



REGULAR MEETING  
WEDNESDAY MAY 22, 2019  
6:00 pm

The Town of Big Lake Board of Supervisors met in regular session, at 6:00 PM, on Wednesday May 22, 2019 at the Town of Big Lake Town Hall, located in the Big Lake Township's Lions Park Community Center, at 21960 County Road 5 NW, Big Lake Township, Sherburne County, State of Minnesota. The meeting was called to order by Chair Bruce Aubol and the Pledge of Allegiance was recited. Supervisors Norm Leslie, Bob Hofer and Larry Alfords, Treasurer Kenneth Warneke, Clerk Brenda Kimberly-Maas, Deputy Clerk Jayme Swenson, Town Engineer Ross Abel and nine audience members were in attendance, at the start of the meeting.

#### **Approval of Regular Meeting Agenda**

Request to add the consideration of Sherburne History Center Annual Membership as letter "e." under Business from the Clerk.

Motion/Second to accept the amended Agenda by: Leslie/Hofer. All Present Supervisors Approved.

Motion Prevailed. The meeting proceeded in accordance with the amended Agenda.

#### **Appointment of Supervisor to Fill Vacancy**

Supervisor Leslie addressed the Board. He informed the Board that the Personnel Committee, consisting of Bob Hofer, Ken Warneke and Norm Leslie, met and interviewed two candidates, Dean Brenteson and Dennis Wolbeck, for the vacant seat. Both were well qualified and were very interested in filling the vacancy. The Personnel Committee recommended the seat be filled by Dean Brenteson. The Committee also recommended to have Dennis Wolbeck sit as a non-voting representative, on some committees, as he expressed his desire to become more involved in the Township.

Motion/Second to Appoint Dean Brenteson to the vacant Supervisor seat (seat #1) and have Dennis Wolbeck appointed as an additional representative to some committees by: Aubol/Alfords. Approved by: Alfords, Aubol, Hofer and Leslie. Opposed by None. Motion Prevailed.

Clerk Kimberly-Maas administered the Oath of Office to Dean Brenteson, after which Supervisor Brenteson was welcomed to the Board and seated at the Board table.

#### **Approval of Consent Agenda**

The Consent Agenda consisted of Regular Meeting Minutes from 05/08/2019, Joint Powers Board Meeting Minutes from 05/08/2019, and List of Claims & Payroll. Motion/Second to Approve Consent Agenda by: Alfords/Hofer. Approved by Supervisors Alfords, Aubol, Brenteson, Hofer and Leslie. None opposed. None Abstained. Motion Prevailed.

#### **Sheriff's Report**

Sherburne County Commander Doran reported the Sheriff's Department received a total of 136 calls for service to the Township, during the previous thirty (30) days. Of note were twelve calls for medical assistance, one death, three domestics and a few assaults. Commander Doran requested a clarification to the Town's Ordinance 2011, section 7-1-4 which states there shall be no running of parked vehicles between the hours of 11:00PM to 7:00AM. The reason he was asking for the clarification is when a Deputy issues a citation for violation of that section of the ordinance to a large diesel truck operator and the citation is challenged in Court, a

Judge will dismiss the charges, on the basis that those types of vehicles need to run for a certain length of time to be safely operational. Commander Doran felt it is inappropriate for the Judge to create legislation instead of the Town and was looking for guidance from the Board on any latitude when considering running of the big diesel trucks, prior to their departure. Supervisor Alfords noted the reason the Town has the language in the Ordinance was to keep the big rigs out of residential areas, because of the noise those trucks make when running. He also asked the location of the concern that was being brought to the Board. Commander Doran stated the neighborhood north of Thompson Lake is the current area of concern that he is addressing at this time. Supervisor Alfords stated this area has been brought to the Board several times and a lot of discussion between the Board and the truck owner/operator, as well as the Board and area residents has been done on numerous occasions, to try to create a peaceful resolution, in the neighborhood. Chair Aubol asked Supervisor Hofer for his insight on the need to allow the big diesel trucks to run for a period of time, before departing. Supervisor Hofer stated those types of vehicles do need to run for a short amount of time to allow the air brake systems to fully charge and in the winter there is a slight increase of run time needed to get the engine fluids warm enough to flow through the engine, effectively. His recommendation was to allow some latitude of pre-trip running of the large diesel trucks. Supervisor Brenteson echoed Bob's sentiments, stating allowing the trucks to run for 10-15 minutes during warm weather and 20-30 minutes in colder winter temperature and up to 45 minutes when there is severely cold temperatures. Both Supervisors recommended an engine heater core for those trucks be installed and utilized in the winter months.

Chair Aubol asked the Board if they were in agreement of an interim allowance of immediate, pre-trip, idling times, for diesel engines between the hours of 11:00PM and 7:00am, immediately prior to the truck leaving: 10-15 minutes during warm weather (spring, summer and fall), up to 30 minutes during cold weather (late fall and winter) and up to 45 minutes during sever cold temperatures. He noted this would be a temporary solution and any change to Ordinance 2011 will need public hearings before permanent adoption. The Board agreed that these periods of warming up will be allowed as an interim solution. They added that they would like the owner/operator to exercise respectful consideration of the other residents of the neighborhood, while the vehicles are idling.

