

**BIG LAKE CITY COUNCIL  
REGULAR MEETING MINUTES**

**JANUARY 27, 2021**

**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, and Paul Seefeld. Also present: City Administrator Clay Wilfahrt, City Clerk Gina Wolbeck, Finance Director Deb Wegeleben, Community Development Director Hanna Klimmek, City Planner Lucinda Meyers, City Engineer Layne Otteson, Deputy Police Chief Matt Hayen, Liquor Store Manager Greg Zurbey, Streets/Parks/Fleet Superintendent Norm Michels, Water/Wastewater Superintendent Dan Childs, and Big Lake Student Liaison Ella Dotzler.

**4. OPEN FORUM**

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

Bettina Potter, 120 Edgewater Place – Urged Council to remember that a City street project is a 20 to 30 year investment and advised Council to consider future citizen needs, noting that we need to have passable roads and walkable sidewalks. Potter stated that she feels it was irresponsible for Council to remove the sidewalk plans from Euclid Avenue for the upcoming street project, and reminded Council that projects should be planned for the future, not for just what is happening today, stressing that we need to continue to be a walkable community.

Mayor Knier closed the Open Forum at 6:03 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, unanimous ayes, Consent Agenda approved. The Consent Agenda consisted of: 6A. Approve List of Claims, 6B. Approve Joint Powers Board Meeting Minutes of January 13, 2021, 6C. Approve Council Workshop Minutes of January 13, 2021, 6D. Approve Regular Council Meeting Minutes of January 13, 2021, 6E. Approve Joint City/County/Township/School Meeting Minutes of January 21, 2021, 6F. Approve 2021 BLEDA Officer Appointments, 6G. Approve Employment Status Change from Probationary to Permanent for Police Administrative Assistant Nicole Pearson, and 6H. Approve Employment Status Change from Probationary to Permanent for Full-time Liquor Clerk Jorgen Dahl.

**7. BUSINESS**

**7A. Annual Update – Sherburne County Attorney Kathleen Heaney**

Sherburne County Attorney Kathleen Heaney provided an update via Zoom on the Sherburne County Attorney's Office statistics and services provided to the City in 2020 which have seen a 14% increase in felony cases in 2020. Heaney also reviewed Big Lake cases their office sees including Petty Misdemeanors and Misdemeanors, noting that the COVID pandemic has created an increase in crimes. Heaney reviewed the County and City Contract, explaining that their office receives a portion of fines collected which amounted to \$14,756.21 from City of Big Lake cases in 2020. Heaney commended the collaborative efforts between the Big Lake Police Department and the County Attorney's Office stressing that Big Lake has been pro-active in resolving cases before they get to the courts. Heaney also introduced Assistant County Attorney Dawn Nyhus.

Deputy Police Chief Matt Hayen extended the Department's gratitude for the on-going assistance and support from the County Attorney's Office in prosecuting Big Lake cases. The City Council also thanked Heaney for her work in Big Lake.

**7B. Big Lake Fire Relief Association Benefit Increase Request**

Eric Rosa from the Big Lake Fire Relief Association presented the Association's request for a benefit increase of \$200.

Council Member Halverson stated that he feels the Relief Association financial advisor does a phenomenal job, noting that financially the Association is sitting really well.

Mayor Knier stated that the Relief Association financials look in order and that the benefit increase is for a job well done by the fire fighters who work so hard for us.

Council Member Halverson motioned to approve the Big Lake Fire Department Relief Association Benefit Increase of \$200. Seconded by Council Member Seefeld, motion passed with a vote of 3:0 with 1 abstention with Mayor Knier, and Council Members Halverson and Seefeld voting aye, and Council Member Hanson abstaining. Motion carried.

### **7C. Wright's Crossing 3<sup>rd</sup> Addition Development Application – CUP Amending PUD Standards and Design Criteria**

Lucinda Meyers reviewed the planners report for the development application submitted by JP Brooks, Inc. requesting an amendment to the Planned Unit Development (PUD) Standards and Design Criteria for the Wright's Crossing 3<sup>rd</sup> Addition Development. The purpose of the amendment would be to accommodate the builder's detached townhome product on the 31 remaining detached townhome lots within the subdivision. The Applicant is requesting flexibility from the Design Criteria and PUD Standards to allow a reduction in the setback between buildings as well as side yard setbacks, eliminating the specifications between ramblers and split level designs, a reduction in garage dimensions, and relaxing window and exterior material requirements. Meyers discussed that the Planning Commission held a public hearing at their January 6, 2021 meeting and unanimously recommended approval of the amendment as requested.

