



Regular Board Meeting  
Wednesday June 14, 2023 6:00 PM

The Town of Big Lake Board of Supervisors met in regular session, at 6:00 PM, on Wednesday June 14, 2023 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. Supervisor Larry Alford, Supervisor Mark Hedstrom, Treasurer Kenneth Warneke, Clerk Brenda Kimberly-Maas, Deputy Clerk Jayme Cannon, Troy Powers – CUP applicant, Dennis McAlpine – variance applicant, and news reporter were in attendance. Vice-Chair Dean Brenteson and Supervisor Laura Hayes were absent.

#### Approval of Meeting Agenda

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

#### Approval of Consent Agenda

The Consent Agenda consists of: A) Approval of minutes from the 05/24/2023 regular meeting. B) Approve List of Claims & Payroll presented. Motion/Second to Approve the presented consent agenda by: Alford/Hedstrom. Approved by: Alford, Aubol, and Hedstrom. None Opposed. Motion Prevailed.

#### Open Forum

NONE

#### Regular Business

##### State Demographer 2022 population estimates

Clerk Maas informed the Board that the State Demographer is required by law to produce annual population and household estimates for each of Minnesota's cities and townships and are used to calculate the amount of state aid to be distributed to the township. The numbers from the State Demographer's totals differ from the County Auditor's estimated population generated on January 23, 2023, because they were generated after the first quarter of 2022. The State's figures have been sent to Sherburne County Auditor for review, are subject to change, and are not considered final until they are released to the Minnesota Department of Revenue in July. On April 1, 2022, the State Demographer estimated Big Lake Township's household at 2,744 and population estimate of 8,147. Sherburne County Auditor's estimated population at the end of 2022 was 8489 (based on 2.50 people per household). The Board had no concerns with the State Demographer's estimates. NO ACTION REQUIRED OR TAKEN.

### Sherburne History Center Annual Membership

Clerk Maas presented the board with the annual membership drive from the Sherburne History Center. The Town Board has donated at the Heritage level membership - \$1,000 for many years. The 2023 budget has \$1,200 allocated for museum donations.

Motion/Second a donation to support the Sherburne County Historical Society, at the Heritage level of \$1,000 by: Alford/Hedstrom. Approved by: Alford, Aubol, and Hedstrom. None Abstained. None Opposed. Motion Prevailed.

### Conditional Use Permit (CUP) Request on PID # 10-544-0120

Troy Powers submitted application for a Conditional Use Permit (CUP) for an office and light industry connected to his business Professional Mechanical Services, at PID 10-544-0120 in Section 24 in the plat known as Spanky's corner, which is zoned as a commercial district. Professional Mechanical Services currently operates from the adjacent parcel to the east and has grown to the point of requiring additional space. According to the information submitted, Professional Mechanical will only utilize half of the new building for equipment and machinery storage and system design work. The other half of the building is planned to be leased to up to 3 tenants. No fencing is being planned around the grounds. A 4' x 8' sign is proposed to be installed which may be a reader board style design. If the CUP is approved, any additional new businesses operating from this property will require separate Interim Use or Conditional Use Permits.

The board made its recommendation to approve Conditional Use Permit (CUP) for an office and light industry at PID# 10-544-0120, in the plat known as Spanky's corner.

### Right of Way Setback Variance Requests (2) PID# 10-414-0105

Michael Waage is requesting two (2) variances at address 18625 146th St. NW, in the plat of Twin Pines South. The two variances are required for a detached garage to be constructed on his property. One variance requesting a 42 ft variance in setback to the ROW of Service Drive Northwest for a detached garage. Required setback from the ROW is 67ft. The second request is for a 26 ft variance in setback to the ROW of US HWY 10 for a detached garage. The required setback from the ROW is 100ft. The Board reviewed the applications and photos submitted by Mr. Waage.

The board made its recommendation to approve the request for a 42 ft variance in setback to the ROW of Service Drive Northwest at PID# 10-414-0105, in the plat known as Twin Pines South.

The board recognized that a 26 ft variance in setback to the ROW of US HWY 10 will be required and deferred any recommendation to MNDoT, which has authority over US HWY 10.

### Property Line Setback Variance Requests (2) PID# 10-517-0235

Dennis & Jennifer McAlpine are requesting two (2) variances at address 17865 227th Ave NW, in the plat of Rivercrest Farms – Second Addition. The two variances are required for the installation of a hard sided pool and construction of a new deck onto the existing detached garage, on their property. Both variances are to the setback to their rear property line - required setback is 25 ft. Mr. McAlpine noted he is upgrading his pool from a soft-sided model to a hard-sided model. He learned the hard-sided model is considered a permanent structure and requires a 19 ft variance in setback from the rear property line. The second variance is a 7ft variance in setback, which is needed for the construction of a deck. The new pool and deck will be constructed where the soft-sided pool had been previously located.

The board recommended approval for a 19 ft variance in setback of the required rear property line setback of 25 ft, for the installation of a hard-side pool.

The board recommended approval for a 7 ft variance in setback of the required rear property line setback of 25 ft for the construction of a deck onto an existing garage.