Commander Doran will meet with the residents and owner/operator to let them know of the Board's interim allowance.

Matter will be taken under consideration by the ordinance committee when reviewing Ordinance 2011.

### **Fire Chief's Report**

Chief Ken Halverson reported the Department responded to 25 calls in April. Eleven in Big Lake Township, eleven in the City of Big Lake, and three in Orrock Township. Three of the twenty-five calls were structure fires. Chief Halverson and Assistant Chief Hansen also spoke with several residents who were burning during restrictions or had unburned, illegal materials in their recreational fire pits, instructing them to remove the items from the pile, as they cannot be burned. Chief Halverson is working with State agencies in an effort to be able to use an abandoned home, located in the Township, for a structure training. Chief Halverson informed the Board that there is still an unfound leak in the fire station roof. Work to find the leak is being done. Training for the month of April focused on mental wellbeing.

### **Open Forum**

Open Forum was opened and closed at the time listed on the agenda, with no business presented.

### **Business from the Clerk**

Shane Berg had requested to be placed on the agenda to discuss his concerns of snow removal, culvert and aprons and their effect on the drainage on 159<sup>th</sup> St., and supervisor & staff judgement. However, Mr. Berg was not present when the agenda item came up for discussion. Chair Aubol left the item open, in the event that Mr. Berg arrived later in the meeting.

Clerk Kimberly-Maas informed the Board of the preliminary counts from Recycle Day. The event served 277 total residents. The breakdown of attendees was 90 residents from Big Lake Township (40%), 90 residents from the City of Big Lake (40%), and 46 residents from Orrock Township (20%). She also reported that all vehicles were through the event by 8:55 AM, a steady stream of vehicles continued during the day with a small surge of customers at 10:30AM. Due to the GRE closure, no furniture was able to be collected, as it was no longer a recyclable item. However, mattresses and box springs were collected because a vendor was located that would be able to recycle them. Most customers were very understanding and thanked the workers for braving the cold, wet, windy day and serving them.

Clerk Kimberly-Maas and Treasurer Ken Warneke informed the Board that Federal and State agencies require the Town to make payments via Electronic Funds Transfer (EFT) and the State also had made it a statutory requirement that the Board must authorize who is allowed to make EFTs, on behalf of the Town. Currently both the Treasurer, Ken Warneke, and the Clerk, Brenda Kimberly-Maas, make EFTs payments for the Town. Action by the Board is being requested to authorize the Treasurer and Clerk to make EFTs on behalf of the Town.

Motion/Second Granting Authority to the Town's Treasurer, currently Kenneth Warneke, to make Electronic Fund Transfers (EFTs), for PERA contributions, payroll withholdings and tax deposits, as well as fund transfers between Town banking institutions by: Hofer/Alfords. Approved by: Alfords, Aubol, Brenteson, Hofer and Leslie. Opposed by None. Abstained: None. Motion Prevailed.

Motion/Second Granting Authority to the Town's Clerk, currently Brenda Kimberly-Maas, to make Electronic Fund Transfers (EFTs), for PERA contributions, payroll withholdings and tax deposits, as well as fund transfers between Town banking institutions by: Leslie/Alfords. Approved by: Alfords, Aubol, Brenteson, Hofer and Leslie. Opposed by None. Abstained: None. Motion Prevailed.

Clerk Kimberly-Maas presented Resolution Authorizing Contract with Interested Officer, Dean Brenteson, to the Board. She explained that this resolution would allow the Town to compensate Supervisor Brenteson at the current hourly rate of \$25 and meeting rate of \$100, should he submit claims for his time. This is the same resolution the Board considers for every Supervisor, annually.

Motion/Second Adopting Resolution Authorizing Contract with Interested Officer, Dean Brenteson by: Leslie/Alfords. Approved by: Alfords, Aubol, Hofer and Leslie. Opposed by None. Abstained: Brenteson. Motion Prevailed.

Clerk Kimberly-Maas informed the Board that the Town's Annual Membership to Sherburne History Center is coming due. She was inquiring if the Board would like to continue their membership and if so, would they like to continue at the \$1000 level? A brief discussion was made and recommendation to continue the membership at the same level was made.

Motion/Second to renew the Town's membership to the Sherburne History Center at the \$1000 donation rate by: Hofer/Leslie. Approved by: Alfords, Aubol, Brenteson, Hofer and Leslie. Opposed by None. Abstained: None. Motion Prevailed.

#### **Business from the Board – Committee Reports/Updates**

Supervisor Alfords reported he has been responding to several residents, who have water drainage concerns. He is working with the Town engineer and Ken Warneke to assist residents with resolutions to their concerns.

No committee updates from Supervisors Aubol, Brenteson, Hofer or Leslie.

#### **Roads**

Ross Abel, Town Engineer informed the Board that boring samples had been taken from 209<sup>th</sup> Ave. He will be giving the report to the Board at a future meeting. Ross also noted there are water issues in Aspen Hills, and Meadowbrook that he is working with Larry and Ken to investigate the problems and find solutions to the drainage concerns.

