

**BIG LAKE CITY COUNCIL  
REGULAR MEETING MINUTES  
JUNE 14, 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, Paul Knier, and Kim Noding. Council Members absent: Sam Hanson 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, City Planner Lucinda Spanier, Police Chief John Kaczmarek, Streets/Parks/Fleet Superintendent Norm Michels, Water/Wastewater Superintendent Dan Childs, Big Lake Student Liaison Allie Cross, and City Attorney Soren Mattick from Campbell Knutson P.A.

**4. OPEN FORUM**

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

Gloria VandeBrake from the Big Lake Chamber of Commerce, 271 Shoreview Estates – provided information on the upcoming Big Lake Spud Fest event and Music in the Park events. VandeBrake also discussed upcoming Chamber events including the Block Party and Golf Scramble.

Gregg Graton, 4800 Hwy 78, St. Louis Park – indicated he represents Big Lake Laundry located at 461 Jefferson Blvd which is the former Casey's Gas Station site which is two blocks away from the Big Lake EDA owned site. The EDA site has a pending sale currently for a laundromat use. Graton reviewed they own the site that the City of Big Lake referred them to in 2017 for a laundromat use, and that they were told by the City their project could be approved administratively. They received formal approval in December 2022, and the BLEDA was notified of this approval on January 9, 2023. Graton indicated they have started their demolition and their building permit is waiting for them to pick it up. Their plumbing plans were recently approved by the State and the City is

charging them \$100,000 in SAC/WAC for this use. Graton requested the City Council table items 6Q and 7D based on previous representations, motions, resolutions and current actions regarding the application and sale for PID 65-554-0105. Graton questioned if it could be detrimental to the taxpayers if the City does not table this item, and they would like the opportunity to inform the City Council of some previous actions by all departments that have taken place that may create some serious exposure for the taxpayers. The intent of removing enclosed parking and reducing the parking spaces per apartment dwelling unit appears to be a conflict of interest for the City and applicant on the sale of PID 65-554-0105, and questioned if Mr. Geroux created conflict of interest as he is the VP for the City of Big Lake EDA who is the seller of the property, and it appears he is making motions of approval for minutes regarding this transaction. Mr. Geroux is also representing the applicant as a developer and builder and according to a city resident, is a possible owner of the facility.

Mayor Knier closed the Open Forum at 6:07 p.m.

## **5. PROPOSED AGENDA**

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

Mayor Knier explained that with two Council Members absent from the meeting, there are some legalities the Council will need to address for specific items on the Agenda.

## **6. CONSENT AGENDA**

Council Member Halverson motioned to approve the Consent agenda with the removal of item no. 6N and 6Q for separate consideration. Seconded by Council Member Noding, unanimous ayes, Consent Agenda approved. The Consent Agenda consisted of: 6A. Approve Council Workshop Minutes of May 24, 2023, 6B. Approve Regular Council Meeting Minutes of May 24, 2023, 6C. Approve Resolution No. 2023-39 Receiving Bids and Awarding Contract for the 2023 Sealcoat Project, 6D. Approve Temporary Liquor License to The Wave at Lupulin Brewing on July 15, 2023, 6E. Accept Part-time Liquor Store Staff Resignations from Dain Thompson, Will Boeckman, Mark Boeckman, and Kelly Schaufel, 6F. Approve Hire of Full-time Lead Liquor Clerk Renee Schimek Klinkner, and Part-time Liquor Clerks Jess Rosa, and Kelsey Huber, 6G. Approve Personnel Policy Amendment, 6H. Approve Temporary Liquor Licenses to the Big Lake Chamber of Commerce and Industry for the 2023 City of Big Lake Music in the Park Events, 6I. Approve Hire of Seasonal Part-time Public Works Employees Henry Overby, Courtney McConnell, and Abigail Schaufel, 6J. Approve Resolution No. 2023-40 authorizing Application to the State of MN for Appropriation Funding for the Wastewater Treatment Facility Improvements, 6K. Approve Development Contracts for the Lot 1, Block 1, Big Lake Marketplace Ninth Addition Project, 6L. Approve