### Presentation of Vacation Petition

Jesse Hahne has delivered a petition for the vacation of a segment of Humboldt St. dedicated in the plat known as Birch Lake Beach as recorded in the office of Sherburne County Recorder's Office. Jesse's request for the vacating of the right of way on his property located at 22575 159th St NW Elk River, MN 55330, is to enable him to proceed with the construction of an external garage without the need to apply for a variance. This this action will help him to fully utilize his property while complying with the local zoning regulations. The portion of the road was left as UNVACATED in the action taken to vacate the segments of Humboldt vacated in 1978. Presumably to allow access to 159th St. NW for parcel 10-403-0940 (Lots 11 & 12, Block 9), which is also owned by Jesse and his wife, Gena. The next step in the vacation process is within 30 days of being presented with the petition, the board must make an order setting a date, time, and place for a road hearing. The order must describe, as nearly as practicable, the road proposed to be established, altered, or vacated, and the several tracts of land through which it passes. Minn. Stat. § 164.07, subd. 1. The description of the segment of road to be vacated needs to be completed. Clerk Maas is working with the petitioner to get the segment accurately described and expects to have it ready by the next regular meeting, so the Board set the public hearing. The Board acknowledged the presentation of the petition.

### Emancipation Day (Juneteenth)

Ordinarily under Minn. Stat. § 645.02, the effective date of new laws is August 1 following final enactment. However, in this case in Section 115 of Chapter 62 of 2023's session laws—the effective date for this change was set to “the day following final enactment.” Chapter 62 was signed by the Governor on May 24—so Juneteenth is a state holiday upon with “no public business shall be transacted” except “in cases of necessity” this year. Official “town business” is conducted by the Board, during meetings on the second and fourth Wednesday of each month. Therefore, official “town business” will NOT be affected by this statute, in 2023. However future June meetings will be affected, and the Board will need to remember to reschedule accordingly, during annual reorganizational meetings. However, the Board must determine if daily work done by staff is considered “business”, and whether the town hall offices should remain open on this day.

Motion/second to close town office on June 19<sup>th</sup> and consider it a paid Federal holiday by: Hedstrom/Alfords. Alfords/Hedstrom. Approved by: Alfords, Aubol, and Hedstrom. None Opposed. Motion Prevailed.

### Roads

Due to the extent of the damage discovered after spring road tour, the committee realized the following roads require immediate attention:

156th St NW – segment north of County Road 35

172nd St NW – segment from 198th Ave to the south for 1450' (.27 miles)

205th Av NW/166th St. NW – segment from the west driveway of Liberty School east, continuing onto 166th St NW total length of 9440' (1.79 miles)

Adding these road segments to the existing contract is not allowed as it would more than double the original contract amount (the original contract amount is \$291,826.80 and the

additional segments are estimated to cost \$345,450.70). The vendor who was awarded the original contract (ASTECH) has agreed to cancel the original contract which will enable the Board to rebid the work. If the Board approves the rebidding, advertisements will run in the Patriot on 06/17/2023 and 06/24/2023. The earliest date that sealed bids could be opened is Tuesday July 11, 2023. It was decided to schedule the opening of the sealed bids for Wednesday July 12, 2023, at 5PM with the Board awarding contract at the regular meeting the same night – contingent on engineer’s review. Supervisor Alford said that some of the roads will need to have some milling done, prior to the installation of the UTBWC. The Road Committee recommends the Board accept the termination of original contract and proceed with advertising for UTBWC bids on the segments listed.

Motion/second to accept the termination of original contract and proceed with advertising for UTBWC on road segments recommended by the road committee by: Hedstrom/Alford. Alford/Aubol. Approved by: Alford, Aubol, and Hedstrom. None Opposed. Motion Prevailed.

### Supervisor Updates

Supervisor Alford told the board that TW Hauling has agreed to help with the road maintenance projects like crack-filling and shoulder repairs. Repair and maintenance lists have been distributed to TW and Driveway Services and work on those lists are commencing. Potholes identified on road tour have been repaired.

### Treasurer’s Report

Treasurer Warneke reviewed the Treasurer’s Report and Financial Statements with the Board. He reminded the Board that the reported interest of \$31,852.41 in the R&B fund is all the interest earned to date. Ken holds all interest in the road fund during the year and at the end of the year he redistributes it to each fund based on its percentage of the average fund balance. He also noted the town was notified that 70% advance, of the first collections of 2023 levy will be deposited into the town’s bank on June 16, 2023. That amount is roughly \$975,000. The second installment is normally received early in July. Another payment normally comes in December and the final payment to come in January 2024. The town treasury ending balance (less escrows) as of June 14, 2023, of \$1,995,939.44. Including escrows, the total town treasury was \$2,522,265.26. *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: Alford/Hedstrom. Approved by: Alford, Aubol, and Hedstrom. None opposed. Motion Prevailed.

### Announcement

- ~ Big Lake Area Food Shelf produce distribution RESCHEDULED for Wednesday June 21, 2023, from 3:30PM – 5:30PM from the town hall community center garage area. All are welcome and no income limits.
- ~ HAM Radio annual rendezvous, in the multi-purpose field within the township’s park. Friday June 23 – Sunday June 25, 2023. Public is welcome to visit and learn about HAM radio operations.
- ~ Next regular board meeting on Wednesday June 28, 2023, commencing at 6PM, at the town hall.

Adjournment

Motion/Second to adjourn the Regular Meeting at 6:36 PM by: Hedstrom/Alfords. All Supervisors present approved. Motion Prevailed.

Respectfully Submitted,

Brenda Kimberly-Maas, Clerk

Accepted this 28th day of June 2023, 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