



AGENDA
BIG LAKE CITY COUNCIL WORKSHOP
COUNCIL CHAMBERS

JANUARY 26, 2022

5:00 p.m.

- 1) CALL TO ORDER**
- 2) ROLL CALL**
- 3) PROPOSED AGENDA**
- 4) BUSINESS**
 - 4A. Code Revision Project Review
 - 4B. Discuss Proposed Amendments to City Code Section 550 (Sidewalks)
 - 4C. Honey Bee Keeping Ordinance Review
 - 4D. New Ideas Discussion
- 5) OTHER**
- 6) ADJOURN**

Disclaimer: This agenda has been prepared to provide information regarding an upcoming work session of the Big Lake City Council. This document does not claim to be complete and is subject to change.



WORKSHOP ITEM

Big Lake City Council

Prepared By: <i>Hanna Klimmek, Community Development Director</i>	Meeting Date: <i>1/26/2022</i>	Item No. 4A
Item Description: <i>Code Revision Project Contract Discussion</i>	Reviewed By: <i>Clay Wilfahrt, City Administrator</i>	
	Reviewed By: <i>Deb Wegeleben, Finance Director & Lucinda Spanier, City Planner</i>	

COUNCIL DIRECTION REQUESTED

Staff is requesting Council discussion and direction regarding the **DRAFT Professional Services Proposal for City of Big Lake Ordinance Revisions, the DRAFT Parameters of Success (Exhibit A), and the DRAFT Ordinance Rewrite Schedule and Fees (Exhibit B).**

BACKGROUND/DISCUSSION

The highly discussed code revision project has been a priority of Community Development for nearly two (2) years. The project consists of a repeal and replace of three (3) chapters within the Big Lake City Code; zoning, subdivision, and signs.

In May of 2020, the Code Revision Task Force was created to support the project and members were ready to begin as soon as possible. The project has yet to commence due to lack of staff capacity within the department; largely due to turnover.

During the December 8, 2021 City Council Workshop, the City Council discussed the project and decided to move forward by consulting the project out. At that time, staff had obtained two (2) informal quotes to prepare for the discussion.

Through the Workshop discussion, staff heard a sense of urgency from the City Council and ultimately decided it would be best to shortlist the project and ask that the lowest and most reasonable quote draft a Professional Services Proposal for City of Big Lake Ordinance Revision. The lowest and most reasonable informal quote was provided by Landform, which happens to be the City’s current planning consultant.

Kendra Lindahl will be the project lead and will be in attendance during the January 26, 2022 Workshop to explain how the project will be facilitated as well as anticipated timeline. The attached DRAFT Professional Services Proposal for City of Big Lake Ordinance Revision and its Exhibits has been reviewed by the City Attorney and is ready for approval as written.

FINANCIAL IMPACT

Landform will be paid hourly not-to-exceed \$101,278.00. Funds will be drawn from unallocated CIP funds.

STAFF RECOMMENDATION

Staff is recommending the City Council discuss the DRAFT Professional Services Proposal for City of Big Lake Ordinance Revisions, the DRAFT Parameters of Success (Exhibit A), and the DRAFT Ordinance Rewrite Schedule and Fees (Exhibit B) in preparation for approval during the regular City Council meeting.

ATTACHMENTS

DRAFT Professional Services Proposal for City of Big Lake Ordinance Revision

DRAFT Exhibit A

DRAFT Exhibit B



105 South Fifth Avenue
Suite 513
Minneapolis, MN 55401

Tel: 612-252-9070
Web: landform.net

January 17, 2022

Lucinda Spanier
City of Big Lake
160 Lake Street North
Big Lake, MN 55309

RE: Subdivision, Zoning and Sign Ordinance Revisions

Lucinda,

Thank you for utilizing Landform to provide planning services for the City. We appreciate your confidence in us and we value our working relationship with the City. We are pleased to provide the attached schedule and cost estimate for the revision of the Big Lake Subdivision, Zoning and Sign Ordinances. We revised the schedule and cost based on our discussion following the December Council work session. Our work plan estimates a 14-month schedule (Exhibit B) with a not-to-exceed fee of **\$101,278.00**. The key elements include:

1. Hold a kick-off meeting with the task force to review the work plan and outline for new ordinance and hold monthly check in meetings with staff.
2. Subdivision Ordinance revisions (including staff, Task Force, Planning Commission and City Council review)
3. Zoning Ordinance revisions to Sections 1002-1030 (including staff, Task Force and Planning Commission review)
4. Zoning Ordinance revisions to Sections 1031-1041 (including staff, Task Force and Planning Commission review)
5. Zoning Ordinance revisions to Sections 1044-1050 (including staff, Task Force and Planning Commission review)
6. Zoning Ordinance revisions to Sections 1001 and 1055-1069 including staff, Task Force and Planning Commission review)
7. Sign Ordinance revisions (including staff, Task Force, Planning Commission and City Council review)
8. A reorganization of the ordinance after content changes are accepted. We will also finalize the Zoning Ordinance definitions as a final step in the process (including staff, city attorney, Task Force, Planning Commission and City Council review)
9. Present the revised Subdivision, Zoning and Sign Ordinance to the Task Force, Planning Commission and City Council for formal approval.

