

**BIG LAKE CITY COUNCIL
WORKSHOP MINUTES**

MAY 11, 2022

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. 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 Planning Consultant Kendra Lindahl from Landform.

3. PROPOSED AGENDA

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

4. BUSINESS

4A. Review Phase II Environmental Report Associated with an Unpermitted Dump

Lucinda Spanier reviewed that the City is in receipt of a development application from Capstone Homes and Riverwood Bank for the property located north of Marketplace Drive and west of 166th Street NW. The proposal features 135 detached townhomes with dedicated right of way, stormwater infrastructure, landscaping, public utilities, and 5.6 acres of dedicated parkland, of which, 4.5 acres are upland. Spanier noted that while conducting their soil borings, the developer became aware of the existence of buried materials onsite located northwest of 168th Street NW. Further investigation determined that the materials primarily consist of cement. The developer obtained a bid for removal, which came back at upwards of \$500,000. Finding removal of the materials prohibitive, they have redesigned their proposal to incorporate open space for recreation in the location of the buried materials. Spanier noted that the Applicant has requested that the City consider accepting the 5.6-acre area as dedicated parkland. Spanier also explained that the Applicant and their consultant Carlson McCain, Inc. were invited to attend the workshop as a resource to help Council understand their findings and proposal. Spanier also noted that Staff's recommendation is that Council gain an understanding of; 1) the extent of the unpermitted dump, and 2) what the highest and best use of the land is today. Spanier stressed that the issue is not one of hazardous material, but is a geo-technical issue and is below the MPCA residential use threshold.

Mayor Knier discussed that he feels this site would be a great spot for a park because they won't be able to put a house in this location. Knier also reviewed that he feels like we kind of made a mountain out of a mole hill due to the land not having contaminated materials in it, and accepting the park land is a no brainer.

Council Member Halverson stated that he feels it is a terrible idea. Halverson noted that a friend of his, who is an Environmental Engineer, told him that the City shouldn't touch this property due to the things that are buried there. Once the City assumes this land, we will be liable and will be on the hook. Halverson discussed the possibility that buried barrels underground could rot out years down the road and contaminate the pond water. He wouldn't bring a young child to crawl around in this area knowing that the ground could be contaminated years down the road. He discussed his concern that we will assume liability with future contaminations that we would be opening ourselves up to an enormous liability, and noted that decisions made today could have a drastic impact on the City and the community in the years to come. Halverson stated that the core samples indicated that there is diesel fuel and rubber in the samples that were taken, and noted that samples weren't even taken from the wooded area. Spanier discussed Council Member Halverson's statement that his comments are based on information from a specialist that he knows, and she countered that the developer has hired a full team of specialists as well, and the City hired Braun Intertec to review the full analysis, which has been corroborated by the City's Environmental Investigator. We also met with members of the MPCA yesterday regarding the site and verified that the levels of compounds found onsite are under the threshold that would be considered hazardous, and are at a threshold that would be appropriate for a person to live on. Halverson stated that he is not debating their credentials, what he is debating is if we found these compounds in the minor samples that were taken, it makes him question what other things could be there that haven't been found. Mayor Knier asked if the MPCA wouldn't have already taken that into account before issuing an opinion on the matter. Spanier reviewed the sample locations map that was compiled by Carlson McCain as part of the study that shows all of the locations that tests were conducted.

Jim Crowl, Hydrogeologist from Carlson McCain clarified that there were a number of soil borings and test pits done at the site, noting that this was a lot more than just a couple samples. A backhoe was used for the test pits which allowed for a much greater portion of soil to be tested. Crowl added that after the initial investigation was done, they confirmed that they defined the horizontal and vertical extent. They did this through their initial and supplemental investigation so they have actually gone ahead and done that so that they know that they have a good handle on it. As part of their review, they also look at what the potential impacts to human health and the environment are. Crowl reviewed that the City had hired Braun Intertec to review all the information and they have come to the same conclusion. Of the impacts they found there, they find this site to be perfectly well suited for residential or recreational use. Crowl also indicated that they will be preparing a Development Response Action Plan which will be submitted to the Pollution Control Agency who will review. This document will act as a construction contingency plan and they will have someone out on site during grading activities to see these soil areas as they are getting moved around during the grading process. Halverson responded that years ago asbestos was deemed alright, and now we know how bad it is. His concern is that if this will happen with the material types that were found buried at this location. Halverson also discussed liability insurance that they are offering. Spanier clarified that liability is not being offered because the site has not been found to be

