

**AGENDA
BIG LAKE CITY COUNCIL
WORKSHOP**

**WEDNESDAY, MARCH 24, 2021
5:00 p.m.**

1) CALL TO ORDER

2) ROLL CALL

3) ADOPT PROPOSED AGENDA

4) BUSINESS

4A. Lake Mitchell Access Discussion

4B. 2021 Street and Utility Improvement Project ST2021-1 Update

4C. Discuss Regulating Targeted Picketing in Residential Neighborhoods

4D. Privately Owned Fire Hydrant Maintenance Discussion

4E. New Ideas Discussion

5) OTHER

6) ADJOURN

CITY COUNCIL MEETING COVID-19 NOTICE

Attendance at Meetings: All attendees are expected to follow CDC recommendations and State of MN Executive Orders relating to the COVID-19 Pandemic. Some members of the City Council may participate in this Meeting via telephone or other electronic means on an as needed basis.

Disclaimer: This agenda has been prepared to provide information regarding an upcoming workshop 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: Layne Otteson P.E., City Engineer ENG21-021	Meeting Date: 3/24/2021	Item No. 4A
Item Description: Lake Mitchell Boat Landing	Reviewed By: Clay Wilfahrt, City Administrator Reviewed By: Deb Wegeleben, Finance Director	

COUNCIL DIRECTION REQUESTED

Information only.

BACKGROUND/DISCUSSION

Lake Mitchell access is located on southeast shore of Lake Mitchell and owned/operated by the City. It is at the end of Logan Avenue with a steel gate. Also at the launch, there is information signs and the Internet Landing Installed Device Sensor (I-LIDS). Prior to 2020, the gate was closed on weekends during the boating season to minimize access by out of town watercraft. The access was open throughout the winter.

This year (2021) will be the 4th year of using I-LIDS. It was installed in 2018 to video boat launches and provide verbal information to boaters regarding the spread of invasive species. I-LIDS devices are installed at Mitchell Boat Landing and at Lakeside Park. It does not control access to the lakes.

Council Work Shop discussions in 2020 resulted in continuing the I-LIDS monitoring program and locking the gate at all times during boating season. City of Big Lake residents who desire to use the launch must purchase a key and sticker for \$20. Key holders are asked to place a sticker on the front left of their watercraft so the I-LID monitoring system could record it on video. The videos are monitored by Staff weekly. In 2020, 34 keys and 49 stickers were sold. They do not have an expiration date nor is it annual fee. Some residents requested up to 3 stickers with a single key purchase. One key was provided to Sherburne County Sheriff's Department.

The plan of using I-LIDS and key access worked with mixed success. During the early part of last summer, I-LIDS recorded several watercraft launching without stickers. Although many had stickers, several habitual offenders were identified. A "reminder" letter was sent out to all the key holders and compliance significantly improved. There was some discussion by residents that an ordinance should be adopted. Rather than passing an ordinance, Staff focused on communication and education with the key holders to improve compliance.

This fall the City was notified by the DNR that zebra mussels were found in both Lake Mitchell and Big Lake. The DNR has not indicated when they think zebra mussel were introduced. Unfortunately, there is no effective way to remove them once they have established a population within a lake. The City treats for eurasian water milfoil annually and has been able to keep it in check.

The Big Lake Community Lakes Association provided a letter on February 1, 2021 explaining their concerns and recommendations regarding Aquatic Invasive Species (AIS), Lake Mitchell Boat Launch, I-LIDS and watercraft inspections. I have attached their letter for reference.

FINANCIAL IMPACT

The key and sticker program is nearly a net neutral program covering materials and Staff time.

ALTERNATIVES

N/A

February 1, 2021

Dear Mayor Knier, Council Members and City Administrator,

The BLCLA (Big Lake Community Lakes Association) has appreciated our work together with the City over the years in caring for our beautiful lakes. I think we would agree that our common goal is to protect and preserve the lakes for everyone to enjoy now and in the future. With growth and progress come new and different challenges, not to mention the challenges we face with the COVID – 19 pandemic and the disruptions this has caused. For many years the health of our lakes has been very good, and the Eurasian watermilfoil and curly leaf pondweed invasive species have been managed with careful surveys and herbicide treatments paid for by the City.

However, new AIS are spreading and demand closer attention in order to keep our lakes viable. In 2020 zebra mussels were discovered in both Big Lake and Lake Mitchell. The threat of new AIS is real. Though we don't see any difference in our lakes just yet, within a few years there will be exponential growth of the zebra mussels. Docks and lifts will be covered with these mussels, shoes will be required by swimmers to protect them from getting cut on the razor-sharp shells, boat motors left in the water will be at risk, lake water irrigation systems will get clogged, and over time the size and population of our fish may be affected.

And with zebra mussels in our lakes, we have the responsibility of doing all we can to prevent spreading them to other bodies of water.

Starry stonewort is present in 15 MN lakes with 7 of those lakes in our immediate surrounding counties. This macroalgae could be devastating for lakes the size of ours taking over acres with deep mats of tangled weeds making boating, swimming, and fishing nearly impossible. Experience shows that the most devastating effects are near launches, requiring significant funds in the tens to hundred thousand dollar range to mitigate.