During the process of making revisions to the subdivision, zoning and sign ordinances we will incorporate the parameters for success identified by City Council (Exhibit A), which include:

1. ensuring consistency with State Statutes and adopted plans,
2. addressing outdated language and definitions,
3. updating the zoning regulations code to align with current market development standards,
4. creating a more user-friendly document by simplifying development standards and
5. reducing the length of the code through concise clear language and the use of tables and images.

If you have any questions concerning this proposal or our services, please call me at 612-638-0225. We look forward to working with you.



Sincerely,
Landform

A handwritten signature in blue ink that reads "Lyndia Lindahl". The signature is fluid and cursive, with the first name being more prominent.

Principal Planner

ENCL: Project Scope

A handwritten signature in black ink that reads "Kei Se". The signature is cursive and somewhat stylized, with a long horizontal stroke at the end.

Planner III

Professional Services Proposal For

City of Big Lake

ORDINANCE REVISIONS

Big Lake, MN

PROJECT TEAM:

Client Manager: Kendra Lindahl, AICP
Principal Planner

Planner: Kevin Shay
Nicholas Ouellette

Designer: Emily Osthus

* Indicated professional registrations are state-dependent; to obtain further information about our state licenses, please contact Human Resources at 612-252-9070

This fee Proposal is valid for 30 days from the creation date noted in the footer. Landform may reissue a revised Proposal upon request if the indicated time period has lapsed.

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A. SCOPE OF SERVICES

The level of our involvement will include the following Scope of Services (“Basic Services”). Naturally, the scale and scope of our efforts depends upon a Client’s needs, a clear understanding of our responsibilities and upon the deliverables required. If we have misinterpreted your needs, please let us know and we will make the necessary adjustments to this Proposal.

1. Project Management [60]:

Landform will:

- a) Hold a kickoff meeting with the City Council to review the work plan.
- b) Hold a kickoff meeting with City staff to finalize the scope of work, schedule and deliverables.
- c) Hold a kickoff meeting with the ordinance Task Force to review the process and identify priorities.
- d) Conduct monthly project update meetings with City staff. These meetings will be conducted by teleconference.

2. Subdivision Ordinance Revisions [04.1]:

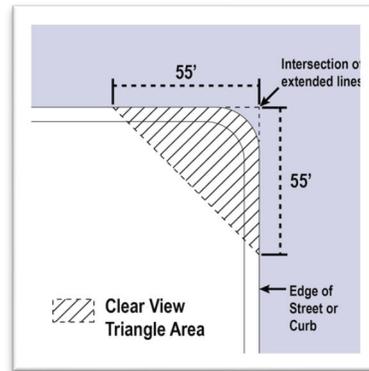
Landform will:

- a) Prepare revisions to the Subdivision Ordinance based on direction given at the kickoff meetings with City staff and the ordinance Task Force. Specifically, we will:
 - i. Update the ordinance to include the issues identified by staff
 - ii. Ensure compliance with State Statutes
 - iii. Streamline the ordinance for readability
 - iv. Ensure incorporation of current market standards.
- b) Provide a draft to City staff for review and revise once based on staff comments.
- c) Prepare staff reports and attend one Task Force meeting.
- d) Revise the document once based on Task Force comments.
- e) Prepare staff reports and attend one Planning Commission meeting and one City Council meeting.
- f) Revise the document once based on Planning Commission and City Council comments.

3. **Zoning Ordinance Revisions [04.2]:**

Landform will:

- a) Prepare revisions to the Zoning Ordinance based on direction given at the kickoff meetings with City staff and the ordinance Task Force. Specifically, we will:
 - i. Update the ordinance to include the issues identified by staff
 - ii. Ensure compliance with State Statutes
 - iii. Streamline the ordinance for readability
 - iv. Ensure incorporation of current market standards
 - v. Provide graphics to illustrate ordinances clearly, such as the image included below:

