

**BIG LAKE CITY COUNCIL  
REGULAR MEETING MINUTES  
MAY 25, 2022**

**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: Interim City Administrator Hanna Klimmek, City Clerk Gina Wolbeck, Finance Director Deb Wegeleben, City Planner Lucinda Spanier, Acting Police Chief Sam Olson, Liquor Store Manager Greg Zurbey, Streets/Parks/Fleet Superintendent Norm Michels, Water/Wastewater Superintendent Dan Childs, Big Lake Student Liaison Ella Dotzler, and Planning Consultant Kendra Lindahl from Landform.

**4. OPEN FORUM**

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

Brad Cross, 119 Hiawatha Avenue – stated that he has served as a City of Big Lake regular and head judge and served at Precinct 1 for the 2020 General Election. Cross noted that he was made aware of the April City Council Meeting where the integrity of City Clerk Gina Wolbeck, precinct judges, and himself were called to attention. During that meeting it was also discussed the lack in faith of the Dominion system. Cross stated that he has worked with Wolbeck in almost all the elections that he has participated in and feels that she is 100% trustworthy, works with great integrity and ensures that the elections are run in a fair and impartial manner, and noted that he feels that no one should ever question her integrity or motives and stated that he is disappointed to have heard that from one of our election judges. Cross stated that it is true that during the election we did have our Dominion voting system go down. Immediately him and another head judge came together and secured the unit. They contacted the County for a new machine so the affidavit made in April by one of the judges is inaccurate. He did not call the company that makes the Dominion voting system which was what was stated at the April meeting. He called the County and the

County helped us work through the problem. All ballots were locked at all times, ballots were put in the auxiliary port and once the problem was resolved, we pulled those ballots out with a judge from each party and two other judges and we inserted those in. At no times were those ballots compromised. Every ballot was counted and the machine was counted 100% accurate, and at the conclusion of the election the head judges confirmed the total number of ballots balanced with the counts on the machine. We do not go home until those numbers are 100% confirmed and accurate. Cross discussed that it has been requested that the judges go to hand counting ballots. In his opinion, this is a terrible idea. Asking judges to keep tallies of filled in circles at the end of a very long day is going to create inevitable errors. He feels we have all learned a lesson through the Busch/Gore election. Doing hand counts by humans is not more accurate. Lastly, to his knowledge he has not been involved in a recount that have had vote count inaccuracies. He has also not heard of any elections where audits have taken place that have been overturned because of inaccuracies. He is confident that we are doing our jobs correctly, fairly, and impartially. All voters in Big Lake should have confidence in its election judges, and noted that they haven't done anything otherwise to promote a different theory. Cross expressed that he will not participate as an election judge if we go back to hand counting ballots. Cross also noted that the current sitting Council Members were all elected using this same voting equipment also.

No one else came forward. Mayor Knier closed the Open Forum at 6:04 p.m.

## **5. PROPOSED AGENDA**

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

## **6. CONSENT AGENDA**

Council Member Halverson motioned to approve the Consent Agenda as presented. Seconded by Council Member Hanson. The Consent Agenda consisted of: 6A. Approve List of Claims, 6B. Approve Council Workshop Minutes of May 11, 2022, 6C. Approve Regular Council Meeting Minutes of May 11, 2022, 6D. Approve Appointment of Molly Leger to the Part-time Liquor Clerk Position, 6E. Approve Premier Marine Sign Variance Resolution No. 2022-47, 6F. Approve Lease Agreement with Floaters Recreational Rentals, LLC, 6G. Approve Ordinance No. 2022-07 Amending Section 800.27 Re-establishing Permanent Restrictions on Sprinkling, and approve Summary Publication Resolution No. 2022-48, and 6H. Approve Material Testing Services Quote with Haugo Geotechnical Services for the ST2022-1 Project.

