

**BIG LAKE CITY COUNCIL
REGULAR MEETING MINUTES
FEBRUARY 9, 2022**

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 Clay Wilfahrt, City Clerk Gina Wolbeck, Finance Director Deb Wegeleben, Community Development Director Hanna Klimmek, City Planner Lucinda Spanier, City Engineer Layne Otteson, Acting Police Chief Sam Olson, Liquor Store Manager Greg Zurbey, Streets/Parks/Fleet Superintendent Norm Michels, Water/Wastewater Superintendent Dan Childs, Fire Chief Seth Hansen, and Big Lake Student Liaison Ella Dotzler.

4. OPEN FORUM

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

George Quinn, 810 Lake Street North – requested that the City provide citizens with the City’s emergency response plan, and requested that it be put on the next Council agenda. Quinn reviewed disasters that have happened nationwide and asked how will we respond as a City to disasters that could occur in our community. Quinn stated that he feels the citizens should feel confident that the City has a plan in place and would like to see that the plan is looked at and discussed/reviewed to see if there are areas for improvement, identify any issues with the plan, and see how the various public safety agencies can be involved.

No one else came forward. Mayor Knier closed the Open Forum at 6:03 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 Noding motioned to approve the Consent Agenda with the removal of item no. 6G for separate consideration. Seconded by Council Member Halverson, unanimous ayes, Consent Agenda approved. The Consent Agenda consisted of: 6A. Approve List of Claims, 6B. Approve Council Workshop Minutes of January 26, 2022, 6C. Approve Regular Council Meeting Minutes of January 26, 2022, 6D. Approve Form for Contracting Musicians and Sound Technicians for the Music in the Park Program, 6E. Approve the Hire of Police Officer Christopher Thull, 6F. Approve Traut Companies Quote for the Well No. 4 Improvements, ~~6G. Approve Quote for Executive Recruitment for Chief of Police Position from David Drown and Associates~~, and 6H. Approve Ordinance No. 2022-01 Amending Section 550 to Better Define Sidewalk Maintenance Responsibilities, and Approve Resolution No. 2022-18 authorizing Summary Publication.

6G. Quote for Executive Recruitment for Chief of Police Position

Clay Wilfahrt reviewed that at the Workshop held prior to the regular meeting, the City Council directed Staff to bring forward for consideration the Executive Recruitment quote to fill the vacant Chief of Police position submitted by Baker Tilly.

Council Member Halverson motioned to approve the Police Chief Executive Search Proposal submitted by Baker Tilly US, LLP. Seconded by Council Member Hanson, unanimous ayes, motion carried.

7. BUSINESS

7A. Avalon Estates Environmental Assessment Worksheet (EAW) Record of Decision

Lucinda Spanier reviewed the Avalon Estates property that was annexed into the City in 2020. Due to the presence of two natural environment lakes and their sensitive shorelands, the development concept requires mandatory environmental review pursuant to MN state statute in the form of an Environmental Assessment Worksheet (EAW). The property owner contracted with the City and Bolton & Menk, Inc. for completion of the EAW. As the responsible Governmental Unit (RGU), the City collects, compiles, and responds to substantive comments received. Once the comment period closes, the City Council is asked to make a determination on whether the data provided suggests that the project has the potential for significant environmental effects and thus would warrant a more detailed environmental review in the form of an Environmental Impact Statement (EIS).

Spanier reviewed the Avalon Estates EAW and stated that based on the analysis completed by Bolton and Menk, Inc. for the EAW, the proposed development does not appear to result in significant environmental harm and further analysis in an Environmental Impact Statement (EIS) is not anticipated at this time. Spanier noted that there was substantial conversation at the Planning Commission regarding transportation and the finding on that point of study was that there were no significant impacts on adjacent roadways that would be caused by this development. Spanier asked for Council comments and ultimately for approval on a resolution making a negative declaration on the need for an EIS for the project.

Council Member Noding discussed comments submitted by the MNDNR and MPCA that have been incorporated into the plan. Spanier explained that the EAW is a working document throughout the comment period. Once all the comments are submitted and reviewed, if they are found to be substantive and useful to the environmental review and would be useful during the construction period, then the information would either be further explored, or duly noted and added to the document. The final document will go on to serve as the basis for the construction of the development once it gets off the ground, especially relating to permits that will be required, as well as erosion and sediment control due to the close proximity to the water bodies. Spanier noted that the EAW in its current form has not been changed since published on December 21. Moving forward, the comments provided that add substantive value to the project will still be added to the document. Noding asked who determines if comments have substantive value, and Spanier responded that state statute guides what types of comments would have substantive value. On behalf of the City, the document authors from the Bolton and Menk team have responded to all the comments, compiled them and are responsible to make any edits to the draft moving forward. Mayor Knier clarified that Bolton and Menk would make the decision on what would be considered substantive comments.

