

**BIG LAKE CITY COUNCIL
WORKSHOP MINUTES
MARCH 24, 2021**

1. CALL TO ORDER

Mayor Knier called the meeting to order at 5:00 p.m.

2. 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 Engineer Layne Otteson, Acting Police Chief Matt Hayden, Liquor Store Manager Greg Zurbey, Streets/Parks/Fleet Superintendent Norm Michels, Water/Wastewater Superintendent Dan Childs, and Big Lake Student Liaison Ella Dotzler.

3. PROPOSED AGENDA

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

4. BUSINESS

4A. Lake Mitchell Access Discussion

Layne Otteson reviewed the status of the Lake Mitchell Access that is located at the end of Lagoon Avenue. Currently the access is locked at all times during boating season and City residents who wish to use the launch can purchase a key and sticker for \$20. The launch is also monitored with the use of the I-LIDS monitoring system, which are reviewed weekly. Otteson reviewed the number of keys/stickers sold in 2020 which amounted to 34 keys and 49 stickers. These do not have an expiration date nor is there an annual fee. The plan of using I-LIDS and key access has worked with mixed success, with the video monitoring system recording several watercraft launching without stickers and several habitual offenders were identified. A reminder letter was sent out to all key holders and compliance significantly improved. Otteson explained that this fall, the City was notified by the MNDNR that Zebra Mussels were found in both Lake Mitchell and Big Lake. The DNR has not indicated when they think this Aquatic Invasive Species (AIS) was introduced, and there is no effective way to remove them once they have established a population within a lake. The City does treat for Eurasian Water Milfoil annually and has been able to keep it in check. Otteson presented a written request from the Big Lake Community Lakes Association (BLCLA) explaining their concerns and recommendations regarding AIS, the Lake Mitchell Boat Launch, I-LIDS, and watercraft inspections.

BLCLA Board Member Keith Benker, 1381 Hill Street - reviewed the history of the BLCLA which is a non-profit organization formed in 2007. Through community action and education, the BLCLA works to protect and preserve the quality of our lakes. Benker reviewed their key initiatives, provided a history of AIS concerns in our lakes, their organizations partnership efforts with the City, and presented their 2021 AIS recommendations to the Council. Benker also reviewed past history with the Lake Mitchell launch and their 2021 recommendation to fully close the launch and urged the Council not to confuse freedom with convenience expressing that everyone will still have freedom to access both lakes through the launch at Lakeside Park. Benker discussed that the BLCLA is being persistent in their recommendation to close the Lake Mitchell launch because they believe if the launch isn't closed, it will eventually come back to haunt the City financially and reduce the community's enjoyment of the lakes. The BLCLA also expressed that the closure would be the fiscally responsible action to represent the freedom of enjoyment for roughly 10,000 residents versus the convenience of approximately 20 to 30 people.

Council Member Halverson stated that his assumption is that the BLCLA is assuming everything is coming in from the Mitchell launch and asked what we would be gaining by shutting down one launch and leaving the other open without 100% compliance. Benker confirmed that not all launches are monitored 100% of the time, but we can't afford to put inspectors at Mitchell. Benker clarified that the BLCLA doesn't assume everything is coming in at Mitchell and we still run the risk that something could be coming in from Lakeside Park. Starry Stonewort is known to be located at the local area of a launch site, and if we did get it in both launches, we are now looking at double the cost for taking care of it. It would be reducing risk of letting something in, but more importantly it would eliminate one potential hotspot to avoid the cost of treatment.

Council Member Seefeld asked for more information on what the hiccup was at the Mitchell launch. Benker indicated that stickers weren't being used properly by boaters except by approximately 1/3 of the launches. He doesn't feel all the discrepancies were malicious intent, but the program did have some bugs. Benker indicated that it was also a concern that other unauthorized people were using the launch. Council Member Halverson asked if it is safe to say this year should be significantly better as offenders were contacted by the City Engineer. Halverson also asked if it wouldn't hurt to try it another year as he anticipates the hiccups would be significantly fewer if violations have been addressed, noting that it seems silly to throw it out because we had few issues the first year. Benker agreed that we will have significantly increased compliance, but we are still having people launch at that location which still represents a long-term risk to the City for some big time costs.

Council Member Hanson suggested this item be brought to a Council Meeting for a vote.