Mayor Knier asked for discussion on item no. 6G. Knier asked if the ordinance as presented will expire in one year and would need to be implemented back into effect if Council chooses to do so. This is the way he understood the direction at the last workshop. Hanna Klimmek explained that the City will be

having a discussion in March 2023 to decide if the Ordinance needs to be changed back or not. Knier stated that he understood that the ordinance was going to be just for this year and would expire next year, and then would be revisited to see if we want to put it on again. Gina Wolbeck indicated that it would not be typical to put an end date to a City Ordinance. Klimmek reviewed that the decision made was that the discussion will reconvene in March 2023 and if needed, the ordinance can be changed back. Staff has it scheduled to initiate that discussion in March 2023. Knier asked what the problem is with doing it the other way. Council Member Seefeld reviewed that the discussion during the workshop was that it wouldn't look favorable to the State if we didn't have a permanent water ban. Knier asked if it would be more favorable for us to being able to drill another well if we adopt the recommended language, than if we adopt language that would require us to have to put the ban back on next year, or does it not matter at all. Dan Childs responded that until we have firm capacity of the wells, for the sake of keeping our water system secure and ensuring that we have the necessary drinking water available instead of allowing residents to water their grass, he recommends that we should keep the language in place until we get another well approved. Knier stated that he agrees with Childs, but that we can all agree it is a matter of semantics. The point is, is that he would rather have it default to freedom and liberty and that we have to act to re-implement the ban. Council Member Halverson stated that he doesn't have a problem with having Staff bring the item back in March 2023 for Council to discuss whether there will be a continued need for the ban to remain in place. Halverson also stressed that it isn't just about personal water use needs, it is also about ensuring that we have an adequate water supply if the Fire Department has to respond to a large fire. Seefeld agreed with Halverson's comments, and noted that it is just as much up to the Council to make sure we revisit the discussion next year. Knier explained that no one is questioning the fact about the water situation that we are in, he is only making the point that if the language is on the ordinance, it is easier to keep it on there. If the other Council Members are fine with adopting the proposed language, he can accept that.

Mayor Knier asked for a vote on the motion on the table. Unanimous ayes, Consent Agenda approved.

## **7. BUSINESS**

### **7A. Northland Meadows Second Addition PUD Concept Plan Review**

Kendra Lindahl reviewed the planners report for the Northland Meadows Second Addition PUD Concept Plan application submitted by JP Brooks Builders for a 57-acre area located west of County Road 43, south of Forest Road, north of future 193<sup>rd</sup> Avenue NW and adjacent to Karen Lane on the west. The subject application is for a residential development that will provide 120 single family homes and villa homes and has a proposed density of 2.1 units per acre. The proposal consists of 85 single family homes and 20 single family villa homes. Lindahl also reviewed access and utilities to the site, wetlands, development standards, trails and sidewalks, justification for the PUD, and development fees. Lindahl also noted that the Planning Commission reviewed the concept at their May 4, 2022 meeting and was largely supportive of the project. They expressed

concern regarding the size of the backyards of the lots abutting CR 43 and advised the applicant of the expectation for there to be ample space in the rear yard of the single-family homes for decks, additions, sheds and other items. Lindahl asked Council to provide informal review and comment regarding the project's acceptability in relation to the Comprehensive Plan and overall use.

Council Member Halverson discussed that his big concern is that the concept was R1 to be developed strictly as R1 and the pieces around it are R1. As a Council we have had the conversation that we like the R1 Districts to have a buffer with an R2 district before we go to an R3 district. The density being proposed is a hybrid R2 jammed into the middle of an R1 district. Council has also discussed that we have so much R3 and we have so much high density already. We should try to follow our concept plan and establish this development as R1, and stressed that he doesn't feel this project is in the right area for it because then we are going to have these townhomes too closed to single-family properties. Knier asked if the villa portion of the concept makes this project R2. Lindahl responded that while the villas proposed are single-family homes, the lot sizes determine the zoning designation. Lindahl also noted that the lot sizes proposed do not meet the R2 zoning requirements which is why both housing styles need PUD flexibility from the R1 and R2 districts. Halverson discussed the small lot sizes being proposed.