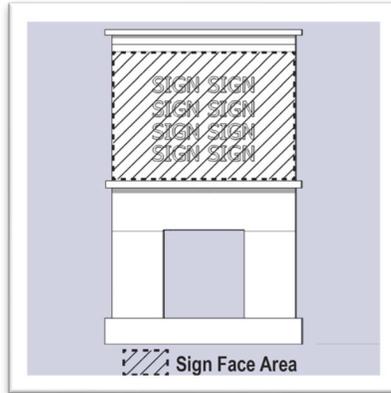


- b) The ordinance will be broken into four sections for revisions. We will provide a draft of each section to City staff for review and revise once based on staff comments at each of the four review sections as outlined on the attached project schedule.
- c) Prepare staff reports and attend four Task Force meetings and four Planning Commission meetings. We will revise each of the four sections once following these meetings.
- d) Prepare staff reports and draft ordinance for City Council review.
- e) Finalize draft document after City Council review.

4. **Sign Ordinance Revisions [04.3]:**

Landform will:

- a) Prepare revisions to the Sign Ordinance based on direction given at the kickoff meetings with City staff and the ordinance Task Force. Specifically, we will:
 - i. Ensure compliance with State Statutes
 - ii. Streamline the ordinance for readability
 - iii. Ensure incorporation of current market standards
 - iv. Update sign standards to reflect recent approvals
 - v. Provide graphics to illustrate ordinances clearly, such as the image included below:



- b) Provide a draft to City staff for review and revise once based on staff comments.
- c) Prepare staff reports and attend one Task Force meeting, one Planning Commission meeting and one City Council meeting.

5. Adoption of Final Ordinances [04.4]:

Landform will:

- a) Prepare a final version of the Subdivision Ordinance, Zoning Ordinance and Sign Ordinance based on the feedback obtained in the previous phases.
- b) Provide a copy of the draft ordinance for review by the City Attorney. Coordinate with the City Attorney on one round of edits.
- c) Present ordinances to the ordinance Task Force and make one round of edits.
- d) Prepare staff reports and attend the public hearing at the Planning Commission and the City Council meeting adopting the ordinances.

B. COMPENSATION

- 1) The Basic Services described under the Scope of Services shall be completed on a fixed fee compensation basis as detailed below:

PHASE TASK	BILL TYPE	ASSOCIATED FEE
<i>Project Management [60]:</i>	Hourly	\$8,218.00
<i>Subdivision Ordinance Revisions [04.1]:</i> Hourly	Hourly	\$12,350.00
<i>Zoning Ordinance Revisions [04.2]:</i> Hourly	Hourly	\$59,338.00
<i>Sign Ordinance Revisions [04.3]:</i> Hourly	Hourly	\$12,766.00
<i>Adoption of Final Ordinances [04.4]:</i>	Hourly	\$8,606.00
Total	Hourly not-to-exceed	\$101,278.00

- 2) Phase will be billed based on the 2022 City rate schedule.
- 3) Invoices will be sent once a month based on the hours worked through the date of billing.
- 4) Payment is due upon receipt of invoice. Unless prior arrangements are made, a 1.5% per month (18% per annum) service charge or the maximum permitted by law, whichever is less, will be assessed against all invoices unpaid for over 30 days. Service charges may be compounded.

C. EXCEPTIONS

We have based this Proposal on the following exceptions. Any exceptions added to this scope will be presented as a request for Additional Services. If we have made any incorrect assumptions, please let us know so that we can modify our Proposal.

1. Additional meetings over and above the meetings quantified in this Proposal will be an Additional Service and billed at our standard hourly rates.
2. Additional revisions beyond the number of revision cycles shown in this Proposal will be an Additional Service and billed at our standard hourly rates.
3. Changes to the scope of work in this Proposal will be an Additional Service and billed at our standard hourly rates.

D. FORM OF CONTRACT

Landform continually strives towards ways of reducing our impact on the environment. Therefore, we are submitting this Proposal to you electronically only. Please print only the signature page, sign, and return the signed page by email, fax or mail as written authorization to proceed. If your company's policy requires hardcopy originals, please contact us to request that hardcopy originals be mailed to your address. A faxed or emailed copy of a signature is as binding as an original. You may also incorporate this Proposal into your standard contract form but, even if we subsequently sign your contract form, in the event of any conflict or inconsistency between this Proposal and Client's standard contract form, this Proposal shall govern. We reserve the right to a) collect as an external reimbursable expense the cost of legal counsel should you elect to use a lengthy contract of your own design, and b) revise our fee Proposal if your contract form assigns additional responsibility or risk to Landform Professional Services. If you instruct us to begin, or allow us to continue performing, Services prior to returning a signed contract it will be understood that all terms of this Proposal, including the attached Terms and Conditions, are acceptable and all parties will be bound by the terms of this Proposal. The attached Terms and Conditions are incorporated by reference and are an integral component of this Proposal.

