



Regular Board Meeting  
Wednesday August 23, 2023 6:00 PM

The Town of Big Lake Board of Supervisors met in regular session, at 6:00 PM, on Wednesday August 23, 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 Alfords, Supervisor Laura Hayes, Supervisor Mark Hedstrom, Treasurer Kenneth Warneke, Clerk Brenda Kimberly-Maas, Deputy Clerk Jayme Cannon, Treasurer's Assistant Becky Guthrie, County Commissioner Raeann Danielowski, Fire Chief Seth Hansen, Richard and Karen Ayd, and Kristine Harrington were in attendance. Vice-Chair Dean Brenteson was absent.

#### Approval of Meeting Agenda

Motion/Second to accept the presented Agenda by: Hedstrom/Alfords. Approved by: Alfords, Aubol, Hayes, 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 Regular meeting of 08/09/2023. B) Approve List of Claims & Payroll presented. C) Authorize staff to pay normal expenses due between 08/23/2023 and 09/13/2023. Motion/Second to Approve consent agenda by: Hayes/Alfords. Approved by: Alfords, Aubol, Hayes, and Hedstrom. None Opposed. Motion Prevailed.

#### Big Lake Fire Department Report

Chief Seth Hansen reported in July 2023, the department responded to 39 calls – Twenty-five (25) in the city of Big Lake, twelve (12) in Big Lake township, one (1) in Orrock township, and one (1) mutual aid call to Becker. Year to date the department has responded to a total of 258 calls – City of Big Lake 178, Big Lake Township 58, Orrock Township 13, mutual aid to Elk River 6, mutual aid to Monticello 2, mutual aid to Clear Lake 1, and mutual aid to Becker 1. July calls of interest were six (6) fires – none were structural in nature, three (3) motor vehicle accidents, six (6) hazardous conditions (gas leak, electrical, etc.), and thirteen (13) medical assists made by ambulance service. The department participated in nine events during the "Night to Unite" throughout their service area. Final inspection for Engine 22 is scheduled for September 6<sup>th</sup>. Chief Hansen and Assistant Chief Hedstrom will make the trip to Appleton Wisconsin to inspect the truck. Engine 12 is listed with a broker, for its sale. Construction on County Road 43 has begun. The department is able to respond to calls by traveling north on County Road 43, at present time. During the 6-8 weeks of construction in 2023, the Chief has authorized the placement of the construction job trailer to be placed on the fire station property. The department has implemented a program where a duty officer will be

on call, when all other officers are out of town. Firefighter Jeff Johns has retired from the department after 8 years of service. During the July training consisted of aerial truck operations. Independence Chief Hansen reminded everyone to be mindful of the excessive heat and make sure to take time to cool down, hydrate, and check on neighbors.

Open Forum  
NONE

Regular Business

Variances for PID# 10-102-3416 to allow new residence construction

Richard and Karen Aydtt owners of the property located at 22148 156<sup>th</sup> St. NW, Elk River, MN 55330, and their daughter Kristine Harrington were present to discuss their plans to demolish the existing cabin and garage on the parcel and rebuild a year-round primary residence. They have been working with county planning & zoning, and their design engineers on their cabin and septic plans. They are requesting the following variances:

1. A 61 ft. variance in setback for new residence that will be 39 ft. from the centerline of 156th St NW. Normally a 100 ft. setback to the township road centerline is required.
2. A variance to Section 17.5 (SUBSURFACE SEWAGE TREATMENT SYSTEM PROGRAM) Subdivision 5.2 (D) Which states "A holding tank will not be allowed for a new house, nor may an existing residence with a holding tank be expanded to include additional sleeping areas."
3. A 32 ft. variance in setback for a new home with patio 68ft. 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.
4. A request to allow 26% of impervious surface. Shoreland District – Subdivision 5.5 B allows up to 25% Impervious surface coverage on lots.
5. 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 Alford's 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 lot sizes are small which doesn't always allow for a holding tank and drain field septic system. 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.

Resolution 2023-16 Resolution Establishing Division of Responsibilities for Snow and Ice Removal Between the Town of Big Lake and City of Big Lake for Town/City Roads

The town and city have been dividing snow and ice control on certain roads for several years. Each year, the renewal of this practice is done by resolution by each governing agency. The city has their version of the same resolution on their 08/23/2023 meeting's consent agenda, for adoption.