Council Member Noding motioned to approve Resolution No. 2022-19 making a negative declaration on the need for an Environmental Impact Statement for the Avalon Estates Development Project. Seconded by Council Member Seefeld, unanimous ayes, motion carried.

7B. Department Reports

Fire Department – Fire Chief Seth Hansen provided statistical information on calls for service for the months of December and January. Hansen reviewed department training including online training that covered Carbon Monoxide and Blood Born Pathogen training, as well as hands-on training that included radio communications and SCBA Air Management training. Hansen also reviewed the swearing in ceremony for new firefighters at the Township meeting, and a parade for a local soldier returning from deployment. Hansen discussed the Department Christmas Party held at the Carousel Works, the upcoming March 19th Chili Feed event, and the retirement of Captain Chris Brezinka, thanking him for his 9.5 years of service.

Council Member Halverson asked how many of the 84 calls were lift assist calls. Hansen estimated that 10 of the 84 calls were for lift assists, and noted that the lift assist calls for year-end 2021 was approximately 47 so it wasn't a large majority of their calls. Halverson stated that he feels the City is getting hit hard because of our one building in town, and Hansen estimated that on average, there are eight to ten firefighters who are paged to these calls. Halverson stated again that we are getting hit hard by one building. Hansen expressed that he doesn't necessarily agree with that, but out of all the calls they probably have the most, but noted that we do get lift assist calls from throughout town. Hansen noted that as the Chief and the Fire Department being an entity that provides public safety, he is not o.k. with not responding to a 911 call, expressing that is what we are there for. Halverson stated that he understands that, and has been an advocate of the process noting that he was Chief when the procedure was established, but stated that we've had to decrease our man hours and put stress on our firefighters with the amount of calls, which goes back to letting our Police Officers make an executive decision on whether to page or not the way they used to. Hansen discussed that at the Fire Board level, we have been discussing staffing issues and how we address these things. It comes down to us having to pay a duty crew if that's what they want to do. If we only want to send four guys, we have to make sure we have four that are around all the time, or even if it's two here 24/7, they commit to being able to respond. Halverson expressed that his statement isn't even that, but let's let the Police Officer make the determination so the department is not called out until the Police Officer makes the executive decision. Hansen explained that is what our current process is.

Police Department – Acting Chief Sam Olson touched on the lift assist calls discussion. A good majority of the time that we have fire respond, they are needed. There are times that the Fire Department does not get called to a lift assist when we know we can handle it ourselves and will either not page out or the page will be cancelled. Olson estimated that at least half, if not more lift assist calls require assistance from the Fire Department. If we know Fire is responding on a call, and the on-duty Police Officers are not able to respond right away, we know Fire will do a great job on assisting on these calls. Olson stated that he feels it is a good service that we provide, and if the Officers know they can lift the person themselves, they will cancel the Fire page. Olson also thanked George Quinn for the donation of three lighted winter hats that are an excellent safety precaution, especially for our night-time officers. Olson updated Council on police statistics, calls for service and significant arrests for the months of December and January. Olson reviewed events the Department participated in including lunch with students at Independence Elementary, welcoming new Officer Jennifer Franzen, the swearing in of Officer Kyle Rossberg, and recognizing Investigator Rich Berg for 25 years of service and his recent retirement. Olson also reviewed year-to-date traffic fatality data collected for 2021, noting that the BLPD prides themselves on traffic enforcement efforts. Olson provided an update on the Co-Responder program implemented by Sherburne County in 2021. Roy Neumann serves as the current Co-Responder and works closely with the Sherburne County Sheriff's Office, and Police Departments from Big Lake, Becker, and Elk River. The Co-Responder assists in mental health calls for service once the scene is secure, and is

able to offer mental health specific assistance when needed. Olson also provided information on the fundraising drive towards the purchase of a new K9 squad.

Council Member Halverson discussed that the City should open up their towing contract bid to ones that qualify, noting that we haven't bid this service out since 2017. Halverson stressed that we continue contract with the same business, and expressed that the business is owned by a City employee, in which case we should be more cautious. Halverson stated that he feels this is government overreach by not allowing anyone else to bid against a City employee, and is a lack of transparency of Council by them not allowing anyone else to bid on it, stating that we don't have anything to hide when we go out for bid. There is an image we portray of our Police Department by allowing a City employee to provide the service without allowing it to go out to bid . Halverson stated that he has talked to Chief Olson about this and he has indicated that he likes who we currently use and Halverson understands that. He is under the belief that with free enterprise, it should be bid and we have multiple companies that would bid on providing the service. Halverson discussed that he would like to see the Council allow Staff to open this service up for bid and whoever gets the low bid gets the contract, noting that we are supposed to be fiscally responsible and transparent. Halverson also discussed that for the last year we haven't even had a contract in place so we have no way to monitor the amount being charged.

