



RECONVENE PUBLIC HEARING-CARTWAY PETITION  
Regular Board Meeting  
Wednesday April 14, 2021 6:00 PM

The Town of Big Lake Board of Supervisors met for Public Hearing on a Cartway Petition, at 6:00 PM, on Wednesday April 14, 2021 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 Board's Regular Meeting commenced after the Public Hearing. The meeting was called to order by Chair Bruce Aubol and the Pledge of Allegiance was recited. Vice-Chair Dean Brenteson, Supervisor Larry Alfords, Supervisor Norm Leslie, Supervisor Mark Hedstrom, Clerk Brenda Kimberly-Maas, Deputy Clerk Jayme Swenson, Sherburne County Sgt. Luke McLean, James Hallila, David Watts (US Solar), one audience guest, and news reporter were in attendance. Treasurer Kenneth Warneke attended by virtual means.

**Approval of Meeting Agenda**

Motion/Second to accept the presented Agenda by: Hedstrom/Leslie. Approved by: Alfords, Aubol, Brenteson, Hedstrom, and Leslie. Motion Prevailed. The meeting proceeded in accordance with the presented Agenda.

**RECONVENE PUBLIC HEARING – CARTWAY PETITION**

Chair Aubol opened the Public Hearing at 6:05PM.

Clerk Kimberly-Maas informed the board that lawyers representing the Westholters (petitioners) and 2tllc – Plaisteds (the respondent) were able to resolve access to the Westholter's landlocked property through civil means. She presented the Board with copies of the executed withdrawal of petition from the Westholters and the private easement which had been established.

Move to CLOSE the Public Hearing by: Supervisor Leslie. Seconded by: Supervisor Brenteson. Approved by: Alfords, Aubol, Brenteson, Hedstrom, and Leslie. Motion Prevailed.

**CARTWAY PETITION WITHDRAWAL**

Clerk Kimberly-Maas presented the Westholter's request to withdraw their petition to establish a cartway. Included in the withdrawal request was the release of the remaining balance of the escrow funds which had been deposited with the town to the Westholters. The town's attorney had presented his final claim to the clerk, prior to the meeting and no other bills were expected. The attorney's final claim and calculation of the remaining escrow account – post legal claim payment, were presented for authorization of payment.

Move to accept the Westholter's request to withdraw their petition to establish a cartway by: Supervisor Alfords. Seconded by: Supervisor Hedstrom.

Approved by: Alfords, Aubol, Brenteson, Hedstrom, and Leslie. Motion Prevailed.

Move to authorize payment of final legal bill associated with the cartway petition and release the balance of the escrow to the Westholters by: Supervisor Hedstrom. Seconded by: Supervisor Alfords.

Approved by: Alfords, Aubol, Brenteson, Hedstrom, and Leslie. Motion Prevailed

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

Sergeant Luke McLean reported the Sheriff's Department responded to 231 calls for service in the township. That is up by 54 calls from March 2020. He noted the increase was largely due to additional patrolling of security checks, especially around outdoor storage facilities. He stated there were increase in traffic stops in March as well. Supervisor Alfords inquired on if someone could investigate a political sign within city limits which has razor wire around it as a reckless endangerment concern. Supervisor Hedstrom stated this was reported to Big Lake PD, who investigated and found the sign is well off of the road right of way and on private property. Sgt. McLean stated because the sign is on private property, there is nothing that can be done from a legal standpoint. Supervisor Hedstrom asked what were the fraud incidents on the report? Sgt. McLean said they are still seeing unemployment scams which have been tracked to out of country persons or accounts. Supervisor Leslie asked if deputies had seen any of the vehicles that have been "spinning donuts" in the park's gravel parking lot? Sgt. McLean said the department is aware of this occurring in many places in the County including on roadways, especially intersections, but haven't been able to catch anyone in the act, because this seems to occur during the night and headlights will cause the "spinners" to stop and leave the scene.

Sgt. McLean was asked by the County Attorney's office to request any new – two year old or newer, Town ordinances be sent to their office, to ensure their library was current. Especially ordinances with a fine attached to them. Clerk Kimberly-Maas will compile and submit Big Lake Township's current ordinances.