Landform Professional Services, LLC agrees to perform the Services described in this Proposal under the terms outlined.

The following party accepts the scope, terms and conditions outlined in this Proposal and instructs Landform Professional Services, LLC to proceed with the Services as outlined.



Kendra Lindahl, AICP
Principal

January 17, 2022
Date

Landform Federal Tax ID: 27-1199905

City of Big Lake

Signed

Title

Date

TERMS AND CONDITIONS

1.0 CONSULTANT'S SERVICES. Consultant shall perform the services identified in this Proposal and no others unless otherwise agreed and unless Consultant is paid additional compensation in accordance with this Proposal.

1.1 STANDARD OF CARE. Consultant's services shall be performed based on the standard of reasonable professional care for services similar in scope, schedule, and complexity to the services being provided by the Consultant. ALL WARRANTIES, EXPRESS OR IMPLIED, UNDER THIS PROPOSAL OR OTHERWISE, IN CONNECTION WITH THE CONSULTANT'S SERVICES ARE EXPRESSLY DISCLAIMED.

1.2 SCHEDULE. Time limits established by the schedule identified in the Proposal shall not, except for reasonable cause, be exceeded by Consultant or Client. Consultant's compensation shall be equitably adjusted in the event of delays caused by Client, Client's other consultants, or Client's agents. Fees quoted in the Proposal shall be adjusted if services do not commence within 90 days after the date of the Proposal.

2.0 ADDITIONAL SERVICES. In addition to any other Additional Services listed in the Proposal, the following services are not included in Basic Services and Client shall compensate Consultant for such services, in addition to compensation for Basic Services: (1) Making revisions in Drawings and Specifications or other documents when such revisions are (a) inconsistent with approvals or instructions previously given, (b) the result of adjustments in Client's requirements, (c) required by enactment, interpretation or revision of codes, laws or regulations subsequent to preparation of such documents, (d) required by the failure of Client or Client's consultants to render decisions or to provide necessary information in a timely manner, (e) imposed by municipal or other authorities as a condition for approval of a project, unless the Drawings, Specifications or other documents clearly were not in compliance with applicable law when submitted for approval, or (f) due to or caused not solely within control of Consultant; (2) Providing any services excluded from the Scope of Services identified in the Proposal; (3) Providing any other services not otherwise expressly included in this Proposal.

3.0 TERMINATION. This Proposal may be terminated by either party upon not less than seven days written notice.

7.0 MISCELLANEOUS PROVISIONS. ((1) This Proposal represents the entire and integrated agreement between Client and Consultant and supersedes all prior negotiations, representations or agreements, either written or oral. (2) This Proposal may be amended by written instrument signed by both Client and Consultant or, in the case of Additional Services, by a written confirmation from Consultant to which Client does not object within ten (10) working days.

8.0 PAYMENTS TO CONSULTANT. Payments are due upon presentation of Consultant's invoices. If Payments are not made within thirty (30) days after date of invoice, a **SERVICE CHARGE OF ONE AND ONE-HALF (1.5) PERCENT PER MONTH (18% PER ANNUM)** or the maximum rate permitted by law, whichever is greater, will be charged on any unpaid balance. Service charges may be compounded.

9.0 BASIS OF COMPENSATION. Client shall compensate Consultant as set forth in the Proposal. AN ESTIMATED FEE IS NOT A FIRM FIGURE. If the Scope of or schedule for Consultant's Services is changed materially, the compensation shall be equitably adjusted. Rates and multiples for Additional Services and other services as set forth in the Proposal shall be adjusted annually in accordance with normal salary review practices of Consultant. For Additional Services of Consultant, compensation shall be an hourly rate as defined in the Proposal, plus Reimbursable Charges; or, if agreed by Client and Consultant in writing, a lump sum amount. For additional services of Consultant's consultants, compensation will be 1.15 times the amount billed to Consultant for such services, plus Reimbursable Charges. For Reimbursable Charges, the Consultant shall be compensated for out-of-pocket expenditures incurred in connection with the services identified in this Proposal, based on 1.15 times actual costs incurred. In addition to other expenses, Consultant will be reimbursed for any applicable sales, use, or similar taxes related to services or products provided under this Proposal, which may be imposed by any governmental entity.

Parameters of Success

(Exhibit A)

Objective: To achieve satisfaction with the project outcome.