As studies have shown, the spread of AIS is primarily by watercraft moving from one body of water to another, and entering the lakes at the watercraft accesses. We suggest this is where we need to focus our efforts to protect our lakes. For 2021, the BLCLA recommends the following:

1. Lake Mitchell Launch – We recommend the closure of the Mitchell Launch during the open water season. If we focus our efforts at one access point – namely Lakeside park – we would cut our risk of potential mitigation costs in half. The sticker/key program that was in place this past summer, in our opinion, showed moderate compliance by the participants. The damage and cost risks are too great to assume that people will do the right thing and continue with the program as it is now. We appreciate the convenience of the launch for those in the neighborhood, but are not reassured by the videos and information from this past summer that all those using the launch were acting responsibly. Closing the launch is no cost to the City, while mitigating potential AIS at this location would be very expensive.

2. We support and encourage the City pursuing a program to train their own Level 1 watercraft inspectors and are willing to provide financial support for inspections as we did this past year. The exact dollar amount will depend on total staffing hours and cost/hour, but we are willing at this time to commit to approximately \$3,500-4,000, with a cap of 40% of total costs pending further planning with City staff.

3. When the ILIDS video surveillance systems were purchased by the City three years ago, the BLCLA supported the decision as a valued AIS prevention tool at the time, and contributed to the expense. Now with three years experience, including a new understanding that the videos cannot be used to enforce any laws, we believe that the City's financial resources are better spent on in-person inspections as would be provided by hiring its own Level 1 inspectors. Hence, we recommend that the City not renew a contract with the ILIDS vendor, but instead, direct that money to paid inspectors. It is also our understanding that the ILIDS vendor would be willing to buy back the equipment, which would provide additional funds to the City. It is true that people tend to act in a more responsible way knowing they are on camera. If the ILIDS are removed, we recommend that either a new camera is placed or there is information (maybe a clearly marked sign) informing those using the launch that they are on camera. Closing the Lake Mitchell launch also simplifies the camera requirements for the City.

4. As stated earlier, it is important for all those boating and fishing in our lakes to know that zebra mussels are present, and that following the recommendations of Clean, Drain, Dry, and Dispose should be practiced by everyone when they take their watercraft out of the lake. While there are cleaning systems available to purchase (e.g., CD3 Cleaning Stations in the range of \$10,000-35,000) that could help reduce the risk of AIS spread out of our lakes, we believe that goes beyond reasonable expectations for City and BLCLA expenditures. Instead, we believe it is appropriate to focus on alerting/educating watercraft owners of the risks when leaving our lakes. For example, there is Clean/Drain/Dry signage already at the Lakeside Park launch that could be positioned more strategically to capture the attention of exiting watercraft. Or perhaps have inspectors hand out a pamphlet. We would welcome the opportunity to work with City staff on such approaches. Another advantage of closing the Lake Mitchell launch is it would help prevent the spread of AIS out of our lakes.

Again, we look forward to continuing our work together to care for our lakes which are assets for our whole community. The beauty and health of our lakes cannot be taken for granted – time and continued efforts should be directed towards protecting and preserving the lakes now before it is too late. We would welcome the opportunity to discuss these matters further at a future City Council workshop.

Regards,

Board of Directors
BLCLA



WORKSHOP ITEM

Big Lake City Council

Prepared By: Layne Otteson P.E., City Engineer ENG21-021	Meeting Date: 3/24/2021	Item No. 4B
Item Description: 2021 Street and Utility Improvement Project ST2021-1 Update – Highland Avenue Update	Reviewed By: Clay Wilfahrt, City Administrator Reviewed By: Deb Wegeleben, Finance Director	

COUNCIL DIRECTION REQUESTED

Information only.

BACKGROUND/DISCUSSION

On March 18th at 6 pm, I met on-site with 10 residents to discuss street width. The intent was to determine their width preference, identify potential conflicts with landscaping/trees and answer questions.

The future curb line was marked with survey lath indicating where the proposed 26' wide street would be located and the potential impacts. I also provided large scale plan sheets showing existing conditions and proposed construction. I answered questions related to street width, yard impacts, schedule and assessment costs. At the conclusion of the meeting, all attendees supported a street width of 22'. They also supported that it be completed this year.

The recommendation to build the street to 22' wide is included within the regular agenda item no. 7C. 2021 Street and Utility Improvement Project No. ST2021 – Approve Final Plans and Advertise for Bid in tonight's Council Meeting.

FINANCIAL IMPACT

The narrower street reduces overall construction cost and special assessments.

ALTERNATIVES

N/A



WORKSHOP ITEM

Big Lake City Council

Prepared By Matt Hayden, Acting Chief of Police	Meeting Date: 3/24/2021	Item No. 4C
Item Description: Ordinance Amending Chapter 5 of the Big Lake City Code Regulating Targeted Picketing in Residential Neighborhoods	Reviewed By: Clay Wilfahrt, City Administrator	
	Reviewed By: N/A	

COUNCIL DIRECTION REQUESTED

Request to discuss amending Chapter 5 of the Big Lake City Code to add ordinance language regulating targeted picketing in residential neighborhoods.

