue with the administrative permit for outdoor storage at the original ratio of 3.5:1. Anything that goes above and beyond that, would still need to meet the list of criteria for outdoor storage, but would be reviewed as an Interim Use Permit. That way we can look at these properties on a case-by-case basis. Also of concern to staff is when these properties change hands and there are different materials being stored in these outdoor storage areas and being used in different ways depending on the user, that Interim Use Permit is really handy because the use can be re-evaluated based on a sunset date. Spanier noted it becomes more of an issue when you have more space, but at a ratio of 3.5:1 it is relatively small and not as significant so staff doesn't really have a concern with that, but once we start allowing for 7 times the amount of outdoor storage area to the building footprint, she feels it is really important to have more discretion. Mayor Knier asked if the IUP would inhibit the land owner to sell their property. Spanier responded if the buyer wants to use the parcel in a different way they would need to look at getting a new IUP which would be in the City's interest. Halverson discussed concern with the 7:1 ration as there won't be opportunity for checks and balances. Spanier noted if we continue with the 7:1 ratio, the City wouldn't have grounds to review the project, and stressed the City's code enforcement process is completely complaint based so we could have full awareness of a non-compliant use going on at a piece of property, but we have to wait for a written complaint to come in to address it. Spanier provided an example of a user being evaluated through an administrative permit on the criteria and it meets all the criteria, then the next user comes in and their use no longer meets the criteria, the IUP requirement would be the opportunity for us to make sure the new user is following outdoor storage regulations such as appropriate screening, and noted every subsequent user wouldn't need administrative approval so this would really be for the protection of the whole area so it does not degrade the value of properties over time. Halverson stated he likes the IUP as when the parcel switches hands, it gives the City the opportunity to review new users, protects our waters, and feels some previously approved administrative permits should never have been approved. The IUP takes the personal relationships out of the decision making and makes approvals black and white. Klimmek reviewed she understands the planning perspective as the well as the property owner perspective, noting we don't have a business licensing program and we do worry sometimes about what the future use is. Klimmek also acknowledged there is some hesitation of developers when there is an IUP requirement.

The consensus of the Council was to keep the 7:1 outdoor storage ratio.

## **6. ADJOURN**

Council Member Seefeld motioned to adjourn at 6:05 p.m. Seconded by Council Member Hanson, unanimous ayes, motion carried.

Gina Wolbeck  
City Clerk

04.26.23  
Date Approved by Council