- Project will deliver the objectives previously identified by the Code Revision Task Force, Planning Commission, and reviewed by the City Council:
 - Ensure consistency with State Statute.
 - Ensure consistency with adopted plans including the Comprehensive Plan, TOD Design Manual, Downtown Design Standards, and to some extent Framework 2030.
 - Address outdated language and definitions, i.e:
 - Outdated language:
 - Zoning Code should better align with current market realities (i.e. all uses need to be reevaluated).
 - Evaluate and consolidate districts where appropriate.
 - Overhaul the definitions section and ensure terms are utilized consistently throughout ordinances.
 - Reduce the amount of text/regulation.
 - Consolidate language wherever feasible.
 - Create a more user-friendly document by breaking up text with tables and images wherever feasible.
 - Minimize need for IUP, CUP, PUD, and variances by building-in flexibility.

Project Work Plan and Fees

	2022												2023				Principal	Planner II	Planner II	TOTAL	TOTAL					
	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	\$146	\$108	\$90	HOURS	\$/EST					
Task 1. Project Management																	23	45	0	68	\$8,218.00					
1.1 Kickoff meeting with Council	1/26/2022																				3			3	\$438.00	
1.2 Kickoff meeting with staff																	2	3			5	\$616.00				
1.3 Develop Outline of Ordinance structure																	1	8			9	\$1,010.00				
1.4 Kickoff meeting with Ordinance Task Force	2/15/2022																				4	8			12	\$1,448.00
1.5 Check in with staff via teleconference (A1)																	13	26			39	\$4,706.00				
Task 2. Subdivision Ordinance Revisions																	19	82	8	109	\$12,350.00					
2.1 Revise Rules and Definitions																	2	12			14	\$1,588.00				
2.2 Update General Provisions																	2	10			12	\$1,372.00				
2.3 Application Reviews and Procedures																	2	10			12	\$1,372.00				
2.4 City staff review and edits																	1	10	8	19	\$1,946.00					
2.5 Ordinance Task Force review																	3	8			11	\$1,302.00				
2.6 Revisions following Task Force review	4/19/2022																				2	8			10	\$1,156.00
2.7 PC Review																	3	8			11	\$1,302.00				
2.8 Council Review																	3	8			11	\$1,302.00				
2.9 Revisions following PC and CC review	5/4/2022	5/25/2022																			1	8			9	\$1,010.00
Task 3. Zoning Ordinance Revisions																	77	492	16	525	\$59,338.00					
3.1 Sections 1002 - 1014 - Consolidate Permits, Approvals and Procedures																	2	16			18	\$2,020.00				
3.2 Section 1020 - Revise Accessory Building Standards																	2	12			14	\$1,588.00				
3.3 Section 1025 - Revise Fences																	1	8			9	\$1,010.00				
3.4 Section 1030 - Review Off-Street Parking and Loading																	2	24			26	\$2,884.00				
3.5 Review other general Ordinance for consistency (Sections 1021 - 1024, 1026 - 1029)																	2	24			26	\$2,884.00				
3.6 City staff review and edits																	2	10			12	\$1,372.00				
3.7 Ordinance Task Force Review of Sections 1002 - 1030																	3	8			11	\$1,302.00				
3.8 Revisions following Task Force review																	2	8			10	\$1,156.00				
3.9 PC Review of Sections 1002 - 1030																	3	8			11	\$1,302.00				
3.11 Sections 1031 - 1038 - Review for consistency and language																	2	16			18	\$2,020.00				
3.12 Section 1040 - Revise General Building Ordinance																	3	24			27	\$3,030.00				
3.13 Section 1041 - Reduce setback along minor arterials and collector roadways																	1	8			9	\$1,010.00				
3.14 City staff review and edits																	2	10			12	\$1,372.00				
3.15 Ordinance Task Force Review of Sections 1031-1041																	3	8			11	\$1,302.00				
3.16 Revisions following Task Force review																	2	8			10	\$1,156.00				
3.17 PC Review of Sections 1031-1041																	3	8			11	\$1,302.00				
3.19 Sections 1044 - 1046 - Update R-1 and R-2 district standards for smaller lot size and width																	4	24			28	\$3,176.00				
3.20 Sections 1047 - 1049 - Review residential district standards and uses																	2	16			18	\$2,020.00				
3.21 City staff review and edits																	2	10			12	\$1,372.00				
3.22 Ordinance Task Force Review of Sections 1044 - 1050																	3	8			11	\$1,302.00				
3.23 Revisions following Task Force review																	2	8			10	\$1,156.00				
3.24 PC Review of Sections 1044 - 1050																	3	8			11	\$1,302.00				
3.26 Sections 1055 - 1058 - Review Business Districts																	3	28			31	\$3,462.00				
3.27 Sections 1059 - 1062 - Review Industrial Districts																	3	28			31	\$3,462.00				
3.28 Sections 1064 - 1069 - Review Overlay Districts																	3	28			31	\$3,462.00				
3.29 Section 1001 - Update Definitions																	2	16			18	\$2,020.00				
3.30 City staff review and edits																	2	10	16	28	\$2,812.00					
3.31 Ordinance Task Force Review of Sections 1001 and 1055 - 1069																	3	8			11	\$1,302.00				
3.32 Revisions following Task Force review																	2	8			10	\$1,156.00				
3.32 PC Review of Sections 1001 and 1055 - 1069																	3	8			11	\$1,302.00				
3.33 Council Review of Draft Ordinance																	3	8			11	\$1,302.00				
3.34 Reorganize document after review and approval of text amendments																	2	16			18	\$2,020.00				
Task 4. Sign Ordinance Revisions																	11	90	16	117	\$12,766.00					
4.1 Meeting with Staff to finalize scope and priorities																	2	2			4	\$508.00				
4.2 Draft revised sign ordinance																	0	48	16	64	\$6,624.00					
4.3 City staff review and edits																	2	10			12	\$1,372.00				
4.4 Ordinance Task Force Review																	3	8			11	\$1,302.00				
4.5 Revisions following Task Force review																	2	8			10	\$1,156.00				
4.6 PC Review																	1	6			7	\$794.00				
4.7 Council Review																	1	8			9	\$1,010.00				
Task 5. Adoption																	19	54	0	73	\$8,606.00					
5.1 Compile complete document for city review																	2	6			8	\$940.00				
5.2 Review all sections with City Attorney and make edits																	4	12			16	\$1,880.00				
5.3 Ordinance Task Force Review																	3	8			11	\$1,302.00				
5.4 Complete one round of edits and finalize document																	4	12			16	\$1,880.00				
5.5 PC Public Hearing - prepare materials																	3	8			11	\$1,302.00				
5.6 City Council - prepare materials																	3	8			11	\$1,302.00				
Base Project Total																	\$101,278.00									



