



PUBLIC HEARING – Vacation of a portion of Humboldt Ave.  
And Regular Board Meeting  
Wednesday July 26, 2023 6:00 PM

The Town of Big Lake Board of Supervisors met in regular session, at 6:00 PM, on Wednesday July 26, 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 Vice-Chair Dean Brenteson and the Pledge of Allegiance was recited. Vice-Chair Dean Brenteson, Supervisor Larry Alfords, Supervisor Laura Hayes, Supervisor Mark Hedstrom, Treasurer Kenneth Warneke, Clerk Brenda Kimberly-Maas, Deputy Clerk Jayme Cannon, Becky Guthrie, County Commissioner Raeann Danielowski, Fire Chief Seth Hansen, Jesse Hahne, Robert Kelly, Travis Pobuda, five guests and news reporter were in attendance. Chair Bruce Aubol was absent.

Approval of Meeting Agenda

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

PUBLIC HEARING – VACATION OF PORTION OF HUMBOLDT AVE.

Vice-Chair Brenteson OPENED the Public Hearing at 6:03PM

- Clerk Maas presented the Affidavits of Posting and Publication of the Public Hearing.
  - Jesse Hahne, Petitioner, presented the Affidavit of Personal Service.
  - Board members had inspected the right of way, proposed for vacation.
  - Vice-Chair Brenteson called for public comments: Supervisor Alfords stated the reason the small portion of Humboldt Ave was left unvacated in 1978, was because vacating all of the road, would have resulted in landlocking the parcels which surround the proposed vacation being presented. Those parcels were owned by different people at the time. Those parcels are currently owned by the petitioner, Jesse Hahne.
- No other comments were made.

Vice-Chair Brenteson CLOSED the Public Hearing at 6:03PM

Approval of Consent Agenda

The Consent Agenda consists of: A) Approval of Minutes Regular meeting of 07/12/2023. B) Approve List of Claims & Payroll presented. Motion/Second to Approve consent agenda by: Hayes/Alfords. Approved by: Alfords, Brenteson, Hayes, and Hedstrom. None Opposed. Motion Prevailed.

Big Lake Fire Department Report

Chief Seth Hansen reported in June 2023, the department responded to 35 calls – 20 in the city of Big Lake, 14 in Big Lake township, and one in Orrock township. Year to date the department has responded to a total of 231 calls – City of Big Lake 158, Big Lake Township

PUBLIC HEARING and Regular Board Meeting – Wednesday July 26, 2023 6:00PM

51, Orrock Township 13, mutual aid to Elk River 6, mutual aid to Monticello 2, and mutual aid to Clear Lake 1. June calls of interest were 5 fires – 1 building, 1 vehicle, 2 grass & 1 mailbox, 4 motor vehicle accidents, 4 hazardous conditions (gas leak, electrical, etc.), and 4 medical assists. June training consisted of pump operations. The department participated in SpudFest activities. The annual “Guns & Hoses” softball game kicked off the softball tournament where the game was won by the city’s police department. Trucks were driven in the parade and members handed out candy to attendees. The department’s sponsored candidate was crowned as the City’s Ambassador. The water ball was a popular event as was the car show, where the ladder truck was on exhibition. Chief Hansen reported that the final inspection for the new engine – Engine 22, will have its final inspection in August. He hopes to have delivery of the truck by the Annual Open House, on October 14<sup>th</sup>. Chief also gave information and guidance for the excessive heat conditions being experienced.

### Open Forum

Resident Travis Pobuda, 19796 County Road 15 NW, Elk River, MN, 55330 was present to address the board. He was at the City’s Planning Commission Public Hearing on July 5<sup>th</sup> where the proposed change of zoning to parcel 65-026-2000, address is 19524 County Road 15, Elk River, and the subsequent project, was discussed. He noted the property was zoned Agricultural/low density housing and changing it to Industrial is against the City’s strategic plan. He and several other township residents have concerns over the proposed zoning change and future project for MTL Companies’ trailer maintenance facility. He appreciated the representation from the town board at the July 5<sup>th</sup> meeting and wondered if the consequent meeting between city officials and township officials had occurred as requested by the planning commission. Supervisor Hayes responded that the town clerk had been able to set a meeting at which she and Chair Aubol will meet with the City Mayor and City Administrator to discuss the proposed changes and the affect on township residents.