Resolution No. 2023-41 amending the Prairie Meadows Third Addition PUD, 6M. Approve the Prairie Rose Preliminary Plat and PUD Extension Request, ~~6N. an Ordinance Rezoning properties to be consistent with the new Zoning Code, and a Summary Publication Resolution~~, 6O. Approve the Goldenrod Glen/Station Street Acres East Second Addition Final Plat Extension Request, 6P. Approve Prairie Land Management AIS Treatment Contract, and ~~6Q. an Ordinance Amending Chapters 10 (Zoning Code) and Chapter 11 (Subdivision), and a Summary Publication Resolution.~~

Soren Mattick reviewed the two separate ordinances that are on the Consent Agenda and viewed as routine in nature. State law requires three affirmative votes of the full Council to pass an ordinance. With three members in attendance, the Council is able to pass the ordinances; however, state law requires Summary Publication Resolutions receive a super majority vote in the affirmative of the full Council so those resolutions should be tabled until the next meeting.

6N. Ordinance rezoning properties to be consistent with the new Zoning Code, and Summary Publication Resolution

Council Member Noding motioned to approve Ordinance No. 2023-06 rezoning property consistent with the new Zoning Code, and tabling the Summary Publication Resolution until the June 28, 2023 Council Meeting. Seconded by Council Member Halverson, unanimous ayes, motion carried.

6Q. Ordinance Amending Chapters 10 (Zoning Code) and Chapter 11 (Subdivision), and Summary Publication Resolution

Council Member Halverson motioned to approve Ordinance No. 2023-07 amending Chapters 10 and 11 of the Big Lake City Code, and tabling the Summary Publication Resolution until the June 28, 2023 Council Meeting. Seconded by Council Member Noding, unanimous ayes, motion carried.

## **7. BUSINESS**

### **7A. Oath of Office – Police Officer Michael Kern**

John Kaczmarek introduced Police Officer Michael Kern. Officer Kern started service with the Police Department on January 31, 2023, and completed his field training on April 27, 2023. Mayor Knier conducted a Swearing in Ceremony for Officer Kern who took the Patrol Officer Oath.

### **7B. PUBLIC HEARING – Vision Enterprises LLC Easement Vacation**

Lucinda Spanier reviewed the petition for Vacation of a Drainage Easement on Lots 1 and 2, Block 1, Big Lake Marketplace Sixth Addition, noting the City obtained the easement when the property

was platted. There are no public utilities present and private utilities have been notified of the vacation petition and the date of the public hearing. The property owner has also submitted an application to adjust the lot line between Lots 1 and 2 for purposes of expanding Lot 1, and the application includes dedication of a new Drainage and Utility Easement along the easterly property line. Given the proposed lot line adjustment dedicates a new easement, the City Engineer did not object to the petition for vacation of the identified drainage easement. Due to two members of the City Council being absent, legal counsel has advised Council open and close the public hearing, and table the petition until the June 28, 2023 Council Meeting.

Mayor Knier opened the public hearing at 6:21 p.m. No one came forward. Mayor Knier closed the public hearing at 6:21 p.m.

Council Member Noding motioned to table the Petition to Vacate the Drainage and Utility Easement on Lots 1 and 2, Block 1, Big Lake Marketplace Sixth Addition until the June 28, 2023 Council Meeting. Seconded by Council Member Halverson, unanimous ayes, motion carried.

#### **7C. Vision Enterprises LLC IUP Application and Development Contracts**

Lucinda Spanier reviewed the planners report for the development application submitted by Vision Enterprises LLC for the parcel located at 16676 197<sup>th</sup> Avenue NW that includes an Interim Use Permit (IUP), a Site Plan Review, an Easement Vacation, and an Administrative Subdivision. The Site Plan Review and Administrative Subdivision applications are processed administratively, and the IUP application and the Petition for Vacation both require approval from the City Council. Spanier reviewed the property owner operates their business, Vision Transportation, on the site and needs to expand the area used for outdoor storage of buses, and add on to the eastern side of the building to create additional office space. Spanier reviewed in order to do this, they are shifting the easterly property line east to expand the property, paving an additional 8,100 square feet of area for bus storage, and adding 2,304 square feet to the building. Spanier reviewed zoning requirements for the expanded area, and requirements for the IUP.