WORKSHOP ITEM

Big Lake City Council

Prepared By: <i>Hanna Klimmek, Community Development Director and Norm Michels, Streets/Parks/Fleet Superintendent</i>	Meeting Date: 1/26/2022	Item No. 4B
Item Description: <i>City Code Chapter 5, Section 550 – Sidewalks Revision Discussion</i>	Reviewed By: <i>Clay Wilfahrt, City Administrator</i> Reviewed By: <i>Gina Wolbeck, City Clerk</i>	

COUNCIL DIRECTION REQUESTED

Staff is requesting Council discussion and direction on proposed revisions to Chapter 550 (Sidewalks).

BACKGROUND/DISCUSSION

During the winter months of 2018, the City received a substantial amount of complaints regarding sidewalks not being consistently cleared of snow. Due to the amount of complaints, a Workshop discussion was prompted with the City Council that resulted in the Council directing staff to proactively enforce City Code Chapter 5, Section 550 – Sidewalks. The City Council justified the activity by acknowledging that Big Lake is a walkable community and many residents, especially children and those with physical handicaps who cannot drive, rely on the sidewalk system to safely navigate their neighborhoods and access community resources and amenities.

Staff designed a proactive enforcement system that is initiated by a 2” or more snow event. Property owners, per Code, are required to remove the ice and snow from their sidewalk within 24 hours from the end of the snow event. Once the 24 hours has surpassed, staff will schedule an appropriate time to clear sidewalks that are out of compliance; consideration is given when there’s more snow forecasted in the near future, holiday weekends, dangerously cold temperatures, etc.

Every year, the City has notified property owners of the proactive enforcement by means of mailers, newsletter articles, social media posts, and has set up a notification system through the City website which will provide property owners with a 24-hour notice. When staff discusses the sidewalk ordinance with property owners, they always encourage them to sign up for the notification system.

Prior to this winter, the City contracted with Sharpline Lawn Care to clear the sidewalks of ice and snow. In March of 2021, Sharpline Lawn Care notified the City that they are no longer interested in contracting their services due to the sale of their business. At that time, staff decided to utilize internal resources to enforce the Code rather than contract out in regards to both tall grass/weeds complaints and proactive enforcement of snow/ice removal from sidewalks.

So far this winter, staff has completed two (2) enforcement events. Afterwards, the amount of phone calls has been found to be excessive compared to previous years. Based on conversations with property owners, it appears that the expectations of the City through its Code aren’t clear, which is creating frustration. Property owners have mentioned that they cleared their sidewalk within 24 hours and that it doesn’t say they have to maintain the sidewalk afterwards within our Code. This is problematic as wind can create drifts that will easily cover the sidewalk with more than 2” of snow/ice, which makes them out of compliance.