### Regular Business

#### Resolution 2023-14 – Vacation of Part of Humboldt Av

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, was presented to the Board during the June 14, 2023, meeting. The petition was to vacate a portion of the road, which was left as UNVACATED, in the action taken to vacate segments of Humboldt, in 1978 to allow access to 156th St. NW for parcel 10-403-0940 (Lots 11 & 12, Block 9). Those lots are owned by the petitioner and his wife and are adjacent to the proposed vacation. All required steps have been completed to allow the board to adopt Resolution 2023-14. As part of their action, the Board must determine if there are to be any damages awarded to the affected landowners. Generally, there is no monetary award, as the adjacent landowners, the Hahnes in this instance, will receive the vacated land. The resolution is to be recorded at the County Recorder’s office. Clerk will send notice of damage award needs to be sent to the affected landowner(s). A copy of the recorded document will be sent to the affected landowner(s). The Hahnes have deposited an escrow for the costs associated with the vacation process. Any funds remaining once the process is completed, will be returned to the Hahnes.

Motion/Second to adopt Resolution 2023-14 and award zero damages by: Alfords/Hayes. Approved by: Alfords, Brenteson, Hayes, and Hedstrom. Motion Prevailed.

#### Variances for PID# 10-102-3418 to allow for cabin restoration

Robert Kelly 22174 156<sup>th</sup> St. NW, Elk River, MN 55330, was present on behalf of his brother Jerry. Jerry and his wife own a cabin on the east side of Birch Lake which they would like to restore. The Kellys have been working with county planning & zoning, and their design engineers on their cabin and septic plans for the past year. They are requesting the following variances:

1. A 17 ft. variance in setback for the existing house and proposed additions that will be 50 ft. from the road right-of-way of 156th St NW. Normally a 67 ft. setback to the township road right-of-way is required.
2. A 3 ft. variance in setback for the existing house and proposed additions that will be 7 ft. from the north property line. Normally a 10 ft. setback to the side property line is required.
3. A 5 ft. variance in setback for the existing house and proposed additions that will be 5 ft. from the south property line. Normally a 10 ft. setback to the side property line is required.
4. A 70 ft. variance in setback for the existing house and proposed additions that will be 30 ft. from the OHWL of Birch Lake. Normally a 100 ft. setback to the ordinary high water level (OHWL) of a recreational development lake is required.
5. A request to allow 33.9% of impervious surface. Shoreland District – Subdivision 5.5 B allows up to 25% Impervious surface coverage on lots.
6. A 5 ft. variance to property line, for the installation of a drain field. Mn State Rule 7081.0270 Subd. 2 requires that MSTs components must meet the setbacks in Table II. “System site boundaries” 10 ft.

Supervisor Alfords stated that the original plat was created in the 1950’s and many zoning changes have occurred since then. He notes that existing county ordinances require several variances to accomplish this project. The Board members determined that the project should move forward and made comment and recommendation that all variances be approved by County Planning and Zoning.

#### County Cost Share Joint Powers Agreement – Co. Rd. 43 construction costs

The Board was presented with a Joint Powers Agreement for the cost sharing of County Road 43 construction costs.

In 2017 Sherburne County Public Works updated their Construction Cost Participation Policy. The policy was updated and with the following modifications/additions.

- Trail Replacement, due to road widening – 100% County
- Emergency Vehicle Pre-emption – 100% City
- Traffic Signal Replacement added - Match New Traffic Signal at 50% County
- *Roundabouts added – Same participation as Traffic Signal – 50% County*
- Landscaping replacement – 100% City
- Surfacing Turn Lanes – 100% County
- Right-of-Way – 100% County (current practice but not indicated as such in the policy)

These changes were implemented on *urban projects*. Because the County Road 43 project has urban elements which are within the township; per the County’s policy, the township is responsible for a portion of the costs for construction of the following:

- Roundabouts at CR 43 & 205<sup>th</sup> Av. 25% (city is responsible for 25%)
- Street/Storm Sewer adjacent to township properties 50%

The County opened bids on July 5, 2023 and provided the bid abstract to the Town as well as the Town's responsibility for the urban elements within the township. Those costs would be covered by the JPA.

The engineer's estimate after bid opening is \$4,777,566. Federal funding has been awarded for this project in the amount of \$2,096,000 which will cover 53.27% of eligible elements, for a reduction of Town costs of \$183,203.40.

The Town is responsible for following approximated costs:

- Street/Storm Sewer \$212,611.17
  - Roundabout \$131,477.39
  - Total \$344,088.56
  - Federal Funding Reduction \$183,203.40
- TOTAL Town Responsibility = \$160,786.16**

Sherburne County has agreed to invoice in two equal amounts for the Township's cost share on July 1, 2025 and July 1, 2026.