Council Member Halverson inquired how many total units will be built in this project. Meyers noted that JP Brooks plans to build 31 units, and once those are constructed, the development will be complete.

Council Member Seefeld asked if there will be issues with increased traffic in this area. Meyers and Matt Hayen both indicated that no issues have been brought to Staff's attention.

Council Member Hanson motioned to approve Resolution No. 2021-10 amending the Planned Unit Development (PUD) Standards and Design Criteria for Wrights Crossing Third Addition. Seconded by Council Member Halverson, unanimous ayes, motion carried.

## **7D. Meadow View Estates Concept Plan Review**

Lucinda Meyers reviewed the planners report for the development application submitted by Off and On, LLC for concept review for a single-family Planned Unit Development (PUD) featuring 46 rental homes and a clubhouse with outdoor amenities. Meyers identified that the purpose of the concept plan is to obtain informal review comments prior to the developer submitting a formal preliminary plat application. On the basis of the concept plan, the City shall informally advise the developer of the extent to which the proposed subdivision generally conforms to the design standards of the subdivision ordinance. Concept plan review does not convey any legal development rights to the applicant.

The 47 acre property is located north of Hwy 10, south of 205<sup>th</sup> Avenue, west of 172<sup>nd</sup> Street, and east of CR 43. The parcel is zoned R-1 and has a Shoreland Management Overlay. The property is identified in the City's Comprehensive Plan as Low Density Residential. Eleven acres on the western edge of the site is forested and planned to be platted as an outlot, seven acres are proposed to be dedicated parkland, and a 100 foot wide right-of-way is proposed to be dedicated to the City for a planned Parkway Collector Street which is identified in the City's Comprehensive Plan. The developer would be responsible to construct a collector road and the City would be responsible for upgrades to a Planned Roadway Network. Meyers stressed that the City requires that development pay its way. When a planned road is proposed to be built, the development must construct that planned roadway, and once construction is complete, they turn the roadway over to the City.

Meyers reviewed the proposed site layout as proposed by the developer, noting that approximately 17.20 acres is proposed for this development, and the proposed housing type is detached single-family slab-on-grade manufactured. The density proposed, calculated as the number of units divided by the developable area, is 2.67 units per acre. Meyers noted that the concept as submitted does not feature garages and as such does not conform to the City's building standards. Meyers discussed potential storm safety concerns with the slab-on-grade housing styles as proposed by the developer. Staff and the developer have had discussions on the possibility of constructing a storm shelter in the clubhouse area to address this concern. Meyers also discussed the developer's proposal to install a private road system within this development, stating that private roads are not allowed in any district in the City other than our R4-Manufactured Home District, and cul-de-sacs are not allowed in PUD Developments. Meyers noted that the subject site is located within the Shoreland Management Overlay District surrounding Preusse Lake, which the DNR has classified a Natural Environment Lake. Meyers also discussed parkland dedication, streets and sidewalks, utilities, required landscaping and tree preservation, storm water management plans, and consistency with the Comprehensive Plan. Meyers also explained that development of the site will require an Environmental Review

Worksheet, PUD application, and land entitlement, and urged the Applicant to host a neighborhood meeting to present their concept to area property owners as a final step before making a formal development application. Meyers reviewed discussion at the November 4, 2020 Planning Commission meeting, stating that the Commissioners were united on upholding the development policies established by the Comprehensive Plan, and adherence to engineering comments.

Council Member Halverson discussed concerns with street parking and stressed that the cul-de-sacs are not large enough for fire trucks. Meyers noted that the typical radius for a cul-de-sac is 48 feet and the Applicant is proposing 45 foot cul-de-sacs. Halverson also discussed the private road concept, noting that the City Engineer's recommendations include that the road be turned over to the City and that it must be built to the City's standards. Halverson also stressed that the internal road needs to loop back out to the future MN Avenue for emergency vehicle access. Halverson discussed the need for requiring garages which would provide storage areas for each property. Halverson stated that he has serious issues with the layout of this concept plan and whether it will fit in with surrounding properties. Halverson also stated that this project is a drastic variance to the identified step-up housing needs in the City. Halverson also stressed that sidewalks should be included within the development that will hook back into future sidewalk plans, and stated that he feels drastic changes are needed to the developer's proposed plans. Discussion was also held that a PUD would require a rezone.