Ken Warneke informed the Board that the culvert that had washed on 212<sup>th</sup> Ave. had been replaced by Jeff Rhodes. He has been touring the roads and reported that the Ranch Road culvert is full. Elk River has completed their construction on their section of 225<sup>th</sup> (Ranch Road). Supervisor Brenteson was brought up to date on the Ranch Road project. He was informed that the project will include a new box culvert and the road will be raised slightly to accommodate the larger box culvert. In turn this will allow for additional water capacity through the culvert. The project is utilizing the State's Town Bridge Fund. Ken noted that the Snow expenditures are over budget by \$99,000 and he is doubtful that any seal coating will be able to be done in 2019. He also stated there are many areas in need of crack-filling. There is some material in the Town's inventory, but additional material may need to be purchased.

Town Engineer, Ross Abel reported he has been witness to the construction, paving, and shouldering of the roads in the Two Rivers development. He stated that the drainage is flowing properly and that there is a bit of work left to do, but in whole the project has gone well.

Ross also stated that Rob has requested a reduction in the escrow, which Ross feels is appropriate. He recommends that the Board consider the reduction of the Two Rivers escrow and release \$107,641.00.

Motion/Second to release \$107,641.00 from the Two Rivers escrow to Robin Lind by: Alford/Hofer. Approved by: Alford, Aubol, Brenteson, Hofer and Leslie. Opposed by: None. Abstained: None. Motion Prevailed.

Treasurer Warneke requested when the Town Engineer recommends the release of escrow funds be made to Developers, the Treasurer be allowed to return the recommended escrow funds to the Developer without Board authorization. The Board discussed this matter and felt that the Board did not need to give authorization for the release of the funds, if the recommendation is made by the engineer.

Motion/Second Authorizing the Treasurer to return escrow funds directly to Developer when recommendation is made by the Town Engineer by: Alford/Leslie. Approved by: Alford, Aubol, Brenteson, Hofer and Leslie. Opposed by: None. Abstained: None. Motion Prevailed.

### **Treasurer's Report**

Treasurer Warneke reviewed the Financial Statements with the Board and reported the Government Funds (excluding the escrow funds) as \$717,804.50. Escrow balances equaled \$266,499.72. Bringing the total with escrows \$984,304.22. The cash balance and interim financial reports are filed with the minutes, as part of the official record of the meeting. Motion/Second to approve the Treasurer's report by: Hofer/Leslie. Approved by: Alford, Aubol, Brenteson, Hofer and Leslie. Opposed by none. None abstained. Motion Prevailed.

### **Last Call for Business:**

Supervisor Alford informed the Board that he, Supervisor Leslie and Ken Warneke had met with Marc Schneider in the County Planning and Zoning offices to review the current moratorium on Solar CUPs. County Planning and Zoning asked them to review the areas affected by the moratorium and other areas in the Township that the Board may wish to have as "protected" from future Solar Farms. The Board reviewed the supplied maps and considered that land could be tied-up for up to 35 years, if a solar garden is constructed. Areas that they felt were important to protect included the current moratorium areas, current prime agricultural land, future residential and industrial areas. The Board also felt that the locations which have been identified as potential future Trunk Highway 25 (TH25) crossing locations, should be protected until a final decision on TH25 location, is finalized.

Motion/Second to send comments to the County recommending the County proceed with amending the

Comprehensive Plan and Land Use Map to permanently restrict the areas identified in the Solar Moratorium Map. The Board also recommended a friendly amendment to the identified locations to include land adjacent to the north side of CSAH 14, currently defined as Agricultural District area, as well as land identified as potential future Trunk High Highway 25 locations until a final crossing location is determined. (map identifying this area will be filed with the minutes, as part of the official record) Additionally, the Board would like to request Becker Township add the area on its easterly border to areas to be preserved, which have been identified as potential future Trunk High Highway 25 locations until a final crossing location is determined by: Hofer/Aubol. Approved by: Alford, Aubol, Brenteson, Hofer and Leslie. Opposed by: None. Abstained: None. Motion Prevailed.

Clerk will proceed by sending this input to Marc Schneider, Sherburne County Planner.

**Announcements:**

Sherburne County Multi-Hazard Mitigation Meeting will be held on Friday May 31, 2019 at the County Government Center, from 10AM – NOON. Supervisor Alford and Deputy Clerk Swenson will attend on behalf of the Township.

**Closure of Item:**

Shane Berg’s request to be placed on the agenda had been held open, in the event he attended the meeting after the item was initially presented. He did not attend the meeting.

Chair Aubol Closed Shane Berg item from Clerk’s Business.

**Adjournment:**

Motion/Second to adjourn the Regular Meeting at 7:13PM by: Leslie/Hofer. All Supervisors present Approved. Motion Prevailed.

Respectfully Submitted,

Brenda Kimberly-Maas, Clerk and Jayme Swenson, Deputy Clerk

Accepted this 12<sup>nd</sup> day of June, 2019 by the Town of Big Lake Board of Supervisors.

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Bruce Aubol, Chair

Attest:

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Brenda Kimberly-Maas, Town Clerk