Mayor Knier asked what the improvements to the system consisted of. Benker indicated that members of the BLCLA sat down with City Staff to brainstorm ideas to improve the process. It was decided that City Engineer Layne Otteson would send out a letter to key holders and has been getting feedback regarding the sticker.

Otteson also discussed AIS grant programs offered through the Sherburne Soil and Water Conservation District (SSWCD), noting that the City generally obtains two grants through this organization that provides AIS treatments and inspection at the launches, one being to specifically look for Starry Stonewort. SSWCD has informed Staff that the deadline for application is April 1, 2021 and Staff requested Council consider giving consent on the grant agreements to ensure we receive this funding in 2021.

The general consensus of the Council was to authorize staff to process City signatures on the AIS Grant Agreements with the Sherburne Soil and Water Conservation District.

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

Layne Otteson reviewed the Highland Avenue neighborhood meeting held on March 18th. Ten residents attended to discuss street width. The intent was to determine their width preference, identify potential conflicts with landscaping and trees, and to answer questions. Staff marked the future curb line indicating where the proposed 26 foot street would be located and the potential impacts. Staff provided large scale plan sheets showing existing conditions and proposed construction. Staff answered questions relating to street width, yard impacts, schedule, and assessment costs. Otteson noted that at the conclusion of the meeting, all attendees unanimously supported a street width of 22 feet to be completed this year, which has been incorporated into the final plans and specifications for the 2021 Street and Utility Improvement Project No. ST2021-1. Otteson noted that building the street at 22 feet wide allows it to have a 10 foot lane on both sides with a 1 foot curb reaction. Building it that way does meet State Aid requirements so in the future we may have some dissatisfied people because the road is narrower, but it does meet design standards. Otteson also noted that when plowing that size of road, we will have a plow that is hanging over center. We do not know when the property to the west will be developed, although the land is for sale.

Mayor Knier stated that the citizens of Big Lake can feel good that they have been heard. Wants to be respectful of everyone that lives on Highland and recognizes they have a heavy investment in their homes. The City does have to operate, and he is very concerned about the plowing safety issue. He had a discussion with a Big Lake plow operator, and it was indicated that it is a huge safety risk, which makes it a huge liability to taxpayers of Big Lake. It doesn't matter whose fault it is, if a driver is being careless and hits the plow, the City could face the liability. Knier stated that it could be dangerous to life and limb which is the most important concern, but it is also a concern to the taxpayers. Knier discussed that if this does get developed there will be hundreds of homes constructed, and these citizens will want to walk around the lake. He stated that he feels we need a 26 foot wide road so they can safely walk to the lake. Knier also stated that he is alright with pulling the street from the project and re-evaluate in 4 years when another street project near this area is completed. Knier stressed that at that time, the road should be widened to 26 feet. Knier also discussed that future development to the west would require the use of heavy equipment on a brand new road, which could potentially ruin the new road as it would currently be the only way in there. Knier stated that he feels strongly we should pull Highland Avenue from the current project and construct a 26 foot wide street 4 years from now.

Council Member Halverson stated that he likes the concept of increasing the width of the road to 26 feet, but is concerned that it could potentially cost us more in 4 years than it would now. Inflation of tar and oil costs could impact the future cost. It would be a risk we need to decide if we should gamble with as far as will it cost each homeowner more if we wait. Halverson agrees with Knier that if there is going to be a development to the west, we can't guarantee the second piece will sell before this piece, and the road should be built wider for pedestrian safety. Mayor Knier reviewed that in regard to materials, the cost could very well be higher, but in regard to inflation, that is something he would need to consider because it is sort of like rising tides. Materials could be equal but the streets could be more expensive with a 3.5% to 4% increase per year, but people are making 3.5% to 4% more each year as well so it would feel the same, similar to time value of money. Halverson asked what will happen if the parcel is sold in a year and then they develop it and heavy construction equipment destroys a new road. Otteson discussed that should a project come along we can negotiate with a developer to have their contractor construct the road at the time they build their development and the collector street. We could use the Chapter 429 process to build the street. Mayor Knier asked if we would be asking the developer to pay for it, or would the City pay for that portion. Otteson explained that it would be just like it is right now, except that the developer's contractor would build their street portion, and then reconstruct Highland Avenue and the City would pay for that portion. Knier stated that he wouldn't want it to be a negative impact on the landowners. Otteson explained that the landowners wouldn't be getting anything more or less than they normally would, the property owners wouldn't be getting a discount or something for free, and they wouldn't be paying higher costs either. Council Member Hanson discussed that the costs may be cheaper if their contractor completes it as their crew and equipment will be on site to construct the new developments collector street.