Council Member Hanson stated that he feels the proposed project needs more parking as well as garages constructed with each unit. Hanson discussed that he would like to see the internal private street be a city owned road with dead-ends for future connection to the R1-E, and stressed that the project needs to have a secondary outlet to address emergency vehicle access concerns. Hanson asked for clarification on snowplowing/maintenance if the internal road was privately owned. Staff noted that the City would not be responsible for any maintenance for a private road.

Council Member Seefeld expressed many of the same issues as other officials and discussed his concern with street parking, the need to provide a clear path for emergency vehicles, as well as the internal street not being designed to City standards. Seefeld also stressed his concern with the slab-on-grade units not offering enough storm protection, and storage issues if there are no garages constructed and no room for out-buildings.

Mayor Knier asked for clarification on the size of the structures being proposed. Meyers indicated that the average unit size is approximately 1,600 square feet with 2 to 3 bedrooms per unit. Knier discussed similar concerns as the other officials, the lack of garages, parking issues, concerns with the cul-de-sac designs, and future issues with the private street. Knier also discussed potential issues with placing this type of quality of housing next to their proposed future move-up housing concept. Knier stated that he feels

this is a questionable proposed development.

Jeff Schoenwetter, owner of JMS Companies stated that he was looking forward to establishing a dialogue with the City Council and that he feels what they heard tonight is not completely reflective of their application. Schoenwetter stated that he is very enthusiastic about the project and clarified that they are willing to construct garages. Schoenwetter also discussed that this project would most likely be age restricted to a 55+ community, that the setbacks they are proposing are in-line with our R-1 zoning district, and visitors to this project would see it as a regular R-1 conforming community. Schoenwetter discussed that he feels we can get through further discussion on the cul-de-sac design as part of a greater negotiation. Schoenwetter stated that they are trying to make a difference in the City of Big Lake, noting that this is a new, unique type of affordable housing that has not been seen in this area and is no way allowed under the City's current ordinances. The Applicant referred to their proposed project design as a "detached apartment" noting that it is the rage in housing across the country. Schoenwetter discussed the internal private street concept noting that while it resembles a City street, it is not. It is their asphalt parking lot and the City doesn't have to maintain it, and it would adhere to health and safety standards by installation of a crash gate. Schoenwetter asked can we respect the City's economic needs and can we add \$8M in tax base to the City and \$160,000 in tax revenue to the City. This style of rental housing would offer a "lock and leave" lifestyle for their tenants, who would pay approximately \$1,400 in monthly rental costs, but would not be responsible for snow removal or lawn maintenance. Schoenwetter also reviewed their offer for park dedication which is 200% in excess of the City's requirement.

Council Member Halverson reviewed the two potential development plans for the entire 47 acre parcel and asked the developer why they don't want to build custom high-end houses in Big Lake at this time. Schoenwetter responded that they want to create something that is very nice, but also economically viable. The luxury, custom home design doesn't make sense in today's market, noting that the high-end lot would cost over \$100,000 which is just not viable right now. Halverson stressed that step-up housing is an identified need in the housing study completed for the Big Lake area and noted that we already have ample affordable housing available. Schoenwetter stated that they are saving the wooded area of their site for when it is clear that the luxury high-end housing market exists. Schoenwetter discussed that they react to the market with a product that it wants to absorb. Schoenwetter stated that he feels censored by the City and discussed ways they can fix the deficiencies of the site, including lack of right-of-way for the existing utilities on the site, and dedicating right-of-way that is significantly wider than what exists in any of the other developments. Schoenwetter stated that they can build the street to the front end of their project, but cannot build the Parkway Collector Street as 40 homes wouldn't pay for that. Halverson also discussed the Applicant's proposed rental prices, and how they compare to what a mortgage payment would be.

Mayor Knier asked the City Planner how costs are distributed between the developer and the City for the construction of the road, indicating that he recalls discussion that the developer would be responsible to pay for a collector road and the City would pay for costs associated with turning the street into a Parkway. Schoenwetter informed Council that Staff hasn't told them that scenario. They were told that the City would pay the overrun cost and they would expect the developer to build the parkway. Staff has asked them to build the parkway with the understanding that the City would pay them for the oversizing or the excessive component.

