

**BIG LAKE CITY COUNCIL
REGULAR MEETING MINUTES
MAY 11, 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, and Paul Seefeld. Council Member absent: Kim Noding. Also present: Interim City Administrator Hanna Klimmek, City Clerk Gina Wolbeck, Finance Director Deb Wegeleben, 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, Big Lake Student Liaison Ella Dotzler, and Consultant Planner Kendra Lindahl from Landform.

4. OPEN FORUM

Mayor Knier opened the Open Forum at 6:01 p.m. No one came forward. Mayor Knier closed the Open Forum at 6:02 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 Council Workshop Minutes of April 27, 2022, 6C. Approve Regular Council Meeting Minutes of April 27, 2022, 6D. Approve Resolution No. 2022-41 approving a

Therapeutic Massage License to Kaylee Dircks from River Rocks Massage to operate at 18055 198th Avenue NW, Suite B161, 6E. Accept Resignation from Part-time Liquor Stock Clerk Bryce Lampert, 6F. Approve Changing the Second Meeting Date in June to Tuesday, June 21, 2022, 6G. Approve Resolution No. 2022-42 approving a Spud Fest Charitable Gambling Permit to operate at 111 Jefferson Blvd, 6H. Approve 2022 Personnel Policy Amendments, 6I. Approve Amendment to Council Bylaws to allow for an Abstention of a Vote, 6J. Approve Recognition for BLEDA Commissioner J. Brian Calva, 6K. Approve Appointment of Engineering Intern Carter Femrite, 6L. Approve Change Order No. 1 for the Fire Station Roof Replacement Project, and 6M. Approve Resolution No. 2022-43 approving a Tobacco License for Ya Zahra LLC dba Market Place Express at 16777 Marketplace Drive.

7. BUSINESS

7A. Final Order for Alternative Urban Areawide Review for Parkwood Knolls

Kendra Lindahl reviewed the application the City received for environmental review of property located within the shoreland overlay district of Preusse Lake and were identified as parcel no's. 65-121-2415, 65-121-2401, and 65-529-0060. Lindahl explained that the City is the Responsible Government Unit (RGU) for the Alternative Urban Areawide Review (AUAR) and the City's planning and engineering consultants were asked to complete the assessment review, distribution and record of decision. The City Council approved an escrow agreement in March 2022 to initiate the process. Lindahl informed Council that the AUAR is not a method to approve or deny a project. The purpose of the environmental review process is to provide usable information to the project proposer, governmental decision-makers and the public concerning the primary environmental effects of the proposed project. Lindahl further reviewed that the AUAR process will assess development proposed on 46.93 acres of privately-owned land. The draft order specified the boundaries of the geographic area and the anticipated nature, location, and intensity of development and associated infrastructure within those boundaries. The Draft Order was issued to initiate scoping, which is required under Minnesota Rules 4410.3610, Subp. 5a because a specific development project proposed in the AUAR area exceeds the EIS threshold set forth at Minnesota Rules 4410.4400, Subpart 14a, and because a specific project covers at least 50% of the AUAR area. Lindahl reviewed comments received during the comment period which included 1. A natural heritage review letter from the Minnesota Department of Natural Resources (DNR). The DNR review commented on rare features that may be affected by the proposed development. The DNR comments will be addressed within the scope of the Draft AUAR and the Draft AUAR will be distributed for comments. The DNR comments did not suggest changes to the AUAR area boundary, and 2. An email from MnDOT with traffic comments. MnDOT comments will be addressed within the scope of the Draft AUAR and the Draft AUAR will be distributed for comments. The comments did not suggest changes to the AUAR area boundary. Lindahl reviewed AUAR area description, development scenarios, scoping, and the process that will be followed upon Council ordering an AUAR.

Council Member Halverson questioned if we are doing this in a backwards order. They should be coming to staff with a Plat application noting that it is kind of hard to do the environmental part without that step being done. Halverson stated that he feels this is being done in the wrong sequence of order. Lindahl acknowledged that normally we would have a concept plan that the Council supported before we would proceed with an environmental review. We did suggest that to the developer and they wanted to proceed with the AUAR so that is when we came forward with the item in March. Lindahl noted that it is fair to say this is unusual in that we do not have a concept that the Council has indicated support of. Council Member Seefeld discussed that this application is on the developer's dime. Halverson stated that he feels the motion should be denied until all the steps are followed in the proper sequence. That would mean that they should come up with a Plat first and then we move forward.