contaminated, and Spanier reviewed page 3 of the Braun report where liability insurance is noted. Crowl also indicated that once all the grading work is completed, a follow-up report will be done that will indicate if they did or did not find anything else that was out there. Crowl also shared that it is estimated that the last year any of this material was brought into the site was in year 2003, and noted that any contamination at the site should have shown up in ground water testing by now. It was noted that this is a former gravel pit and the materials appear to be staying where they were dumped based on the amount of time that has passed.

Council Member Seefeld asked if the developer will be adding additional dirt on the park site. Crowl indicated that the soil itself meets residential standards. There will be four feet of cover known as the accessible zone which is a requirement of the MPCA for potential accessibility.

Council Member Hanson discussed that we need to consider all the previous developments done on all our other projects that were built on former farm fields. Hanson stated that he thinks this will be a good addition. Spanier noted that the proposal will be headed to the Parks Advisory Committee at their May 23, 2022 meeting.

Council Member Halverson asked what the plan is for land near the wooded area where there weren't many samples taken from. Crowl reviewed that there will be an Environmental Covenant filed with the deed that will follow the land. Heather Lorch from Capstone reviewed the site and identified where grading is proposed.

4B. Water Use Restrictions Discussion

Dan Childs reviewed the current and past water restriction ordinances dating back to 2004. Childs explained that the City had a permanent water restriction ordinance in place in 2004, which was changed in April 2010 to a restriction notification process in the case of a water shortage. Staff requested that the City go back to a permanent restriction ordinance due to record water usage in the past couple of years and the drought conditions that we experienced last year. Childs reviewed that high water use and the drought conditions were very taxing on the City's water system, as well as concerns with what the expected growth projections could have on our water supply in the future. Staff asked for feedback from Council on reestablishing the permanent water restrictions similar to the code language from 2004.

Mayor Knier stated that he would not be in favor of putting a permanent restriction back on. He would rather we educate our citizens on water usage, and stressed that we shouldn't have government stepping into people's lives more than it needs to. Knier noted that on the other hand, if we made the case that this is important for our infrastructure, it should just be for a determined amount of time. Childs reviewed that our biggest roadblock is that the State won't let us drill a new well into the aquifer. Childs noted that we have waited too long to do this and our growth could create us having to put a moratorium on residents.

Council Member Halverson asked if this change would just be for a year. Childs indicated it would be necessary until we get another well. This is a box we really need to check in order to get a new well. We need to have proven conservation efforts in the City.

Council Member Hanson stated that he is fine with enacting this type of ordinance, but noted concern with residents who have a sand point well who should continue to be allowed to water at their own discretion. Childs indicated that there are markers we could put on water meters to show the property has a sand point well.

Council Member Halverson discussed that we need to entrust our Staff to determine when there are issues with our infrastructure that the Council needs to respond to. Childs expressed that we have made huge strides with our well improvements Council approved in the last year. Even with that, last year's drought conditions were so bad we didn't irrigate parks or run the dryer at the wastewater plant, noting that Staff is just trying to protect the City's water supply. Council Member Hanson stated that he is fine with changing the ordinance and relooking at the language again next year. Council Member Seefeld suggested we put a sunset on the permanent water ban and discussed the need for the City to protect its infrastructure. Childs discussed that we need something in place to be able to respond to water shortages quickly. Hanson suggested we put water conservation tips on the City's media platforms. Mayor Knier discussed that he wouldn't be opposed to implementing the water restrictions for this year and revisiting next year, and reviewed that the fact the State government is manipulating municipalities by withholding new wells is concerning, and stated that he has concerns with big government watching people through water meter readings.

