

**BIG LAKE CITY COUNCIL
REGULAR MEETING MINUTES
JULY 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, City Planner Lucinda Spanier, Police Chief John Kaczmarek, 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.

Tami Bunker, 15284 196th Avenue NW Elk River – spoke at open forum on behalf of her neighborhood regarding the Master Family Investment LLC proposal to put in a semi stall maintenance facility. Bunker noted the proposal is only for 4.2 acres of the 64-acre parcel, and discussed her concerns the developer will expand their project on the remaining acres. Bunker discussed concerns with road impacts, stated no other industrial complexes exist in this area, reviewed negative impacts to the wildlife in the area, and stated the neighborhood doesn't want to see this project happen. Bunker stated a single-family neighborhood versus a semi-truck parking lot is an incompatible use.

Keri Frechette, 324 Crescent Street – stated she has called Big Lake home for 25 years. Frechette noted she reached out to staff numerous times and hasn't gotten a response on issues at Greenway No. 5. Frechette discussed lack of public use/rule signage at the greenway and reviewed

concerns with the Meanies, who are seasonal people who own the parcel adjacent to the greenway, as they make it very uncomfortable for residents to use the public greenway. The Meanies have been allowed to maintain the greenway area and it looks very private, noting that nowhere does it say that it is a public access. Frechette asked the City to address resident concerns about use of the public greenway.

Lynn Marie Jeys, 338 Crescent Street – stated she has had issues with the Meanies when she has attempted to use Greenway No. 5. She has tried to use it several times but has been accosted by the Meanies on multiple occasions. She stated she has since forgiven them and asked that the City send information to the Meanies to notify them that the area is public property and residents have a right to use it. Jeys also encouraged the City to post the rules at each greenway site so people can enjoy these areas.

John Uphoff, development associate for the company that is a partner in 310 Lake LLC – the partner purchased the property at 310 Lake Street on June 16 with the intention of remodeling the property into a dermatology clinic. Uphoff also noted he is a 25-year resident of the City. After their preconstruction the manager spoke to the Building Official and was informed their building permit fee would be in excess of \$31,000 on a \$300,000 remodeling project, which is greater than 10% of the project costs. They questioned the process the City used to determine the fee and was told the City was applying 3 sewer availability charge units and 3 water availability charge units totaling in excess of \$26,000 just for the SAC/WAC. They confirmed the SAC/WAC fees were in error and had gone out without review. Upon review by the Community Development Director, she determined that based on usable square footage, this project would be charged 2 SAC and 2 WAC units and they should receive credit for 1 each due to the existing usage resulting in 1 SAC and 1 WAC unit which reduced the SAC and WAC fees they were being charged to \$8,910. When asked what process was used to determine the SAC and WAC units, they were told the City uses Met Council guidelines. They asked why since the City of Big Lake is not in the Met Council. They countered that the SAC and WAC fees should not be assessed to this project if the City was in fact using Met Council guidelines since the sewer and water demand capacity would decrease as a result of the new use of the building. At that time, they were told this is how the City has always done it. 310 Lake LLC purchased the building permit in protest with an acknowledgement they were going to appeal the fees that was recognized in writing at the time by the City Administrator so they could move forward with construction in order to meet their deadline for completion in bringing this new business to Big Lake. What is at issue is the City of Big Lake has no language whatsoever in the City Code explaining the City's determination process for SAC and WAC fees. There is also not a process for appeal which the Met Council guidelines does include. This makes the City's SAC and WAC determination process ambiguous and completely arbitrary. It also makes a process for a formal appeal nonexistent whereas the Met Council process clearly spells out the steps necessary for appeal. With the absence of any SAC and WAC determination or appeal process in the City Code, it is impossible for any developer or property owner to budget for these

fees or to formally appeal them when they feel the fees are calculated in error. As an experienced real estate developer working for the first time in Big Lake, this is an extremely disconcerting situation. Uphoff stated they are requesting the City Council place the 310 Lake LLC appeal of SAC and WAC fees as an agenda item at their earliest available City Council Meeting. This is what they have been told they need to do in order to request these fees, which they believe have been calculated in error, to be appropriately reviewed, calculated and adjusted.

Travis Probola, 19796 CR 15, Elk River- discussed the public hearing at the July 5, 2023 Planning Commission Meeting regarding a reclassification of the designation land use for 19524 CR 15. This undeveloped 63-acre parcel located on the west side of CR 15 just north of Highway 10 was annexed into the City some time ago in a partnership with the Township. The current land use is designated as Agricultural and low density housing. The Commission received a proposal to change the designation into Industrial. As part of the proposal, there was a concept rendering from the land owner on what the property may be used for and what the designated change was going to be. After discussion from residents like himself during open forum, the Commission has a divided vote which resulted in the proposal being tabled. His understanding from the meeting is that the Big Lake City Planner will be doing some more work and ultimately presenting it again to the Commission at a future meeting when the proposal was optimally denied. What he has learned since then is only residents 500 feet north of the property were notified of the proposed land use changes. This proposal change goes against the City of Big Lake 5-year strategic land use plan, and upon review of that plan, speaks to the partnership the City has with the Township and also Sherburne County. If the reclassification of the potential use of the designated land change was approved, it would dramatically impact residents of Big Lake Township as well as Sherburne County who use CR 15 as a main road of travel. It also appears the Township and the County were not consulted prior to this proposed change for those partnerships to be represented during the City Planners presentation. He is not a social media person; however, he has learned there is quite a large discussion with frustrations from Township residents about the potential impact to the Township and the County on this change of land use. He respectfully asked the Council to take corrective steps to direct City Staff to engage in talks with the Township and the County before further proposals are brought to the Planning Commission for their consideration. He realizes this property is within the City limits and he trusts that the City wants to continue its partnership with the Township and its residents in reviewing bordered undeveloped land. He is hopeful City Staff will continue to be guided by the strategic land use plan it has in place, and he also hopes if there is any deviation from that plan, the entire plan would be reviewed, not just one property.