Mayor Knier stated that he agrees with Council Member Halverson, noting that last year we agreed that we would look at it again this year.

Olson discussed that he understands the open bidding request and acknowledged that Collins Brothers, the other towing company in town that would be eligible for bidding, would do a great job for us, just as Bob's Towing has done since 2017 as our sole provider. The company has done a great job for us, and Olson believes we get the perks that we get with Bob's Towing that we might not get with Collins Brothers. Bob's Towing doesn't charge us for impound or forfeited vehicles amongst other things, as well as we are currently getting 2017 pricing due to staying with the same towing company. Olson recognized that it is up to Council on if we open the service up for bidding or not, but noted his concern about getting the same pricing that we currently have. Olson stated that he is not advocating for any particular towing company, but noted that we have used Bob's Towing since 2017, we know what kind of service they provide, and noted that they have done a great job for us. It's going to be a gamble on getting the same level of service and pricing by going out for bid. Halverson asked if the pro-bono services can be written into requirements in the bid request. We could also include a get-out clause into the new contract if requirements aren't met. Halverson stated that he understands where Olson is coming from, but feels transparency, and controlling government overreach is the fiscally responsible thing to do, and whoever gets the low quote, gets it.

Council Member Hanson clarified that the owner of Bob's Towing is not an employee of the City. Halverson disagreed and stated that firefighters are City employees. Clay Wilfahrt explained that firefighters are employed by the Fire Joint Powers Authority that is owned by the City and the Township. Halverson again stated that they have always been considered a City employee. Hanson stated that City employees are not allowed to be on the Fire Department. Deb Wegeleben explained that the Fire Department is covered by their own workers compensation and are not classified as City employees, which is one of the reasons the JPA was created. Halverson stressed that they fall under the City and they fall under the Township, they are a JPA board that is funded by the City and Township. Council Member Noding discussed that it is an appearance thing, and noted that if we do go out for bid for towing services, we need to make sure the bid is apples to apples. Council directed Staff to put together a draft request for proposal for City towing services and bring back to the next Council Workshop for further review.

8. ADMINISTRATOR'S REPORT

Clay Wilfahrt reviewed the all-staff strategic planning meeting held on February 8th, and reviewed the benefits of including comments from Staff in the action plan. Wilfahrt also provided an update on the County Road 11/Hwy 25 meeting with area officials, noting that Staff will bring back an update to Council on possible implications the project could have on the City, and with a recommendation on responding to the County's request. Wilfahrt reviewed that a number of officials have reached out to him regarding the League of MN Cities (LMC) position on zoning rules that are potentially being affected at the state level. There are a number of bills at the state level that are proposing to restrict local authority over planning and zoning in terms of housing. The LMC has issued a position on that, stating that they would like cities to pass a resolution in opposition of those bills. Wilfahrt noted that he plans to bring back a summary of what those bills include, and what the League is proposing so we can consider that. Mayor Knier stated that he will be on-board with passing that resolution to retain local decision making about what's going on in our community here at the local level, as opposed to the state level. Council Member Noding stressed no more unfunded mandates.

9. MAYOR & COUNCIL REPORTS and QUESTIONS/COMMENTS

Mayor Knier: Discussed that he met with the Police Department to discuss changes the department has experienced and plans for filling the Chief position. Knier discussed the need to build community, and build unity.

Council Member Halverson: Discussed that he has been working with Norm Michels to get approval to put "thin ice" signage on the lake in hopes to deter people from driving through the channel. Halverson also reviewed the Third Rail fishing contest that was held recently, and encouraged organizations and participants to pick up litter during events on the lake.

Council Member Hanson: Gave a shout-out to Boy Scouts Pack 93 on their upcoming Chili Feed fundraiser being held at Saron Lutheran Church, and discussed the March 19th Fire Department Chili Feed. Hanson also encouraged citizens to designate the Big Lake Beyond the Yellow organization as a recipient of Amazon Smile sales.

Council Member Noding: Discussed the February BLCE Advisory Meeting.

Council Member Seefeld: Reviewed the February Planning Commission Meeting.

10. OTHER – No other.

11. ADJOURN

Council Member Seefeld motioned to adjourn at 6:59 p.m. Seconded by Council Member Hanson, unanimous ayes, motion carried.

Gina Wolbeck
Clerk

Date Approved By Council 02/23/22