

**BIG LAKE CITY COUNCIL
REGULAR MEETING MINUTES
FEBRUARY 24, 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, Deputy Police Chief Matt Hayen, Liquor Store Manager Greg Zurbey, Streets/Parks/Fleet Superintendent Norm Michels, Water/Wastewater Superintendent Dan Childs, James Monge from Campbell Knutson, P.A., and Big Lake Student Liaison Ella Dotzler.

4. OPEN FORUM

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

Cory Gardner, 1340 Powell Street North - discussed the Powell Street project in regards to restricting parking on the street. Gardner stated that he is concerned that this was not discussed last year and he is against a no-parking restriction on Powell Street. Gardner questioned where citizens will park during personal events and community events such as the Spud Fest parade as people regularly park on Powell Street for these types of events. Gardner stated his concern that the City wasn't transparent on this change, and did not notify residents that Powell Street would be a no-parking zone. Gardner encouraged the City to give citizens options so they can choose, which he would choose parking over sidewalks.

Bettina Potter, 220 Edgewater Place – reviewed the workshop discussion on Committee Member selections. Potter indicated that she has attended many of these committee interviews in the past and Council is welcome to attend those public meetings as well to

learn about the applicants. Potter stressed that there is no need to have additional steps or committees to interview candidates. Commissioners know who they have to work with, and they need to be able to work with the people sitting next to them. These are very thoughtful individuals, noting that our residents do a great job serving our commissions, and Potter asked Council to continue to support our commissions.

Rob Olson, 1330 Powell Street North – discussed that he lives in the street project area, and noted that he has attended three of the open houses offered by the City. Olson stated that at no time in those presentations did the issue about restricted parking on Powell Street come up. Currently parking is allowed on Powell Street on both sides of the street and is projected to go to no-parking on either side which is a significant change. Olson stated that it is not practicable to have guests parking in a cul-de-sac two blocks down the street. Olson feels there was a lack of transparency on this issue and feels citizens should have been made aware of the parking change ahead of time, and been provided an opportunity to provide input.

Mayor Knier closed the Open Forum at 6:07 p.m.

5. PROPOSED AGENDA

Council Member Halverson motioned to adopt the proposed Agenda as presented. Seconded by Council Member Hanson, unanimous ayes, Agenda adopted.

6. CONSENT AGENDA

Council Member Hanson motioned to approve the Consent Agenda with the removal of item no. 6B for separate consideration. Seconded by Council Member Seefeld, unanimous ayes, Consent Agenda approved. The Consent Agenda consisted of: 6A. Approve List of Claims, ~~6B. Approve Council Workshop Minutes of February 10, 2021~~, 6C. Approve Council Meeting Minutes of February 10, 2021, 6D. Approve Resolution No. 2021-13 Establishing Special Revenue Fund 282 for the Music in the Park Event, 6E. Approve Resolution No. 2021-14 Authorizing Advance of Municipal State Aid Street Funds, and 6F. Approve Memorandum of Understanding with I.U.O.E Local No. 49 Authorizing a change to the Public Works Department Core Hours.

6B. Council Workshop Minutes of February 10, 2021

Council Member Halverson motioned to approve the February 10, 2021 Council Workshop Minutes with the corrected front foot cost language under item no. 4B. Seconded by Council Member Seefeld, unanimous ayes, motion carried.

7. BUSINESS

7A. Ordinance Amending Sections 1003 (Administrative Permits) and 1002 (Antennas)

Lucinda Meyers reviewed previous amendments to Chapter 14 (Right-of-Management) that were approved on September 23, 2020 to regulate small cell wireless facility equipment and associated street light fixtures and poles installed in the public right-of-way. Council had directed Staff and the Planning Commission to research the option to require a permitting process for installation in single-family residential zoning districts. Meyers indicated that on November 4, 2020, the Planning Commission considered permitting options and heightened aesthetic requirements for small cell wireless facilities within the single-family residential district. The Commission was favorable of amending the Zoning Code to require heightened aesthetic standards through the administrative permitting process. As proposed, the amendment aims to safeguard single-family neighborhoods from becoming visually cluttered with 5G equipment without the imposition of an arduous permitting process. Meyers noted that the Commission held a public hearing on February 3, 2021 and no public comment has been received to date. The Planning Commission unanimously recommended adoption of the ordinance amendment as presented. Meyers also noted that the associated permit fee will be established with a future amendment to the 2021 City Fee Schedule.