Council directed Staff to move forward with drafting a permanent water use restriction ordinance for consideration at an upcoming Council Meeting, with review of the ordinance in 2023. Hanna Klimmek discussed that the City doesn't have the capacity to monitor if people are complying with the water ban. It would be a complaint-based response, and we might find that residents are already doing this type of water conservation.

4C. County Road 5 Trail Extension Discussion

Layne Otteson reviewed the proposed 700-foot CR 5 trail extension project. Otteson discussed that Sherburne County has received concerns of a sight impaired citizen walking on the roadway between Grace Drive and Hiawatha Avenue where there is no trail system built. The County is asking the City to consider a cost share to extend the trail to Grace Drive so that this person and others will not be walking on the County roadway. The County would administer the project and hire one of the City street contractors to pave the 700-foot segment, with the City sharing in the cost at an approximate cost of \$15,000. Otteson noted that he has inspected the area and confirmed that it is a buildable area to extend the trail. Otteson reviewed that extending the trail segment would provide an off-street pathway for all pedestrians, would extend the trail a third of the way towards the River Oaks Park, and indicated that the cost of the work can likely be included with one of the street projects as a change order.

Mayor Knier noted that this section is adjacent to a County Road and asked why the County wouldn't be the entity to cover the entire cost of connecting the trail. Otteson reviewed that the County considers this section of trail to be more of a local benefit and is willing to participate in the costs, but not fully fund the improvements.

Council Member Halverson noted that one parcel along this area is located in the Township, and Otteson explained that is the reason the County is willing to contribute 50% of the costs.

Council Member Hanson discussed that this trail area should have been done years ago.

Council directed Staff to move forward with finalizing a cost share agreement with Sherburne County for consideration at the next Council Meeting.

4D. New Ideas Discussion

Council Member Seefeld asked for Council support to eliminate the New Ideas item as topics can also be brought up under item no. 5 - Other. Council directed Staff to remove the New Items Discussion item from future Workshop agendas.

5. OTHER

Mayor Knier discussed that we heard from some people during the last meeting's open forum talking about the Dominion machines for voting. He would like to bring in somebody who is probably considered an expert on that and he has talked to him and he has indicated that he would be available to come in and talk during a workshop. Teri Dickinson spoke at the open forum on the subject but he would like to know more as he didn't catch everything she said. He thinks it would be a good idea, and he hears about it all the time that people don't like the voting machine. He would like to know more about it and why they are bad. He would also be great with inviting our County Auditor to come in at the same time because we've heard conflicting information from one group to another. Council Member Seefeld discussed that he likes Knier's idea, but he would entertain the idea to hold a special workshop outside of our regularly scheduled workshop so we can have an in-depth discussion on the topic. Knier discussed conversations he has had with Rick regarding the timeframe we would be allowed to make a change and he had indicated that we have time to make a change yet. Knier also noted that he thinks we can get the discussion done during the regularly scheduled workshop. Seefeld noted that he doesn't know the law as much as others might, but the second Tuesday in August is the Primary Election and he would think that we would need to have a solidified plan pretty soon on what we are going to do. Council Member Halverson agreed that we could potentially need a special workshop to allow time for discussion. Mayor Knier discussed it might be hard for people to move around their schedules and noted that he did talk with this gentleman and Knier would rather just start the workshop earlier, possibly at 4:30 p.m. Council directed Staff to post a notice of the earlier 4:30 p.m. start time for the May 25, 2022 Council Workshop, and to authorize the Mayor to offer an invitation for a person to speak at the workshop.

Mayor Knier also discussed the Personnel Committee discussion regarding the City Administrator position and asked if there is further discussion needed by the full Council. Council Member Hanson indicated that the discussion is planned for possibly the next meeting. Council Member Seefeld reviewed that him and Council Member Hanson weren't comfortable making this decision without input from the rest of Council. They just want to have a conversation about possibly shortening up the trial period for the Interim position.

6. ADJOURN

Council Member Seefeld motioned to adjourn at 5:53 p.m. Seconded by Council Member Hanson unanimous ayes, motion carried.

Gina Wolbeck
City Clerk

05/25/22
Date Approved By Council