In addition, there's also confusion as to how much of the sidewalk the City expects to be cleared. Staff believes its important to define the expectation and that the sidewalks should be cleared 100%. This definition will allow for everyone to safely navigate the sidewalk.

Proposed revisions are highlighted below:

Section 550 – Sidewalks

550.01 Clean Walks Required. *The owner or occupant of any premises in the City shall completely clear and maintain clearance of the sidewalk in front of and/or beside the premises, of snow and loose or melting ice within twenty-four hours after the completion of any snowfall.*

550.02 Failure to Clean Sidewalks. *Whenever the owner or occupant of any premises in the City fails to clear and maintain clearance of their sidewalk of snow and loose or melting ice within twenty-four (24) hours after the completion of any snowfall, the City or its authorized contractor shall serve a notice on the owner or occupant of the lot or parcel of land, clear the sidewalk and bill the property owner for all costs. Such notice shall state that in case of further non-compliance, the clearing of sidewalks will be done by the City or its authorized contractor at the owner's expense. The owner of the property will be determined as shown by the records of the office of the County Recorder. When the premises shall appear to be vacant and unoccupied or when the owner or occupant cannot be found, then notice may be served by posting upon the premises in a conspicuous place.*

For each successive violation concerning clearing of snow and loose or melting ice from sidewalks, the City will post a notice of violation on the property stating that the City or its authorized contractor will, without further notice, correct the conditions creating such violations and assess the cost there for against the property. The City Council shall determine an hourly rate for clearing of sidewalks.

550.03 Assessment of Cost. *If the bill is not paid to the City Administrator within thirty (30) days from the date issued, the listed total of unpaid charges for the clearing of snow and loose or melting ice from public sidewalks shall be charged along with all other charges for current services to be assessed under Minnesota Statutes, Section 429.101. If no objection is made or if the Council shall find that the work was properly done, then the amount of the cost shall be reported to the County Auditor as in the case of other special assessments, and the Auditor shall cause the cost to be assessed, levied and collected in one payment, provided, that within thirty (30) days after the Commissioner's report is made to the City Council, the amount of the cost may be paid to the City of Big Lake.*

FINANCIAL IMPACT

N/A

STAFF RECOMMENDATION

Staff recommends that Council discuss the proposed revisions to the sidewalk ordinance, and provide direction on moving forward the ordinance amendment for consideration at a future Council Meeting.

ATTACHMENTS

N/A



WORKSHOP ITEM

Big Lake City Council

Prepared By: <i>Lucinda Spanier, City Planner</i>	Meeting Date: <i>1/26/2022</i>	Item No. 4C
Item Description: <i>Honey Bee Keeping Ordinance</i>	Reviewed By: <i>Clay Wilfahrt, City Administrator</i>	
	Reviewed By: <i>Hanna Klimmek, EDFP, Community Development Director</i>	

COUNCIL DIRECTION REQUESTED

Council direction requested.

BACKGROUND/DISCUSSION

Staff has revised the Honey Bee Keeping draft Ordinance in accordance with the direction provided by Council during the November 29, 2021 Workshop. The draft includes the following revisions:

1. Substitution of the words “licensed child day care center” for “day care facility” for consistency with City Ordinance.
2. Elimination of the requirement for signage.
3. Elimination of the requirement for fencing.
4. Elimination of the requirement for a quasi-judicial permitting process.

The Council also requested that educational information on bee keeping and the City Ordinance be provided to residents. To achieve this, staff will create an informational handout on honey bee keeping, similar to the one available for backyard chickens, which will be made available at City Hall and on the City Website. Staff will also draft an article for the upcoming City Newsletter to inform residents of the new Ordinance.

FINANCIAL IMPACT

This is being handled as part of normal staff duties

STAFF RECOMMENDATION

N/A

ATTACHMENTS

Attachment A – Draft Honey Bee Keeping Ordinance

City of Big Lake
Honey Bee Keeping Ordinance

DEFINITIONS

APIARY. Any place or location where one or more colonies or nuclei of honey bees are kept.

BEEKEEPER. A person who owns or has charge of one or more colonies of honey bees.

BEEKEEPING EQUIPMENT. Anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.

COLONY. An aggregate of honey bees consisting principally of workers but having, when perfect one queen and at times drones, brood, combs, and honey.

HIVE. A structure manufactured to house a colony, including a hive stand, a bottom board, the hive body, frames/combs, queen excluder (optional), inner cover, and outer cover. One HIVE houses one swarm consisting of one queen and worker honey bees.

HONEY BEE. Any stage of the common honey bee, *apis mellifera* species of European origin.

NUCLEUS COLONY. A small quantity of honey bees with a queen housed in a smaller than usual hive box designed for a particular purpose.