Mayor Knier closed the Open Forum at 6:15 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 June 28, 2023, 6C. Approve Regular Council Meeting Minutes of June 28, 2023, 6D. Approve the Appointment of Allie Cross as Big Lake's Student Liaison for school years 2023-2024 and 2024-2025, 6E. Set Budget Workshops on August 10 and 24, 2023 at 4:00 p.m. in the City Council Chambers, 6F. Approve Resolution No. 2023-48 to Request Funding from the State of MN for the Wastewater Treatment Facility Improvements, 6G. Approve Resolution No. 2023-49 approving ST2022-1 Driveway Agreements, 6H. Approve Nord Excavating, Inc. Development Contracts, and 6I. Approve Ordinance No. 2023-09 Rezoning Lot 1, Block 1 Lake Shopping Center Third Addition to PUD, Findings of Fact Resolution No. 2023-50, and Summary Publication Resolution No. 2023-51.

7. BUSINESS

7A. Police Award/Recognition Presentation

John Kaczmarek reviewed a medical emergency Officers William Saliterman and Tyler Hecht responded to on May 8, 2023 at the Liberty Elementary School Soccer Fields. A juvenile male had collapsed and was experiencing a critical medical emergency. Sherburne County Dispatchers Joe Hinchcliff and Tami Sutherland relayed critical information to our first responders. Bystanders assisted with the initial 911 call and initial medical attention for the juvenile. Their immediate response and assistance proved to help the evolving situation greatly. The assistance of Lindsey Paggen and other civilians was outstanding. CentraCare ambulance services arrived on scene and provided additional medical emergency services. CentraCare personnel Autumn Hanson and Andrea Engholm swiftly assessed the situation, worked with Paggen, civilians, and officers, and the juvenile was quickly transported to the Monticello Hospital via ambulance. Kaczmarek introduced Kaidin Hartse and his dad Glenn Hartse and presented Kaidin with a soccer ball signed by all seven responders. Kaczmarek presented Officers Saliterman and Hecht with a Police Department Life Saving Commendation award, as well as recognitions for the other responders.

7B. Big Lake Ambassador Program

Laurel Merten, Director from the Big Lake Ambassador Program recognized outgoing Ambassadors and introduced newly crowned ambassadors Allie Cross, Kalie Osowski, and Olivia Anderson, Junior Ambassador Adelyn Gosewisch, and Little Miss Ambassadors Carlie Dietz and Arlene Kaczor.

7C. PUBLIC HEARING – Petition to Vacate a Portion of Ormsbee Street Right of Way

Lucinda Spanier discussed the petition submitted by 310 Lake LLC to vacate a portion of the Ormsbee Street right of way east of parcel no. 65-406-0165. Spanier noted there are not public utilities present and private utilities have been notified of the vacation petition and public hearing. The petition was reviewed by the City Engineer and Streets/Parks/Fleet Superintendent, neither of whom expressed reservations about the request.

Mayor Knier opened the public hearing at 6:36 p.m. No one came forward. Mayor Knier closed the public hearing at 6:36 p.m.

Council Member Seefeld motioned to approve Resolution No. 2023-52 vacating a portion of the Ormsbee Street right of way adjacent to 310 Lake Street South. Seconded by Council Member Hanson unanimous ayes, motion carried.

7D. Department Reports

Engineering Department – City Engineer Layne Otteson provided an update on engineering projects underway in the City. Otteson reviewed grant applications for pedestrian safety and trail/walk gaps, provided an update on the ST2022-1 street project, discussed the County Road 43 project that will likely commence in August, discussed the 2023 Sealcoat project which involves approximately six miles of streets, and provided information on upcoming AIS lake treatments and watercraft inspections.

Council Member Halverson asked what the status is on our grinder. Otteson responded that public works staff have informed him it is in process and will be brought back to a future workshop for further discussion on pricing and availability.

Council Member Noding asked what the timeline is on starting the Highline Drive Trail construction. Otteson responded the planning is still in process and the trail will most likely be constructed in the Spring/Summer of 2024.

Student Liaison Allie Cross provided an update on Big Lake Schools. Cross provided an update on enrollment statistics, activities of the Student Council, various district events, and congratulated the graduating class of 2023.

8. ADMINISTRATOR'S REPORT

City Administrator Hanna Klimmek reviewed the budget process, noting meetings are underway with department heads to review their projected budgets and CIP prior to meeting with the Finance Committee and ultimately with Council during the August 10/24 Budget Workshops. Klimmek also discussed the second quarter all-staff meeting held this week. The scheduled meetings provide the opportunity for staff to ask questions about projects or anything else they are interested in. Staff is also provided a list of all action items from the past quarter.

9. MAYOR & COUNCIL REPORTS and QUESTIONS/COMMENTS

Mayor Knier: reviewed the July Fire Board Meeting.

Council Member Halverson:

Council Member Hanson: discussed the BLCLA Meeting.

Council Member Noding: reviewed the July Fire Board Meeting.

Council Member Seefeld: discussed the July Planning Commission Meeting.

10. OTHER – No other.

11. ADJOURN

Council Member Halverson motioned to adjourn at 6:56 p.m. Seconded by Council Member Hanson, unanimous ayes, motion carried.

Gina Wolbeck
Clerk

Date Approved by Council 07.26.23