### **Approval of Consent Agenda**

The Consent Agenda consists of: A) Approval of Minutes; Regular meeting of 03/24 /2021 and Local Board of Appeal & Equalization meeting minutes of 04/08/2021 B) Approve List of Claims & Payroll paid 04/14/2021. Motion/Second to Approve Consent Agenda by: Brenteson/Leslie. Approved by: Alfords, Aubol, Brenteson, Hedstrom, and Leslie. None Opposed. Motion Prevailed.

### **Open Forum**

NONE

### **Regular Business**

Town and City Joint Resolution for Annexation (Township Resolution 2016-16 City Resolution 2016-49)

Clerk Kimberly-Maas reminded the Board of the Joint Resolution for Annexation which was executed for the annexation of PID# 65-125-3201 – the City's Solar Garden area. The language of the resolution included the PID 65-125-3601 to be established as an Orderly Annexation Area (OAA) and no other township parcels adjacent to the OAA are to be allowed to annex into the city unless the city had grown from its main municipal boundary to the point of being adjacent to the OAA or other town parcels, to eliminate the possibility the OAA to be a "jump off" point for city expansion. She reminded the Board that they had discussed the Joint

resolution at a recent meeting and the Board reiterated they wished to keep the current language intact and had verbally acknowledged this, individually.

In 2018, Sherburne County Planning and Zoning asked all of the townships that have adopted the county zoning ordinances, for input on areas they would like to prohibit future solar farms. The Big Lake board set a number of sections aside to protect current and future infrastructure and land use. The proposed amended ordinance was adopted by the County Board of commissioners in 2019. The Hallila's property (PID#10-325-3200) is in Twp 33, Range 28, Section 25. Which is one of the sections where solar is prohibited. Brenda told the board that recently, the Hallilas were approached by US Solar with an opportunity to lease seven (7) acres of their property and have a solar garden constructed. Due to the amendments of the solar ordinance, the property is ineligible for solar as a town property. Mr. Hallila would like the town to reconsider amending the language in the Joint Resolution to allow his parcel to be annexed. David Watts – US Solar, submitted information and a proposal to the Board. The information was previewed electronically and available at the meeting. He questioned why the city property was allowed to be annexed, challenged that city's solar parcel is city limits and stated that he was under the impression the language was included in the resolution because the town board was against any further solar in the township. David explained that US Solar had already entered into agreement with the Hallilas and would be amenable to making payment of \$10,000.00 in lieu of taxes (PILT) to the town to offset any loss the town would suffer from the annexation of PID 10-325-3200. James Hallila stated he had conversation with the City at the time he allowed them to purchase the solar property from him, for the use of sewage disposal from their wastewater treatment plant and they told him there would be no issue of annexation of his property, in the future. He felt he was now being discriminated against and had been misled.

Supervisor Alfords spoke and informed the attendees the reason the solar garden parcel was allowed to be annexed is because the city had purchased it from the Hallilas, for the sewage placement prior to the solar garden installation. He made it quite clear the language was written to ensure the city to expands from its main city limits boundaries into the township. And not from the middle of the township, back toward city limits. He also informed all in attendance the language joint annexation resolution for the city's wastewater treatment facility has the same language written in it, because it too is surrounded by township land. The language has nothing to do with solar. Supervisors Hedstrom and Leslie supported Alfords comments. Chair Aubol informed James that the township board was not privy to any conversations which may have occurred between him and the city and could not speak to those claims. Supervisor Alfords told Mr. Watts and Mr. Hallila they need to work with the county on a solution to their desire to have solar installed. Clerk Kimberly-Maas informed all that she had been in communication with Lynn Wayteshek on the matter. After conversation with the County Attorney's office, Lynn responded that this is a land use concern and a variance is NOT applicable to this matter. The Hallilas and US Solar would need to petition the County Board of Commissioners to amend the zoning ordinance. Mr. Watts stated that he had also been in communication with Sherburne County Planning and Zoning who informed him the same. Supervisor Alfords offered to have a couple supervisors attend a meeting on the matter with County Planning and Zoning, if Mr. Watts would like to coordinate one.

#### Variance Request - Brouillette

Clerk Kimberly-Maas presented a 45' variance in setback to OHWL of the Elk River, for septic  
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upgrade (required setback is 100'). PID# 10-107-4225 is the affected parcel. She noted ownership of the parcel had changed after the application was filed with planning and zoning, that is the reason for the difference in name on the county application and what was presented at the meeting. Board members discussed the application noting the current location is about the same distance from the Elk River and the proposed location for the upgrade made sense.