Council Member Noding motioned to approve Resolution No. 2023-42 approving an Interim Use Permit for outdoor storage, authorize the City Engineer to finalize the Stormwater Maintenance Agreement, and the City Attorney to finalize the Site Improvement Performance Agreement for Vision Enterprises LLC located at 16676 197th Ave NW. Seconded by Council Member Halverson, unanimous ayes, motion carried.

#### **7D. Ordinance Amending Chapter 4 (Alcoholic Beverages) and Chapter 10 (Zoning Code)**

Therese Haffner discussed in late January 2023, legal counsel had completed a review and provided a recommendation related to lawfully allowing on-sale alcohol licensees to hold

occasional outdoor events that are near, but not on their current licensed premises. At the April 12, 2023 Council workshop, Council directed Staff to work with the City Attorney to draft ordinance amendment language, permit applications, and establish a reasonable fee. Proposed amendments include revisions to Chapter 4 (Alcoholic Beverages) and Chapter 10 (Zoning Code), Sections 1002.10 (Temporary Uses) and 1006.07 (General Use Standards) that include; 1. Adding regulations for on-sale liquor/beer/wine establishments for outdoor sales, 2. A new temporary use for liquor license holders who host outdoor event, and 3. Cross reference outdoor dining related to temporary outdoor on-sale events. Haffner discussed the Planning Commission held a public hearing on the proposed ordinance amendments on June 7, 2023. During the hearing, a representative from Lupulin Brewing Company shared input on Section 1002.10 (Temporary Uses), subd. 3. 8 (a) requesting the removal of the word “compact”, and subd. 8. (f) item iv. requesting events be allowed on grass and that the surface should not be required to be paved. Haffner recapped there was lengthy discussion by the Planning Commission on the Temporary Use section, and on a vote of 4:2, made a recommendation to approve the proposed amendments to the zoning and subdivision ordinance with the removal of “compact” under Section 1002.10, and the removal of “the event area is surfaced with concrete, bituminous or decorative pavers or may consist of other flooring material that provides a flat and functional surface”.

Council Member Noding asked for clarification if the Planning Commission’s recommendations are built into the ordinance being considered at tonight’s meeting. Haffner responded the language included in the ordinance before Council is the language recommended by the City’s legal counsel and does not include the recommendations from the Planning Commission. The recommendation from the Planning Commissioner regarding removing the “compact” wording conflicts with State Statute so staff is recommending that language remain in the ordinance. In respect to the improved surface language, this language is not a requirement of state statute, but was more of an intent to have an accessible area. Legal counsel looked at code language from the City of Minneapolis and New Ulm, which staff felt were good examples to use. Haffner confirmed that staff recommends the “compact” language remain in Section 1002.10, 8. (a), but there could be some flexibility in removing the improved surface language under Section 1002.10, 8. (f), item iv.

Mayor Knier stated he does not have an issue with removing the improved surface language.

Council Member Halverson agreed with Knier, noting other events such as Spud Fest are not held to this same requirement. Gina Wolbeck clarified that community events such as Spud Fest are licensed under different licensing laws than on-sale liquor/wine/beer licenses are.

Council Member Noding motioned to approve Ordinance No. 2023-08 Amending Chapter 4 (Alcoholic Beverages) and Chapter 10 (Zoning) of the Big Lake City Code with the removal of “The event area is surfaced with concrete, bituminous or decorative pavers or may consist of other flooring material that provides a flat and functional surface” under Section 1002.10, 8. (f). Seconded by Council Member Halverson, unanimous ayes, motion carried.

Council Member Noding motioned to table the Summary Publication Resolution of the Ordinance amending Chapter 4 and Chapter 10 until the June 28, 2023 Council Meeting. Seconded by Council Member Halverson, unanimous ayes, motion carried.

Council Member Noding motioned to authorize a one-time fee waiver through December 31, 2023 for any currently licensed establishment to apply for a Permanent Expansion of Premises. Seconded by Council Member Halverson, unanimous ayes, motion carried.

## **7F. Department Reports**

Fire Department – Fire Captain Nick Christenson provided statistical information on calls for service for the months of April and May, and reviewed department training that included thermal imager operation, wildland fire, live burn trailer and SCBA Confidence trailer training. Christenson also provided a Public Safety Announcement on grill safety, and discussed the upcoming Big Lake Spud Fest event. Christenson thanked the Public Works Department for working on the Department’s ladder truck.