Council discussed minimum separation for light poles and placement of technology infrastructure at intersections. James Monge from the City Attorney's Office explained that telecommunication providers tend to want to co-locate their small cell facilities on existing poles when possible, but if there is an area in the City where a pole doesn't exist, they could come in and put up their own pole. Monge reviewed that in 2018, the State Legislature enacted laws to make these devices a permitted use in right-of-way areas, and shortly after that the FCC ordered that cities also allow this equipment in public rights-of-way and created limitations on what cities can regulate as far as aesthetics and fees that can be charged. This is all geared towards a race to get 5G technology up and running in the United States. Ken Halverson asked if this infrastructure tends to be placed in more industrial areas, or in citywide areas including residential areas. Monge indicated that their priority tends to be to place infrastructure where there is a higher demand for the radio frequency, as well as in higher traffic areas.

Mayor Knier acknowledge his disdain of 5G technology, and asked what the limit is that we can charge for permit fees for these types of applications. Monge explained that the FCC order says that a presumptively reasonable fee is \$500 for the first five small wireless facilities in a batched application on an existing pole, and \$100 for each additional small wireless facility. Monge also noted that the maximum upfront application fee we can charge

for a small wireless facility on a new pole is \$1,000. Discussion was held on the minimum distance allowed between facilities and Monge noted that State law allows for a separation requirement per pole, but it doesn't list a number. Monge stressed that the Federal Law says we can't have laws that have the effect of prohibition of 5G technology to create dead zones. While the law doesn't specifically define what that distance can be, and explained that the City has some discretion on placement, but advised that we don't want to go so far that we create issues with the providers that they take action in Federal court. Mayor Knier stressed that he is very concerned about this technology and the lack of studies that pass the gold standard that says 5G is safe on the human body. This is a completely different technology and it can get into our bodies at a cellular level and can cause issues within the human body. Knier stated that he doesn't want to live in a microwave, and the fact that State and Federal governments have mandated that we cannot refuse this technology is a scary thing. Knier asked if we can pass an emergency ordinance to stop 5G technology during quarantine. Monge noted that State Law says cities cannot put a moratorium on this technology. Knier stressed that citizens of Big Lake should be very concerned about this technology which he feels could cause a spike in health issues in the future. Knier stated that he wants to put the maximum costs, and place the strictest requirements we can on these applications. Council Member Halverson discussed that anytime we put a tax on big business, that cost gets passed on to the end user. Knier stated that they might just go to another community first before they come to Big Lake. Knier also discussed that not only are these EMS being transmitted from poles in front of our homes, but also from our appliances and other home devices which will create a techno fog across our entire nation. Mayor Knier stated that he understands that people are excited about 5G, but he encouraged citizens to research the effects of the technology. Halverson discussed the possibility of litigation if our fees are set too high compared to surrounding communities. Monge reviewed the FCC's determination of the \$1,000 presumptively reasonable fee that we can charge an applicant to review the structural integrity of the pole and the equipment that is placed on it. The City can charge a fee that is rationally related to doing the review and processing of the application up to \$1,000. Council Member Hanson asked if tonight's item would lock us into a fee amount. Meyers explained that tonight's item is only for a zoning text amendment and the fee discussion will be brought back when we have other fee schedule changes.

Council Member Seefeld reviewed discussion at the Planning Commission and suggested this be tabled until Council can see a visual of what these will look like on our poles, and where placement could be. Meyers recapped that the ordinance language as presented would place heightened aesthetic requirement on the providers. Discussion was held on if towers are specific to a company. Monge explained if it is a City owned pole, there could be multiple providers co-locating on the public pole, but noted that each company is going to want to have their coverage in the City. Monge also explained that both the FCC order and State Law requires that cities approve these on a non-discriminatory basis, noting that they all have a legal right to have access to the market.

Council Member Hanson motioned to approve Ordinance No. 2021-02 amending Chapter 10, Sections 1003 and 1022 of the Big Lake City Code regulating Administrative Permits and Antennas, and approve summary publication Resolution No. 2021-15. Seconded by Council Member Halverson, unanimous ayes, motion carried.

7B. Monthly Department Reports

Deb Wegeleben discussed the upcoming schedule for the 2021 audit indicating that the City's 2020 audit will take place the first week in March with the official financial statements projected to be presented at the April 28, 2021 Council Meeting. Wegeleben also provided a year-end 2020 financial recap noting that the General Fund's Fund Balance increased by \$401,915 which is 67% of the 2021 Final General Fund Expenditure Budget, the outstanding bonded debt decreased by \$4,336,970, the Water Fund change in net position for year 2020 was \$463,733 and the increase in assets for the year was \$17,199. The Sewer Fund change in net position for year 2020 was \$1,735,430 which includes the \$1,000,000 grant from the State and the increase in assets for the year was \$2,865,761, the Storm Sewer change in net position for year 2020 was \$178,245, and the Liquor Store net income for year 2020 was \$379,753 which is after depreciation and transfers.