BACKGROUND/DISCUSSION

The Big Lake Police Department recognizes and respects individual's 1st amendment rights to freedom of speech, however, we feel residents should feel safe and secure in their own home. After the large protest in Hugo, MN on August 15, 2020 many cities, the City of Elk River being the closest, have enacted an ordinance regulating targeted picketing in residential neighborhoods.

In 1993 the Minnesota Court of Appeals ruled in favor of prohibiting residential picketing in *State v. Castellano*. The Court of Appeals stated prohibiting residential picketing is not unconstitutional as it does not violate individual's 1st amendment rights and freedom of speech. The courts thought residents should be able to retreat to their own home to feel safe and secure. There are no other court cases disputing or overturning this ruling.

Police Officers, City Leaders, and Elected Officials are in a unique position and should feel safe when going home. This ordinance would allow officers to enforce targeted picketing in residential neighborhoods within the City of Big Lake.

I obtained a copy of the ordinance from the City of Elk River and had our city attorney review it. The draft ordinance is attached.

FINANCIAL IMPACT

N/A

ALTERNATIVES

N/A

ATTACHMENTS

Draft Ordinance Regulating Targeted Picketing in Residential Neighborhoods

ORDINANCE NO. _____

**CITY OF BIG LAKE
SHERBURNE COUNTY, MINNESOTA**

**AN ORDINANCE AMENDING CHAPTER 5 OF THE BIG LAKE CITY CODE
RELATING TO AND REGULATING TARGETED PICKETING IN RESIDENTIAL
NEIGHBORHOODS**

THE CITY COUNCIL OF THE CITY OF BIG LAKE, MINNESOTA, ORDAINS:

SECTION 1. Chapter 5 of the Big Lake City Code is hereby amended to add Section 598 to read as follows:

Section 598 - Targeted residential picketing

A. Purpose of section. The city has an interest in the protection of residential privacy, the well-being and tranquility of the home. The city council finds that, without resorting to targeted residential picketing, ample opportunities exist for those otherwise engaged in targeted residential picketing to exercise constitutionally protected freedoms of speech and expression.

B. Definitions. For the purposes of this Section, the term “targeted residential picketing” means:

i. Marching, standing, or patrolling by one or more persons directed solely at a particular residential building in a manner that adversely affects the safety, security, or privacy of an occupant of the building; or

ii. Marching, standing, or patrolling by one or more persons which prevents an occupant of a residential building from gaining access to or exiting from the property on which the residential building is located; or

iii. Standing, marching, patrolling or picketing by one or more persons focused in front of or adjacent to a particular residential dwelling without the consent of that dwelling's occupants.

C. Prohibited activity. No person shall engage in targeted residential picketing within the city.

D. Penalty. Every person convicted of a violation of any provision of this section shall be guilty of a misdemeanor.

E. Severability. Should any section, subdivision, clause or other provision of this Ordinance be held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole, or in any part thereof, other than the part held to be invalid.

SECTION 2. This ordinance shall be effective immediately upon its passage and summary publication.

ADOPTED this ____ day of _____, 2021, by the City Council of the City of Big Lake, Minnesota.

CITY OF BIG LAKE

Paul Knier, Mayor

ATTEST:

Gina Wolbeck, City Clerk

DRAFT



WORKSHOP ITEM

Big Lake City Council

Prepared By <i>Dan Childs, Water/Wastewater Superintendent</i>	Meeting Date: 3/24/2021	Item No. 4A
Item Description: <i>Privately Owned Fire Hydrant Maintenance</i>	Reviewed By: <i>Clay Wilfahrt, City Administrator</i>	
	Reviewed By: <i>Deb Wegeleben, Finance Director</i>	

COUNCIL DIRECTION REQUESTED

Provide direction on proposed maintenance of privately owned fire hydrants

BACKGROUND/DISCUSSION

Recently there has been an inquiry of possibly having the city maintain some privately owned fire hydrants. I have reached out to several other cities to ask how they deal with private hydrants. Some take on the tasks for free with the understanding that if repairs are needed, the owner of the hydrants will take on the costs. Others charge \$5 for each hydrant every month along with any repair costs taken on by the owner. Another option I like is \$35 for each hydrant per year with any repair costs taken on by the owner. The \$35 option would cover the costs of water flushed through the hydrant, the greasing of the caps, the filling of oil in the reservoir, and the man hours of working on it every year.

FINANCIAL IMPACT

Fee would cover cost

ALTERNATIVES

Do not offer service

ATTACHMENTS

N/A



WORKSHOP ITEM

Big Lake City Council

Prepared By Clay Wilfahrt, City Administrator	Meeting Date 3/24/2021	Item No. 4E
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

None

ALTERNATIVES

None

ATTACHMENTS

None