Mayor Knier discussed that they want to do this, and we have notified them that they are doing a dumb thing here by doing this because we are not going to be approving what they have. Knier asked if when they come back with something else, do they have to do this whole thing again, or are clearing a hurdle right now that they know they are going to have to do at some point. Lindahl explained that, that is the distinction between an EAW and an AUAR. If you do an AUAR you evaluate different scenarios. As long as you don't exceed this threshold of development in this scenario and you come in with something else, you don't have to do the environmental review again. It gives you a range of things to look at and it gives flexibility to move forward. It does clear a hurdle even though they are doing it at risk because the Council has not indicated support for their scenario. Knier noted that there is some benefit to the developer as it gives them a parameter that says we can now go this far, and it gives them a little bit of structure to know what they can't do, and to know that whatever they do they have to fit into whatever answer they get from the AUAR. Halverson stated that he feels they could use it against us, in that the report could say they can do this. Seefeld clarified that we don't have to approve it. Knier asked if there is a negative side to the City if we do this, and asked if we would be liable for anything. Lindahl stated that she doesn't believe there is any liability to the City. This is an environmental review document that is intended to identify the potential for significant environmental impacts from a development proposal and it gives us a threshold of levels of development. It is our document so how this process is going to work is they are going to revise their scenarios to give us one that reflects the Code and then they are going to go ahead and do the environmental analysis based on those two scenarios that were included in the packet. Knier stated that neither of the scenarios would be acceptable under our Code. Lindahl indicated that scenario 1 would be acceptable under our Code, and noted that they have to give us a scenario that complies with the existing code. If they have that they will go ahead and do the traffic study, the wetland analysis, the natural resource analysis, and prepare the AUAR document. Then the City's consulting firms will be reviewing those reports with Staff and finalizing the document to our satisfaction before we bring it back to Council to order that it be distributed for comments. Then we go out for comments and agencies may make comments which would modify the document. Then we will approve a final AUAR. All that does is provide a parameter for

mitigation strategies if and when development occurs on the property. It does not grant any development rights, which is really important to understand. It does not confer any development rights and is not a tool to approve or deny a project. It is just a way to identify significant environmental impacts.

Mayor Knier agreed with Halverson in that he feels the developer is silly for not doing this in the right order, but he thinks that since it's not costing the City anything and we have told them we think it is silly that they are doing it this way, but if it does provide them with some benefit to do it, he is alright with letting them do it.

Lucinda Spanier discussed the two scenarios that we have received from the developer, and asked Lindahl if it would be possible for the City to require that the second proposal is done in concert with the feedback that was provided to the developer regarding that. This was something the Planning Commission and City Council really stood behind in terms that they provided to the developer on their PUD Concept Plan. Spanier asked if it would be possible for the City to require them to produce a concept that would integrate feedback provided by the Planning Commission and the City Council during concept review. Lindahl responded that ultimately, the City has full discretion. She feels the scenario they have provided has more of an impact than that scenario so it provides them more of a worse-case scenario. While we certainly could do a third option or change the full development option to that, that is entirely up to the Council. Again, it is just providing a top end of environmental impact.

Halverson discussed that what scares him is if we start letting developers come in and they don't follow our steps, that we are going to have problems with future developers. He feels we should stand behind staff in the aspect of them saying we need to have developers follow the proper required steps, noting that there are rules in place that should be followed. By letting the developer do this, it is kind of like saying we have rules but that developers don't have to worry about following them. Council Member Seefeld stressed that the developer still has to follow all the steps, even if they aren't followed in order.

Council Member Hanson stated that he thinks this is going to solve some of the problems with trying to get our point across. He is all for it, and wants them to see what this comes back as, and feels it will give them that ceiling of this is what you can do. He feels the City's desires will be met right in the middle of it by doing this. If they want to put their money on the line to do this, he feels they should be able to do it, noting that he thinks it will work out for the best in the long run. Halverson stressed he just wants them to come forward with a Plat that makes sense, and Seefeld indicated he doesn't like their scenarios either, but by the City approving this order for an AUAR, it does not mean approval for their project.

Council Member Seefeld motioned to approve Resolution No. 2022-44 ordering an Alternative Urban Areawide Review (AUAR) and its preparation for Parkwood Knolls residential development. Seconded by Council Member Hanson. Motion passed with a vote of 4:1 with Council Members Hanson, Knier, and Seefeld voting aye, and Council Member Halverson voting nay. Motion carried.

Mayor Knier stressed that we aren't approving anything for the project.