Council Member Hanson asked if the villa lots will be comparable to the townhome project completed on Karen Lane. The developer indicated that the lot sizes will be similar. Council discussed the villa designs, and Mayor Knier noted that the plans show a nice wide setback between the side yards and the Karen Lane villas have 5-foot setback from each property line, totaling 10 feet between structures. Hanson asked for further road design information. Lindahl noted that the Planning Commission reviewed road design for the project and engineering has suggested the possible need for another street connection going north, and that we would like this stub just as a north/south street connection. Council Member Seefeld indicated that comments made at the Planning Commission meeting were that if that street were to remain where it is going south, it would put the properties to the west of it at a very close proximity to the street. Halverson discussed that an issue with moving it over is that it will create a straight line that could create speed concerns, and all the congestion will be brought within a half of block from the main intersection. If the street is placed out further, it would be staggered and we won't end up with all the traffic right by the entrance. Knier asked if the Planning Commission was unanimous in their support for the project. Seefeld noted that the Planning Commission doesn't vote on concept plan reviews, but the comments provided were generally favorable. Knier asked for Staff feedback on the R2 designation. Lucinda Spanier discussed Council Member Halverson's comments made that the concept is surrounded by existing single-family traditional R1 style development, and this project as proposed, and that the R2 district is the closest zoning district that we have to match it to, which is not to say that an R2 district is incompatible adjacent to an R1 district. They both allow single-family dwelling units, it's just a slight reduction in setbacks and lot sizes. Spanier noted that she doesn't think there is an issue with incompatibility, especially in regard to the County Road

that is adjacent to the property as you usually want to have higher density abutting higher intensity roadways. In terms of land use, it is an appropriate proposal. Spanier also commented that the Parks Advisory Committee discussed trail construction along County Road 43 within the county right of way which should include a 10-foot wide trail from the southern terminus of the plat all the way past the northern property line of the plat to connect with the existing trail that is there which extends to the North Star Station.

Mayor Knier asked for more detail on bedroom units in the villas. The developer reviewed two separate floor plans being proposed. Knier asked what demographic the developer sees as living in this type of housing. Villa homes are generally purchased by seniors or someone that wants one-level living that provides low maintenance living options. Halverson commented that we have already built 139 of these types of structures already, which is why he would like this development be a straight R1 plan because Capstone is already building this style of housing. Knier noted that this concept will only add approximately 20 more of this type of housing style.

Mayor Knier stated that while he wouldn't personally want to live in villa style housing as he prefers a bigger yard, there are a lot of people who don't want any yard work, noting that no one is going to force anyone to live there. Knier asked what the price point is for the single-family structures. Josh Pomerleau, owner of JP Brooks discussed that he can't speak to how and why this parcel got skipped, but noted that the Preliminary Plat never got moved forward due to the recession. Pomerleau noted that in order to develop this parcel, they will have to bring the sanitary sewer line from the east side which is a really big challenge and a lot of dewatering will have to happen. It will cost significantly more to run the sanitary sewer from the east than what the land will cost, and they need to have a cost-effective project. Their challenge is going to be the cost and they are hoping to get prices in the \$300,000 to \$400,000 range. Halverson asked if we can put a lift station in to run the sanitary sewer from Karen Lane. Chris Dawn from Bogart Peterson discussed that the City Engineer has required that the sanitary lift station only be a temporary one. Halverson asked if it would be more cost effective to put the lift station in and run the system and then as the land to the south develops, the costs be moved to that development. Dawn reviewed the connection coming under County Road 43 to the City's main. They would be bringing sewer all the way through the plat so the people to the south have the option to connect on to that when they connect onto the road so it is benefiting more than just this property, it would benefit the properties to the south.

Council Member Noding asked if the villa portion of the development will be the only part of the concept that will be an HOA. Pomerleau reviewed that the gross area of the project is now around 35 acres that includes 20 villa units and 80 single-family units. Halverson asked how hard it would be for the developer to move the road over and possibly take out one to two villas and add a single-family structure in. Pomerleau responded that they would want to do that because the road going to the back of all the houses for the next development won't make sense so they are going

to want to move that over so that we can put a row of homes on the other side of the road when you go south.

Council Member Hanson stated that JP Brooks has a phenomenal product and he really likes the ones off Karen Lane. Hanson agreed with Council Member Halverson's comments in that he is looking for larger single-family lots for this part of town, and keeping the villa style housing closer to the R2/R3 zoning districts. He understands that cost is always going to be a factor that comes into play, but he would prefer to see us not allow villa style housing in this part of town. Council Member Seefeld asked what the average lot size is for the development. Pomerleau indicated that the average lot size is projected to be 2.9 units per acre. Mayor Knier discussed that costs are rising for everybody and the cost of living is rising and could potentially get worse. He noted that maybe right now isn't the time build \$600,000 homes. Knier also discussed that there are R2 homes a block away, and he doesn't have a problem with the concept plans. Halverson asked if the developer will be able to do this project if the zoning were to be strictly R1. Pomerleau indicated that they would not be able to do the project at this time. He noted that they will work on Council's comments, but acknowledged that he can't even say there is a 50% chance that they will come back even if their current proposal gets blessed. They met with the owner of the land to the east as the pipe would have to go under the Township road which would have to be replaced to county standards. They are trying to avoid that and actually get an easement to the north. Just to get an easement, the cost to do that is going to cost more than the land. Pomerleau stated that he doesn't think a strictly R1 development could be done in this market. If prices come down and the market crashes, anything is possible. Noding discussed that the sewer seems to be the greatest expense. Pomerleau indicated that the sewer is the big thing. They sold 160 homes last year and they are not getting the requests for bigger yards. They like the efficiencies the smaller yards offer as the homeowner can maintain them cheaper and easier. They wouldn't want to build these style homes if they didn't think they could sell them.