Keeping of Honey Bees

- (1) Purpose. Honey bees provide substantial benefits to people and the environment, including but not limited to, pollination of crops and production of honey and wax. It shall be unlawful for any person to place, establish, or maintain any hive, stand, box, apiary, or keep any honey bees in or upon premises within the corporate limits of the city unless the honey bees are kept in accordance with the provisions of this subdivision.
- (2) Keeping of honey bees.
 - a. Permit required.
 - i. Prior to installing, altering or establishing a colony of honey bees within a hive, the beekeeper must obtain a permit from the city. Application for said permit shall be made to the city upon forms furnished by the city.
 - ii. The permit application shall include the following data:

1. Name and address of applicant and property owner;
 2. Street address and legal description of the lot upon which the honey bees would be kept;
 3. A registered land survey and site plan illustrating the dimensions of the property, location and distances of neighboring residences, and the location of the hive in relation to any property lines, sidewalk, alleys, and right-of-way; and
 4. Location of any schools or day care facility located within 200 feet of property.
- iii. All applications shall be accompanied by an application fee, as required by the city.
 - b. The city, upon written notice, may revoke a permit for failure to comply with provisions of this section or any condition(s) set forth in the permit.
- (3) Beekeeping standards.
- a. Honey bee colonies meeting the requirements of this subdivision may be kept only upon a lot containing a single dwelling unit, as an accessory use within the R-1 Single Family Residential District, R-1E Single Family Residential Estates, R-2 Medium Density Residential District, and A Agricultural District.
 - b. Only honey bee species which are viable in northern climates according to the Department of Entomology at the University of Minnesota shall be allowed.
 - c. Beekeepers shall own and reside at the property upon which said honey bees are kept.
 - d. Colony density. The number of colonies on any lot or parcel is limited to colony per 10,000 square feet of lot area. At no time shall a person be permitted to keep or maintain more than 3 colonies on any lot or parcel.
 - e. Placement of hives.
 - i. No colony or hive shall be kept or maintained within any front yard. In the case of a corner lot, no colony or hive shall be kept or maintained within the yard abutting an existing or dedicated public street.
 - ii. No person shall establish or maintain any hive or colony within 50 feet of any occupied dwelling, except the dwelling of the owner of the subject property.
 - iii. Hives shall be at least 25 feet from any property line, sidewalk, alley or other public way as measured from the nearest point on the hive to the property line, sidewalk, alley or other public right of way.
 - iv. No hive shall be kept or maintained within 200 feet of a school or day care facility.
 - f. Hive standards.
 - i. Honey bee colonies shall be kept in hives with removable frames, which shall be kept in sound and usable condition.
 - ii. Hives shall be placed on a hive stand manufactured for that purpose and shall not be placed on cinder blocks, pallets, logs, bricks, blocks, railroad ties, or similar materials.

- iii. Hives shall not contain hive bodies with more than a standard 10 frame design and shall not exceed 9 5/8 inches in height.
 - g. The beekeeper shall ensure that a convenient, continuous, open source of water is available within 25 feet of the hive, stand boxes, or apiaries and within the required fence by the following standard.
 - h. The beekeeper shall ensure that no wax comb or other material that might encourage robbing by other honey bees are left upon the grounds of the subject lot or parcel. Such materials once removed from the site shall be handled and stored in sealed containers, or placed within a building or other insect-proof container.
 - i. The beekeeper shall maintain beekeeping equipment in good condition and shall secure unused equipment occupancy by swarms.
 - j. Violation/penalty. Violation of this subdivision shall be subject to violation and penalty as prescribed in Chapter 10 of the Zoning Ordinance (Penalties).
- (4) Removal.
- a. Honey bees shall not be kept in such a manner as to constitute a nuisance as provided for under Chapter 5 of the Big Lake City Code, or in violation of any other subdivision of the Big Lake City Code.
 - b. Persons no longer intending to keep honey bees on the subject property shall notify the city in writing and remove the operation.
 - c. The operation shall be removed from the property upon revocation. Failure to remove the operation shall be considered a nuisance under Chapter 5 of the Big Lake City Code.



WORKSHOP ITEM

Big Lake City Council

Prepared By: Clay Wilfahrt, City Administrator	Meeting Date: 1/12/2022	Item No. 4D
Item Description: New Ideas Discussion	Reviewed By: N/A	
	Reviewed By: N/A	

COUNCIL DIRECTION REQUESTED

None.

BACKGROUND/DISCUSSION

This item is dedicated for City Council Members to bring up any ideas/projects that they would like to discuss during the Workshop.

FINANCIAL IMPACT

N/A

STAFF RECOMMENDATION

N/A

ATTACHMENTS

None