7B. Donations – City Event Contributions

Corrie Scott reviewed the donations made to 2022 City events including the Big Lake Farmers Market, Music in the Park, and Movie in the Park events.

Council Member Halverson motioned to approve Resolution No. 2022-45 accepting cash donations and in-kind contributions towards the Big Lake Farmers Market, Music in the Park, and Movie in the Park. Seconded by Council Member Seefeld, unanimous ayes, motion carried.

7C. Proclamation – Designating May 11-17, 2022 as Police Week

Mayor Knier read a Proclamation proclaiming the week of May 11 through May 17, 2022 as National Police Week and May 15 as Peace Officers Memorial Day in the City of Big Lake. Council thanked the Police Department staff for their dedicated service. Sam Olson thanked Council for recognizing Police Week, noting that it reaffirms to the Officers the Council's support of the Department as well as support from the Community.

Council Member Halverson motioned to approve a Proclamation proclaiming the week of May 11 through May 17, 2022 as National Police Week and May 15 as Peace Officers Memorial Day in the City of Big Lake. Seconded by Council Member Hanson, unanimous ayes, motion carried.

Council thanked the Big Lake Police Department for their service to the community.

7D. Tax Forfeiture Resolution for Parcel No. 65-421-0128

Hanna Klimmek discussed Tax Forfeiture Parcel No. 65-421-0128. Klimmek noted that the parcel has been identified on the Sherburne County list of tax forfeiture parcels, noting that the deadline for responding to the County's request is June 3, 2022. Klimmek reviewed that engineering and public works have provided comments on reasons why the City should acquire the parcel instead of allowing it to be sold through closed bid through Sherburne County. The main reasons for the City to acquire the parcel include addressing possible sight distance safety, and easement acquisition.

Council Member Hanson motioned to approve Resolution No. 2022-46 approving designation and sale of Tax Forfeited Parcel No. 65-421-0128 as Non-Conservation Land, and request the parcel be withheld from the County sale for acquisition by the City of Big Lake. Seconded by Council Member Seefeld, unanimous ayes, motion carried.

7E. Department Reports

Engineering Department – Layne Otteson provided an update on engineering projects underway in the City. Otteson reviewed the status of the ST2021-1 street project noting that work has begun on Powell Street North which is the final phase of the project. Otteson provided an update on the ST2022-1 street project noting that the contractor commenced on the start of the project this week. Otteson also provided an update on various county road projects and the CSAH 11/25 jurisdictional exchange. Otteson also provided updates on current projects underway and discussed various permits issued.

Student Liaison – Ella Dotzler provided an update on Big Lake Schools. Dotzler reviewed enrollment statistics, activities of the Big Lake Student Council, and highlighted Teacher Appreciation Week, prom and graduation activities. Dotzler recognized the Boy's Track Team who will be going to State on May 21.

Council Member Hanson asked Dotzler if she knows who the new Student Liaison will be after she graduates. Dotzler discussed that applications are being reviewed and will bring forward a recommendation to City Administration.

Mayor Knier noted that the Student Council will consist of 32 students which seems like a lot. Dotzler agreed that it is a lot of people, and noted that she would have liked to have gone smaller, but they are trying to find a balance between including everyone that wants to be involved to be able to and not shutting the door for people that could be really good candidates, while also trying to limit the number of voices, which is why they added the Executive Council this year.

8. ADMINISTRATOR'S REPORT

Interim City Administrator Hanna Klimmek discussed recent tours she and Council Member Hanson attended learning about the City's utility infrastructure which were led by Water/Wastewater Superintendent Dan Childs. Klimmek also reviewed that Staff attended a tour of the Cargill facility in the Industrial Park, discussed the Wastewater Facility kick-off meeting, and noted that Staff will be meeting with BakerTilly tomorrow to discuss the Chief of Police recruitment and interview panel plans.

9. MAYOR & COUNCIL REPORTS and QUESTIONS/COMMENTS

Mayor Knier: Reviewed the BLEDA Meeting. Mayor Knier also reminded citizens of Coffee with the Mayor which is on Saturday at 9:00 a.m. at Ember Coffee. Knier also discussed the upcoming Day of Wellness event sponsored by CentraCare that will be held at the school football fields.

Council Member Seefeld: Discussed the May 4 Planning Commission Meeting.

10. OTHER – No other.

11. ADJOURN

Council Member Hanson motioned to adjourn at 6:41 p.m. Seconded by Council Member Halverson, unanimous ayes, motion carried.

Gina Wolbeck
Clerk

Date Approved By Council 05/25/22