Supervisor Hedstrom said that he was not happy that the County's policy was amended and that town residents will have to pay for these urban elements via county portion of their property taxes, as well as their township portion of property taxes.

Motion/Second to approve and enter into the County Road 43 Cost Sharing Joint Powers Agreement where the Town will be paying in two equal installments on July, 1 2025 and July1, 2026 by: Hedstrom/Hayes. Approved by: Alfords, Brenteson, Hayes, and Hedstrom. None opposed. None abstained. Motion Prevailed.

#### Treasurer Assistant position

The Personnel Committee met with Treasurer Warneke, after the previous meeting to discuss what he envisions as tasks which Becky Guthrie would be performing, her hourly rate and benefits. They determined that the role is more of an assistant and proposed the Board create the position Treasurer Assistant. The position would be appointed by the Board. They would like to recommend Becky Guthrie to the position with her starting wage at \$22.00 an hour, meeting rate of \$100.00, and given PERA benefits as required. They also recommend Becky be paid for her time worked at the rate of \$22.00/hour.

Motion/Second to create the position of Treasure Assistant, appoint Becky Guthrie to the position – retroactive to July 5, 2022, at the hourly rate of \$22.00 hour and given PERA benefits as required by: Hayes/Alfords. Approved by: Alfords, Brenteson, Hayes, and Hedstrom. None opposed. None abstained. Motion Prevailed.

Clerk Maas requested the Board approve the pay claim submitted by Becky for her hours worked since July 5, 2023 and for the meeting she attended on July 12, 2023.

Motion/Second to approve Becky Guthrie pay claim presented by: Hedstrom/Hayes. Approved by: Alfords, Brenteson, Hayes, and Hedstrom. None opposed. None abstained. Motion Prevailed.

#### Kitchen Remodel

Clerk Maas informed the Board the Town acquired a commercial refrigerator and commercial freezer. To be able to fit them into the kitchen some cabinets would need to be

moved and additional electrical outlet installed. She is requesting permission to get that work performed. Treasurer Warneke indicated this could be added to the other improvements which the Board has obligated ARPA funds.

Motion/Second to obligate additional ARPA funds to be used for the remodel of the kitchen to accommodate the acquired commercial appliances by: Hedstrom/Hayes. Approved by: Alfords, Brenteson, Hayes, and Hedstrom. None opposed. None abstained. Motion Prevailed.

### Roads

Supervisor Brenteson told the Board that the overlay projects were 50% completed. The vendor has decided to wait on restoring shoulders until the temperatures are cooler, so the new pavement edges aren't damaged.

One of the town's vendors has begun crack-filling operations. They are routing at ½" depth then filling the crevices with material. The vendor has two routers going and making quick work of the project. Some nuisance trees have been felled, shoulder mowing is almost complete and other miscellaneous work is being done.

### Supervisor Updates

Supervisor Hedstrom reported the Fire Department is running a fire fighter hiring campaign. Applications are available via links on the township and city websites. Applications are due on August 31<sup>st</sup>.

Supervisor Hays reported the replacement sections for the playground tube slide have been delivered and will be installed in the next few days.

### Treasurer's Report

Treasurer Warneke reviewed the Treasurer's Report and Financial Statements with the Board. We have received our tax share from the City from the Big Lake Industrial Park area, made payment for change order to Engine 22, paid our recycle bill and issued invoices to the City and Orrock township, and the property liability coverage is over budget, due to increased building valuations. The town treasury ending balance (less escrows) as of July 26, 2023 equaled \$3,269,073.03. Including escrows, the total town treasury was \$3,796,544.25 *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: Hestrom/Alfords. Approved by: Alfords, Brenteson, Hayes, and Hedstrom. None opposed. Motion Prevailed.

### Announcement

~ Next regular board meeting on Wednesday August 9, 2023 commencing at 6:00PM, at the town hall.

~ MAT District 7 meeting and elections will be held on Thursday August 10<sup>th</sup> at Anoka Ramsey Community College – Cambridge Campus. Registration begins at 6:30PM.

### Adjournment

Motion/Second to adjourn the Regular Meeting at 6:57 PM by: Hayes/Hedstrom. All Supervisors present approved. Motion Prevailed.

Respectfully Submitted,

Brenda Kimberly-Maas, Clerk

Accepted this 9th day of August 2023, by the Town of Big Lake Board of Supervisors.

\_\_\_\_\_  
Bruce Aubol, Chair

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