Council Member Seefeld discussed faster emergency vehicle access from Traverse Lane. Council Member Noding discussed that she understands the sewer installation cost issue, and that the target market on villas seems to be mainly the senior market and people who are looking for smaller yards. The project looks very well thought-out except the road issue, and noted that she would support the project, but stated that she is not a big fan of more and more multi-family housing styles, noting that she thinks we have enough of that going on. Council Member Hanson asked what we allowed for a side yard setback for the Capstone project. Lucinda Spanier discussed that Capstone didn't significantly change side yard setback between Concept Plan Review and their formal submittal so they felt there was enough support on the Council to move forward with the setbacks as proposed during Concept which she believes were either five or six feet. Council Member Hanson noted that his only hold back on allowing the villas is doing that side yard setback a little bit bigger.

## **7B. Code Revision Project Update**

Kendra Lindahl reviewed the draft Subdivision Ordinance that was reviewed and commented on by the Code Revision Taskforce at their meeting on April 19, 2022. Substantial changes from the Taskforce included 1) a more comprehensive list of prohibited trees, the requirement for the Parks Advisory Committee to review concept plans and make recommendations on parks and trails, and 3) the removal of the environmental subdivision standards and incorporation of some of those principles into the PUD section. Lindahl noted that the Planning Commission reviewed the draft ordinance language at their meeting on May 4, 2022 and agreed with the Taskforce recommendations. Lindahl also discussed that the goal of the City Code update is to make the language clear and concise by reducing unnecessary text and referencing policy documents where possible. Lindahl also noted that most of the language in the subdivision ordinance is guided by statutes and there is little Big Lake policy contained in this section.

## **7C. 2022 Street and Utility Improvement Project Driveway Agreements**

Hanna Klimmek discussed the 2022 Street and Utility Improvement Project, noting that residents have the option to have their driveways replaced and be assessed for the work. The driveway cost would be added to the property owner's special assessment, thus providing a funding mechanism option that may otherwise not result in driveway replacement. Klimmek reviewed that deterioration of driveways can result in creating more sediment that reaches our lakes, streams and wetlands. Klimmek also discussed that as two Council Members have requested their driveways be replaced and the associated costs be assessed, there are separate resolutions for Council Members Noding and Seefeld as they should abstain from voting on these resolutions. Council Member Hanson also indicated that he is having driveway improvements done, and Deb Wegeleben explained that his parcel was removed from the assessment list on the main resolution, but that he should abstain from voting on his resolution.

Council Member Seefeld motioned to approve Resolution No. 2022-49 directing Staff to execute contracts with various property owners for driveway replacement within the 2022 Street and Utility Improvement Project No. ST2022-1. Seconded by Council Member Halverson, unanimous ayes, motion carried.

Council Member Seefeld motioned to approve Resolution No. 2022-50 directing Staff to execute a contract with the property owner of PID 65-471-0116 for driveway replacement within the 2022 Street and Utility Improvement Project No. ST2022-1. Seconded by Council Member Halverson, motion passed with a vote of 4:0:1 with Council Members Halverson, Hanson, Knier and Seefeld voting aye, and Council Member Noding abstaining. Motion carried.

Council Member Noding motioned to approve Resolution No. 2022-51 directing Staff to execute a contract with the property owner of PID 65-471-0120 for driveway replacement within the 2022

Street and Utility Improvement Project No. ST2022-1. Seconded by Council Member Halverson, motion passed with a vote of 4:0:1 with Council Members Halverson, Hanson, Knier and Noding voting aye, and Council Member Seefeld abstaining. Motion carried.