Motion/Second to adopt Resolution 2023-16 Establishing Division of Responsibilities for Snow and Ice Removal Between the Town of Big Lake and City of Big Lake for Town/City

Roads. by: Hayes/Hedstrom. Approved by: Alford, Aubol, Hayes, and Hedstrom. None opposed. None abstained. Motion Prevailed.

#### Resolution 2023-17 Resolution Designating Polling Locations for 2024 Elections

The designation of polling locations is required to be performed by local governing agencies by December 31 annually. The clerk has secured polling locations for all 2024 elections. Precinct 1: Lord of Glory Lutheran Church, located at 15550 190th Street NW, Elk River, MN in Sherburne County. Precinct 2: Big Lake Town Hall, located at 21960 County Road 5, Big Lake, MN in Sherburne County. Precinct 3: Big Lake Fire Department Hall, located at 20243 County Road 43, Big Lake, MN in Sherburne County.

Supervisor Hedstrom inquired if other locations had been sought for Precinct 3 voters, as the fire station is not located in the area where precinct 3 voters reside. Supervisor Hayes offered that the fire station has been used as precinct 3 polling location, because the town is half owner of the department and changing polling locations tends to confuse voters. Clerk Maas will investigate the possibility of using either Riverside Church or Bridgeview Assembly of God church as alternate polling locations after the 2024 election season.

Motion/Second to adopt Resolution 2023-17 Designating 2024 Polling Locations as presented by: Alford/Hayes. Approved by: Alford, Aubol, Hayes, and Hedstrom. None opposed. None abstained. Motion Prevailed.

#### Sherburne County Updates

Zoning violations to date were reviewed by the Board. To date there have been 30 septic violations, 31 other zoning violations, with 17 still being active.

#### Adult Use of Recreational Marijuana legislation

Chair Aubol and Clerk Maas were present at the meeting held by Sherburne County regarding the recently enacted Adult Use of Recreational Marijuana, legislation. This statute gives the Local Governing Agencies (LGA) – counties, townships and cities, the authority to regulate the adult use of cannabis.

Two ways in which LGAs can approach these matters.

1. Solely relying on the County's ability to regulate using MN statutes Chapter 145A (Public Health Statute. Chapter 145A) for the use on/in county, township, and city public spaces, dispensary matters. Including zoning, A "top down" approach.
2. Enact our own ordinances and enter into a Joint Powers Agreement with the county for permitting, compliance, and enforcement of the policies OR hire our own staff to complete these tasks. MN statute Chapter 152 (Drugs & Controlled Substances Statute. Chapter 152).

The township representatives attending the meeting agreed that it makes more sense to use the top-down approach for simplification and ease of enforcement – option #1, from above. They also agreed that they would like to prohibit the use of cannabis on their public lands and limit the number of dispensaries in the county to 9 – which is the fewest that MUST be allowed in the county, per statute. Not all LGAs had representation at the meeting and of course any official action must be taken at full board or council meetings. The county's *preference* is to have ALL LGAs meet and hopefully come into agreement with the use in/on ALL public lands, the total number of dispensaries we think is appropriate for the county, and appropriate dispensary location(s). The board members requested the link to view the meeting's recording and felt the matter should be discussed at the October SCAT meeting to get a general

consensus from all county townships. A resolution will need to be drafted when the town board determines how they wish to proceed. No formal action taken.

#### REVISED Variance for PID# 10-102-3418 to allow for cabin restoration

The 17 ft. variance in right of way setback which was reviewed by the town board on July 26, 2023 was revised by county zoning office. The variance was corrected to use the centerline of 156<sup>th</sup> St NW. Request for comments for a 35' variance in setback from the centerline of 156<sup>th</sup> St NW to lift existing house, repair foundation, and add additions. Normally a 100 ft. setback to the centerline of a township road is required.

The Board members recommended approval of the revised variance.

#### Cody Helriegel Eagle Scout Project Update

Chair Aubol informed the Board he signed the required paperwork, for Cody Helriegel's completed Eagle Scout project so Cody could get it to the Scout Review Board before his deadline. Clerk Maas was able to request the addition of the slab to an existing estimate received for the construction of a new garbage corral, but was unable to secure additional quotes.

Chair Aubol noted the garbage corral was discussed when Supervisor Leslie was still seated on the Board. The estimate received lacked details the Board felt was needed to make a decision on either the garbage corral or slab. The Board requested the Building and Parks Committee obtain at least three quotes for the garbage corral and slab projects. The garbage corral will be built with blocks to match the existing town hall structure. The projects were to be part of the ARPA obligated funds for town hall maintenance and updates.