Motion/Second to recommend approval of the variance by: Alfords/Brenteson. Approved by All. None Opposed. Motion Prevailed.

### BLFD Brush Rig Purchase

Information was presented to the board about the brush rig and how it is to be equipped. Big Lake Fire Department Joint Powers Board (BLFD JPB) had met in special session on Friday April 10, 2021 to review the brush rig bid. The BLFD JPB members, Aubol and Brenteson, informed the rest of the town board that the department had solicited three companies for bids, but only one bid was received. The BLFD JPD board recognized that many items are backordered due to businesses being closed due to the pandemic and felt it in the department's best interest to move forward on acceptance of the bid. The BLFD JPB voted to recommend acceptance and execution of the bid to the owner of the department – Town of Big Lake and City of Big Lake and their governing bodies. (NOTE: the Town and City jointly own the BLFD land, building, and equipment and must independently authorize capital expenditures as they are paid from levied money.) Supervisor Hedstrom gave more detail and explanation on the equipment to Supervisors Alfords and Leslie. The total cost of the truck is \$128,622.00, for which the town is responsible to pay 50% or \$64,311.00.

Motion/Second to approve the purchase of the presented fire brush total amount for which the Town is responsible is \$64,311.00 by: Alfords/Brenteson. Approved by: Alfords, Aubol, Brenteson, and Leslie. Supervisor Hedstrom (BLFD Assistant Chief) Abstained. Motion Prevailed.

### Roads

2021 Road Tour notes continue to be compiled. Once they're complete the road committee will get vendors working on various road projects. One issue of note is the deterioration of 205<sup>th</sup> Ave. from County Road 43 to Independence Elementary School. The committee will look into options to correct the deterioration and the possibility of adding it to the 2021 schedule. Resident Eric Rosa inquired if the road would be widened to accommodate the school's pick-up and drop-off traffic/parking. He suggested traffic exiting the school parking lot only be allowed to turn right onto 205<sup>th</sup> Ave. Vehicles could use 172<sup>nd</sup> St or 166<sup>th</sup> St to access Hwy 10 or loop through the neighborhoods of in the area to return westerly on 205<sup>th</sup> Ave. Supervisor Hedstrom said he hoped the congestion would decrease once busses could return to full capacity. Supervisor Alfords said he didn't think the town could impose the only right hand turn out of the parking lot. Rather it would be something the school and district would need to address. Residents have been contacting the township on the condition of the city's section of 166<sup>th</sup> St. and the road committee will contact Layne Otteson to inquire on its placement on the city's roadwork schedule.

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

Supervisor Leslie told everyone there are some exciting park projects in the planning stages. He will continue to update the board as plans progress.

Supervisor Hedstrom attended the community ed. meeting. All district 727 residences have received the summer class offering books. The district will be utilizing in-house resources for teaching most of the classes this session.

Chair Aubol reported there were a few residents who voiced concerns or had questions, on their 2022 proposed tax statements, during the Local Board of Appeal & Equalization meeting. Staff from the county assessor’s office were able to inform the residents that increases were seen county-wide, due to the land value increases.

**Treasurer’s Report**

Treasurer Warneke sent the treasurer’s report and financial statements with information to the Board for preview which Brenda reviewed during the meeting. The town treasury ending balance (less escrows) as of April 13, 2021 was \$1,428,920.41. *Financial Reports are retained as part of the official Minutes and available in the Clerk’s Office.* Motion/Second to approve the Treasurer’s report by: Aubol/Leslie. Approved by: Aubol, Alfords, Brenteson, Hedstrom and Leslie. None opposed. Motion Prevailed.

**Announcement:**

- PUBLIC HEARING – Intent to Franchise ~ Wednesday April 28, 2021 6:00pm
- Catholic Charities Meal Distribution to Senior Citizens ~ Monday April 26, 2021 10:00am to Noon

**Adjournment:**

Motion/Second to adjourn the Regular Meeting at 7:33 PM by: Leslie/Brenteson. All Supervisors present approved. Motion Prevailed.

Respectfully Submitted,

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

8Accepted this 24th day of April 2021, by the Town of Big Lake Board of Supervisors.

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Bruce Aubol, Chair

Attest: \_\_\_\_\_  
Brenda Kimberly-Maas, Town Clerk