Council Member Hanson asked if the wooden stakes shown on the presentation represented the front or the back of the cement curb. Otteson explained that the stakes shown reflected the backside of the curb. Hanson clarified that the grass area would be coming right up to it. Hanson also stated that he had been pushing for the road to be 22 feet in width, but the pictures put it into perspective that it isn't taking a great deal from the yards. Hanson stated that he prefers we remove Highland from the current street project and require a 26 foot width in 4 years. Knier stated that he appreciated Sam's initial idea to do the 22 foot width when he brought it up two weeks ago and he has thought a lot about the differences between the two designs.

Council Member Seefeld discussed that he had agreed with Sam on the 22 feet from the last meeting. Seefeld stressed that if we pull the street from this project, the Highland Avenue residents are going to have to expect 26 feet in 4 years. Council Member Halverson asked if we can document that plan somehow. Otteson explained that information can be shared, but a future Council wouldn't be bound to it.

The general consensus of the Council was to pull Highland Avenue from the 2021 Street and Utility Improvement project until a future street project in the area is done in 4 years. The Council also directed that at that time, Highland Avenue be constructed as a 26 foot wide street.

4C. Discuss Regulating Targeted Picketing in Residential Neighborhoods

Matt Hayen presented Council with a draft ordinance that would regulate targeted picketing in residential neighborhoods. Hayen noted that the Big Lake Police Department recognizes and respects individual's 1st amendment rights to freedom of speech, while also recognizing that residents should feel safe and secure in their own home. Hayen discussed that many cities have enacted ordinances regulating targeted picketing in residential neighborhoods. In 1993, the MN 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, and that residents should be able to retreat to their own home to feel safe and secure. Hayen identified that there are no other court cases disputing or overturning this ruling. Hayen also discussed that the fine for residential picketing would be a misdemeanor so it will be citable. Hayen stressed that the Department's goal is not to take away rights from people, but for our citizens to feel safe in their neighborhoods.

Mayor Knier discussed the language that references a single dwelling and asked if that language is clear enough. Hayen indicated that there are other clauses in the ordinance language that will cover that, and that the overall ordinance language prohibits protestors from congregating in a single area in a residential neighborhood.

Council directed Staff to proceed with bringing the draft ordinance back to a future meeting for Council consideration.

4D. Privately Owned Fire Hydrant Maintenance Discussion

Dan Childs reviewed an inquiry Staff has received of possibly having the City maintain some privately owned fire hydrants. Staff has reached out to several other cities to see 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 be responsible for the costs. Other communities charge a \$5 monthly fee and still hold the property owner responsible for repairs. Childs reviewed another option of charging an annual fee of \$35 per hydrant with any repair costs taken on by the owner. Childs stated that he feels the \$35 annual fee will cover the City's costs as well as the man hours of working on it every year.

Council directed Staff to proceed with setting up a policy for the City to offer privately owned hydrant flushing services at a cost of \$35 per year, per hydrant.

4E. New Ideas Discussion

Council Member Seefeld discussed an email Council received regarding bringing back discussion on allowing beekeeping in the City limits. Clay Wilfahrt indicated that Staff received the same message and is looking for direction from Council on whether to bring this discussion back. Mayor Knier reviewed past Council discussion relating to concerns from residents on bee

allergies, but noted that he is willing to re-look at this topic. Council unanimously directed Staff to bring this topic back for further discussion.

Council Member Hanson discussed Park Dedication fees and asked that since we are doing street improvements on Powell Street, can we look at possible updates to the Powell Street Park. Deb Wegeleben reviewed restrictions on the use of Park Dedication Funds noting that the City cannot use these funds to do maintenance on current parks, but can add new equipment to an existing park. Council Members encouraged Council Member Halverson to bring this discussion forward to the Parks Advisory Committee for further discussion.

5. **OTHER** – No other.

6. **ADJOURN**

Council Member Hanson motioned to adjourn at 5:45 p.m. Seconded by Council Member Halverson unanimous ayes, motion carried.

Gina Wolbeck
City Clerk

04/14/21
Date Approved By Council