Motion/Second authorizing the Building and Parks Committee to obtain estimates for garbage corral. The committee is authorized to move forward with the project and spend up to \$20,000 of ARPA funds on the garbage corral project by: Alfords/Hayes. Approved by: Alfords, Aubol, Hayes, and Hedstrom. None opposed. None abstained. Motion Prevailed.

Motion/Second authorizing the Building and Parks Committee to obtain estimates for a 12' x 16' concrete slab to be installed at ground level, under the newly erected shelter within the large breed, off-leash, dog park. The slab shall be brushed and sealed. The committee is authorized to move forward with the project and spend up to \$2,000 of ARPA funds on the shelter slab project by: Alfords/Hayes. Approved by: Alfords, Aubol, Hayes, and Hedstrom. None opposed. None abstained. Motion Prevailed.

#### Roads

Supervisor Alfords told the Board that TW Hauling has completed crack filling of all the 2022 overlaid roads. They changed the width of routing from  $\frac{3}{4}$ " to  $\frac{1}{2}$ " to speed the process and use less fill product.

#### Supervisor Updates

Supervisor Aubol attended a planning and zoning advisory council meeting. The Preliminary and Final Simple Plats of MENKVELD ADDITION and IUP for temporary manufactured home on Fitzsimons property were approved by the planning commission.

Treasurer’s Report

Treasurer Warneke reviewed the Treasurer’s Report and Financial Statements with the Board. The town was given an additional extension on filing financials with the Office of the State Auditor valid until 9/30/2023. The audit firm has our paperwork in review. Once completed it will be filed with the OSA and a presentation and report will be made to the town board. The town treasury ending balance (less escrows) as of August 23, 2023 equaled \$2,720,292.44. Including escrows, the total town treasury was \$2,819,252.10 *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: Hayes/Hedstrom. Approved by: Alford, Aubol, Hayes, and Hedstrom. None opposed. Motion Prevailed.

2024 BLFD Capital Improvements Budget

Treasurer Warneke reviewed the BLFD Capital Improvements budget with the board. The 2024 budget shows that we will be \$58,000 short for the items planned for purchase. The city has taken the purchase of the grass rig and tender from their budget. The board would like to know when those trucks will be considered for purchase since they are ones from which the township would benefit. This question will be asked at the next BLFD Joint Powers Board meeting. The new ladder is scheduled for delivery in 2025. Treasurer Warneke is using \$287,000 as his FD Capital budget number for the township.

2024 Big Lake Township Budget & Levy Recommendations

Treasurer Warneke presented his thoughts for the 2024 levy. The board discussed the information and felt there should be some modifications to the numbers presented. They felt a small increase to the levy would be appropriate to ensure all fund balances are properly maintained. The Board’s recommendations as follows, will be presented to the electorate at the reconvened annual meeting on Wednesday September 13, 2023 at 6:00PM.

General Fund	\$ 385,000
Road and Bridge Fund:	\$1,553,000
Big Lake Fire Fund:	\$ 246,000
Fire District #1 Fund:	\$ 77,000
Fire Bldg/Equip. Fund:	\$ 345,000
Cemetery Fund:	\$ 4,000
Economic Development/Industrial Park:	\$ 44,000;
Fire Bond Redemption:	\$ -0-
IP Bond Redemption:	\$ 46,000
Capital Expenditure:	\$ 50,000
Total:	<u>\$ 2,750,000</u>

2023 to 2024 % CHANGE increase: **4.56%**

Announcement

- ~ BLFD JPB Meeting on Tuesday September 5, 2023 @ 5PM
- ~ Annual Dog Vaccine & Well Water Nitrate Level Testing Event. Saturday September 9, 2023 from 9AM – 12PM, in town hall garage
- ~ Sherburne County Collection Event – Mattresses, cardboard & film plastic ONLY. Saturday September 9, 2023 from 9AM – 1PM at Vonco II landfill, Becker
- ~ Next regular meeting on Wednesday September 13, 2023 @ 6PM
- ~ Next & LAST PRODUCE DISTRIBUTION September 18, 2023 @ 3:30PM – 5:30PM

Adjournment

Motion/Second to adjourn the Regular Meeting at 8:18 PM by: Hayes/Alfords. All Supervisors present approved. Motion Prevailed.

Respectfully Submitted,

Brenda Kimberly-Maas, Clerk

Accepted this 13th day of September 2023, by the Town of Big Lake Board of Supervisors.

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

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