Council Member Noding motioned to approve Resolution No. 2022-52 directing Staff to execute a contract with the property owner of PID 65-440-0150 for driveway replacement within the 2022 Street and Utility Improvement Project No. ST2022-1. Seconded by Council Member Seefeld, motion passed with a vote of 4:0:1 with Council Members Halverson, Knier, Noding, and Seefeld voting aye, and Council Member Hanson abstaining. Motion carried.

#### **7D. Department Reports**

Streets/Parks/Fleet Department - Norm Michels provided an update on the Streets/Parks/Fleet Department for the months of March and April 2022. Michels discussed spring projects the department has been working on including crack filling, ball field maintenance, fishing pier maintenance and installation at Lakeside Park, and improvements at the Big Lake boat landing. Michels also reviewed flooding concerns at the River Oaks Park and other street areas, noted that Spring Road Restrictions have been lifted, indicated that the Community Gardens opened on May 6<sup>th</sup>, and reviewed that the Story Stroll Project is set up at Highline Park.

Council Member Halverson asked if we have a plan for servicing City vehicles. Michels reviewed that right now we are servicing City Hall, Police, and Public Works vehicles, and noted that he had wanted to get comfortable with the program before we take on the Fire Department vehicles. He stated that he feels comfortable now to take on the next phase of the project. Deb Wegeleben noted that this will be discussed at the next Fire Board Meeting to discuss how the costs would be covered between the City and the Township.

Council Member Hanson asked if Michels can speak to the Fire Department on hose testing problems they have had to find out if Public Works can help with that. Michels indicated that they are not qualified on maintaining apparatus equipment, and he would need more information to make a decision.

Water/Wastewater Department - Dan Childs provided an update on the Water/Wastewater Department for the months of March and April 2022. The utilities department provided 24,701,000 gallons of safe drinking water in March and another 25,947,000 gallons in April. The City treated 22,079,000 gallons of wastewater in March and 20,137,000 gallons in April. Staff has also been doing jetting and hydrant maintenance.

Council Member Halverson asked how close the well is to being done. Childs reviewed that Well No. 1 is moving forward, but most likely won't be ready for summer.

Mayor Knier asked how many gallons of water we have saved by fixing leak issues. Childs indicated that we have saved approximately 500,000 gallons of water per day since problem areas were addressed this year.

**8. INTERIM ADMINISTRATOR'S REPORT**

Interim City Administrator Hanna Klimmek reviewed that on July 12th, the Police Department hosted an all-staff BBQ/potluck to honor Police Week, noted that the May 20<sup>th</sup> Movie in the Park event was cancelled due to high winds and has been rescheduled for Friday of this week. Klimmek also reviewed the Recycle Day 2022 event that was held on May 21<sup>st</sup>, which served 207 customers (71 from the City), thanked George Quinn for fundraising for, and organizing landscaping improvements at Veterans Memorial Park just in time for the Memorial Day Ceremony starting at 9:00 a.m. on Monday, May 30<sup>th</sup>, and noted that the summer Farmers Market series begins next week on Wednesday, June 1st at 3 pm at Lakeside Park. Klimmek discussed the off-sale ordinance amendment that will be coming to Council at the June 8 meeting. The new language is being considered to conform with a new state law that will allow a brewer to sell at off-sale, 128 ounces per customer per day. Klimmek also informed Council that she will be attending the Economic Development Association of MN (EDAM ) summer conference next week, June 1-3.

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

Council Member Halverson - reviewed the May Parks Advisory Committee Meeting, and the code revision taskforce meeting held recently. Halverson also indicated that the Powell Street Park installation will be done by July 1, 2022.

Council Member Hanson – discussed the May Big Lake Beyond the Yellow Ribbon Meeting, and discussed the May 21<sup>st</sup> Recycle Day event.

Council Member Noding – reviewed the BLCLA Annual Meeting held in early May.

Council Member Seefeld - reviewed the code revision taskforce meeting held yesterday, and provided information on Memorial Day events planned for Monday.

**10. OTHER – No other.**

**11. ADJOURN**

Council Member Noding motioned to adjourn at 7:18 p.m. Seconded by Council Member Halverson, unanimous ayes, motion carried.

Gina Wolbeck  
Clerk

Date Approved By Council 06/08/22