Council Member Halverson asked for clarification on what unallocated CIP funds are to be used for. Wegeleben explained that these are funds that haven't been set aside for a specific project, but are held in the CIP fund.

Mayor Knier asked for clarification on the advance of Municipal State Aid Street Funds. Wegeleben reviewed that with the 2017 street project, we advanced our state aid for five years. Out of those state aid funds, we have a debt payment for a PFA loan that is guaranteed by those state aid funds for a construction project in 2010 which was for improvements to the Hwy 10/25 intersection. Because we advanced our allocation for five years, there aren't the funds in there to make those debt payments each year so we have to advance another year to make the debt payment. Knier asked if we will ever be flush. Wegeleben calculates that we should be flush by next year unless we do another advance.

Greg Zurbey provided an update on the Municipal Liquor Store operations for January 2021, noting that compared to January 2020 transactions increased 10%, sales increased 28%, and gross profit increased 33%. Zurbey discussed that we are coming up to the one-year anniversary of the pandemic, noting that March 2020 saw the beginning of changes in hours, staffing and services. Zurbey also reviewed the new online store sales and discussed that we are experiencing earlier than usual beer price increases.

Mayor Knier asked why the 33% increase in gross profits occurred. Zurbey explained that people are still staying home, and the weather has been nicer than last January.

Hanna Klimmek provided an update on activities in the Community Development Department for the month of January. 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 reviewed activities of the BLEDA including an update on the Community Brand & Identity Design Project and the Revolving Loan Fund. Klimmek also discussed recreation/communications activities including an update on the Farmer's Market, Music in the Park events, local food truck vendor spaces at the beach, the Group Gardening Program and upcoming Special Event Permits that are currently being processed. Klimmek provided an update of activities in the Streets/Parks/Fleet Department noting that Staff has been maintaining the ice rinks, streets and sidewalk areas, checking and monitoring storm drains to prepare for the spring thaw, and Staff has started preventative/routine maintenance on the street sweeper and tar patch trailer preparing them for spring street maintenance.

Council Member Halverson asked if the Commonbond project application has decreased in size from 120 units to 60 units. Klimmek confirmed that their current application is for 60 units and if they receive the rest of their funding in the future they would submit another application.

Council Member Hanson discussed the Music in the Park events and asked what the reasoning is behind the increased number of events. Klimmek explained that sponsorship commitments are coming in higher than anticipated, and past Legacy Foundation member Doug Hayes has offered assistance with the event as well as help from the Big Lake Chamber of Commerce. Klimmek noted that Corrie Scott has indicated that she is comfortable with the number of events being proposed. Council Member Halverson asked if approval for additional City funding will be required. Mayor Knier stated that City funding has already been determined and any additional expenses will be covered by sponsorships.

8. ADMINISTRATOR'S REPORT

Clay Wilfahrt reviewed the upcoming CMRP Partnership survey that will be circulated to the public. Wilfahrt also reminded everyone of the Red Oak Drive open house scheduled for next Tuesday, noting that a lot of residents have reached out already and they are appreciative that the City is listening. Wilfahrt also reviewed upcoming Facebook Live events.

Council Member Halverson clarified that the open house is for discussion on both Red Oak Drive and Highland Avenue.

9. MAYOR & COUNCIL REPORTS and QUESTIONS/COMMENTS

Mayor Knier: Announced that the City will be re-establishing the Coffee with the Mayor program as well as a Citizen of the Year Award program. Specifics are still being worked out but information will be released as soon as plans for the programs are finalized.

Council Member Halverson: Discussed the January Parks Advisory Committee Meeting. Norm Michels discussed the condition of the ice rinks and the extensive labor needed in getting the rinks up and running each season. Michels also discussed that the warming house is aging and a lot of annual repair is needed. Michels indicated that the Parks Advisory Board will have ongoing discussions regarding improvements to the ice rinks.

Council Member Seefeld: Encouraged citizens to fill out the CMRP citizen survey.

10. OTHER – No other.

11. ADJOURN

Council Member Seefeld motioned to adjourn at 7:08 p.m. Seconded by Council Member Hanson, unanimous ayes, motion carried.

Gina Wolbeck
Clerk

Date Approved By Council 03/10/21