Mayor Knier asked what the recommended distance is for a grill to be placed from a structure. Christenson responded a safe distance would be three to five feet from a structure.

Police Department – Police Chief John Kaczmarek updated Council on police statistics, calls for service and significant arrests for the months of April and May. Kaczmarek also provided an update on EMR certifications, the steering wheel lock giveaway program, recognition of Tina Peterson and Nicole Pearson for Administrative Professionals Day, reviewed a significant arrest that occurred relating to a domestic violence call, acknowledged National Police Officers Memorial Week, and reviewed community policing efforts of the department. Kaczmarek also noted new squad 733 has arrived, recognized Officer Silas Reek on 5-years of service to the City, discussed activities of the new Reserve Program, activities/calls at Lakeside Park, and reviewed the Peer Support Team Program.

Mayor Knier inquired why Hyundai and Kia vehicles are more susceptible to theft. Council Member Noding reviewed it is something with the ignitions of these make of vehicles that the key can be easily bypassed. Knier also mentioned that the ATV Run is scheduled to be held this weekend. Kaczmarek responded that the event is planned for Saturday, June 17<sup>th</sup> at 10:00 a.m. beginning at Lakeside Park. Knier also asked what the main calls/problems have been at Lakeside Park. Kaczmarek reviewed many calls have been about fights involving juveniles, as well as some weapons complaints. Kaczmarek noted the increase has been since school let out for the summer. There has also been issues with unlawful parking at the beach, noting that the Police Department hasn’t been issuing citations yet, but officers will continue to monitor the parking situation and the next step would be to issue citations.

#### **7F. List of Claims**

Deb Wegeleben discussed the pay request submitted by Council Member Noding, explaining MN Statute 471.87 guides payments to City Officials, noting Noding has submitted the required Affidavit of City Official Interest in Claim form and is advised to abstain from voting on the payment made to her. Wegeleben also reviewed payments to elected officials requires a unanimous affirmative vote of the full Council, with the exception of the Council Member abstaining, so consideration of check no. 91265 should be tabled until June 28, 2023.

Council Member Halverson motioned to approve the List of Claims paid dated 05/18/2023 through 06/07/23 and Payroll No. 11, with the Removal of Check No. 91265 for separate consideration at the June 28, 2023 Council Meeting. Seconded by Council Member Noding, unanimous ayes, motion carried.

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

City Administrator Hanna Klimmek discussed City offices will be closed on Monday, June 19<sup>th</sup> as Juneteenth was recently added as a state holiday and public business is not allowed to be conducted in observance of the holiday. The League of MN Cities (LMC) conference takes place in Duluth Wednesday through Friday of next week and several city staff members along with Council Member Noding will be participating. Klimmek also discussed the recent LMCs held a webinar to provide an overview of the legislative session. Several staff members listened in, and Klimmek noted the webinar was very high level and as items of interest were introduced, it was mostly followed by the fact that there will be many additional educational opportunities to learn more throughout the summer. Items of interest, amongst others, were the adult-cannabis law, earned sick and safe time, paid family & medical leave, increase in LGA, and one-time public safety aid.

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

Mayor Knier: reviewed the June BLEDA Meeting, and the recent Finance Committee Meeting.

Council Member Noding: reviewed the recent BLEDA Meeting. Noding also discussed the event hosted by the Wave at Saron Lutheran Church that provided an arena for our area youth to interact with older community members.

#### **10. OTHER**

Council Member Halverson thanked the Big Lake Beyond the Yellow Ribbon group for their involvement in helping local veterans.

Mayor Knier discussed the Big Lake Spud Fest event that will be held from June 22-25, 2023, and announced the Big Lake Lions Club organization will be celebrating their 50<sup>th</sup> year.

**11. ADJOURN**

Council Member Halverson motioned to adjourn at 7:07 p.m. Seconded by Council Member Noding, unanimous ayes, motion carried.

\_\_\_\_\_  
Gina Wolbeck  
Clerk

Date Approved by Council 06.28.23