Layne Otteson asked for discussion on the cost for extending the street to the plat line, noting that if this development doesn't do what other developments have been required to do, how would that affect the next piece of property. Otteson explained that past developments have paid the cost for extending the street to their plat line, and future developments would be required to complete the road system throughout their plat line. Halverson discussed the options for covering the cost for the road section if the project is allowed to move forward without building the street segment along their plat line, noting that the City would either need to fund that cost, or have future developers complete the section. Otteson discussed that allowing the developer to not build the road could create an obstacle for future development in the area. Otteson also advised that future street assessments could be impacted with the proposed park area being so long along the roadway instead of a deeper set park area. Otteson advised the Council that deferring from City policy could set a precedence for future developments. Schoenwetter stated that he feels it is an unfair burden on his piece of real estate to pay for a parkway road.

## **7E. Monthly Department Reports**

Deb Wegeleben provided a year-to-date financial report and provided an update on the City's outstanding debt. Wegeleben also discussed the upcoming schedule for the 2021 audit indicating that the City's 2020 audit will take place the first week in March and the official financial statements projected to be presented at the April 28, 2021 Council Meeting.

Council Member Halverson discussed how the interest rate on the street project bond will determine the interest rate for assessments on the project, noting that the rates should be known sometime in May.

Greg Zurbey provided an update on the Municipal Liquor Store operations for November and December 2020, noted that employees at the store attended annual beverage and alcohol training, reintroduced socially distanced tastings, reviewed the fall wine sale held in November, discussed the introduction of the new on-line ordering process, and reviewed community partnership projects the store was involved in. Zurbey also provided an update

on the 2020 State Auditors Report that reports on liquor operations/sales for year 2019.

Mayor Knier discussed the \$600,000 transfer amount that occurred in 2019, compared to the \$450,000 transfer amount that was transferred in 2020. Wegeleben reviewed that the transfer amount is determined when the budget is set for the year. Zurbey discussed that the budget was done prior to the start of the year, and there was no way to know COVID would affect our sales so much. Wegeleben discussed that the excess \$350,000 will be kept in the Liquor fund and can be used at Council's discretion.

Hanna Klimmek provided an update on activities in the Community Development Department. Klimmek reviewed housing, commercial and redevelopment projects, and provided a year to date 2019/2020 permit activity comparison. Klimmek reviewed upcoming activities of the Planning Commission and provided an update on the Code Revision Task Force. Klimmek discussed recreation/communications activities including an update on the Farmer's Market and City Website notifications, and provided an update of activities in the Streets/Parks/Fleet Department noting that Staff has been setting up new equipment, maintaining the ice rinks as well as City facilities, and focusing on on-going snow removal efforts. Klimmek also reviewed that the ice rinks are now being cleaned with a Zamboni which has cut maintenance time by 50%.

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

Clay Wilfahrt discussed upcoming Facebook Live events, and reviewed the filing period for the April 13<sup>th</sup> Special Election.

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

Mayor Knier: Reviewed the January Fire Board Meeting and noted that he met with Staff as an introduction to the CMRP board.

Council Member Halverson: Discussed the January Parks Advisory Committee Meeting, and stated that he would like to open up the idea that within the next six to nine months the City start to look at creating more ball fields, noting that our community is growing and we aren't doing anything to move our quality of life forward, we are just sitting stagnant. Halverson also discussed tours he did of our utility plants and the municipal liquor store noting that it is easier to represent these departments if you know what they actually do. Halverson stated that he agrees with Bettina Potter's comment at open forum, and challenged fellow Council Members to walk on the street area of Tarrytown Road and report back if they feel this is a safe situation.

Council Member Hanson: Reviewed the January BLBYR Meeting.

Council Member Seefeld: Discussed the January Fire Board Meeting.

**10. OTHER** – No other.

Mayor Knier thanked Staff for their hard work, and thanked Jeff Schoenwetter, noting that he feels it was important to hear his rebuttal to some of Council's concerns.

**11. ADJOURN**

Council Member Halvorson motioned to adjourn at 8:06 p.m. Seconded by Council Member Hanson, unanimous ayes, motion carried.

Gina Wolbeck  
Clerk

Date Approved By Council 02/10/21