



Regular Board Meeting  
Wednesday December 11, 2024

The Town of Big Lake Board of Supervisors commenced their regular meeting and board of canvass at 6:00 PM, on Wednesday December 11, 2024, at the Town of Big Lake Town Hall, located in the Big Lake Township's Lions Park Community Center, located at 21960 County Road 5 NW, Big Lake Township, Sherburne County, State of Minnesota. The meeting was called to order by Chairman Bruce Aubol and the Pledge of Allegiance was recited. Supervisor Larry Alford, Supervisor Dean Brenteson, Supervisor Laura Hayes, Supervisor Mark Hedstrom, Treasurer Ken Warneke, Clerk Brenda Kimberly-Maas, Sergeant Derek Barret - Sherburne County Sheriff's Department, resident Cherlynn Krueger, and County Commissioner RaeAnne Danielowski, newspaper reporter Katie Cantin, and two members of the public were in attendance.

Approval of Meeting Agenda

Supervisor Hayes requested the addition of an agenda item to discuss Options cleaning contract, as Town Business - item G.

Motion/Second to approve the amended agenda by: Hayes/Hedstrom. Approved by: Alford, Aubol, Brenteson, Hayes, and Hedstrom. Motion Prevailed. The meeting proceeded in accordance with the amended agenda.

Approval of Consent Agenda

The Consent Agenda consisted of the approval of minutes from the Regular Board on November 13, 2024, presented claims and payroll, and the call for the 2025 Local Board of Appeal & Equalization meeting on Thursday April 10, 2025, to commence at 10:00AM at the Big Lake Town Hall.

Motion/Second to Approve consent agenda by: Brenteson/Hayes. Approved by: Alford, Aubol, Brenteson, Hayes, and Hedstrom. None Opposed. Motion Prevailed.

Sherriff's Report

Sergeant Derek Barrett was in attendance and reported 228 calls in the township, for the month of November 2024. Sergeant Barrett highlighted 2 motor vehicle accidents. One on the bridge over the Elk River on County Road 15. A vehicle lost control and side-swiped an oncoming vehicle. This resulted in some minor injuries. The second was the fatality on Highway 10 at 172<sup>nd</sup> street. He reported on a four 35MPH speed limit signs that were taken and replaced with 25MPH signs on 195<sup>th</sup> & 196<sup>th</sup> streets and 180<sup>th</sup> & 181<sup>st</sup> Ave. The investigating deputy spoke with several residents, but none had any information on the theft. Sgt. Barrett asked that anyone with information to call the Sheriff's Department.

Regular Business

Big Lake Area Community Food Shelf December Challenge Fundraiser

The Big Lake Area Community Food Shelf sent a request for donation to their December Challenge Fundraising event. Board members discussed the request and decided to forego making a donation. The organization uses the town hall for its pantry and produce distribution during the months of April – September and the Board considers this a donation in kind. It was also noted that residents on the east side of the township - roughly 50% of the residents, are served by CAER Food Shelf, in Elk River and would not benefit from a donation to the Big Lake agency.

No action taken.

### Sherburne County Ordinances Related to Cannabis Businesses

On the 14th of November, 2024, Sherburne County Attorney's office sent an email with the final drafts of ordinances and a proposed joint powers agreement, for zoning and enforcement regarding cannabis businesses, in Sherburne County. This approach is more involved than what most Minnesota counties require of their townships. The information was sent out to Town Board members, throughout the county, for review. Several Sherburne County townships sent the documentation to their legal counsel for examination. Clerk Maas has learned that Couri & Ruppe PLLP, who serve as legal counsel to many Sherburne County townships, advised their clients to wait on adopting the County's proposed ordinance and Joint Powers Agreement. Currently, Couri & Ruppe are working with the County Attorney's office to modify language in the documents. Some of the language in the ordinance would require townships to create their own planning commissions. Clerk Kimberly-Maas would like to send the County's documents to Peter Tiede and request he reach out to Couri & Ruppe, get their opinion. Then work with Couri & Ruppe in creating an ordinance and joint powers agreement, which will be in the best interest of the townships in Sherburne County, and still delegate cannabis business enforcement to Sherburne County.

Additional information will be presented at a January 2025 meeting.

### BLFD Capital Improvement Project – Truck Bays Floor Resurfacing

Big Lake Fire Department Joint Powers Board is requesting the Town Board to authorize a capital expenditure to reseal the truck bay floors. This is a capital improvement project which was first placed on the FD CIP Budget as a 2019 project. The BLFD Joint Powers Board delayed the project until the leaking fire station roof was replaced. The roof was replaced in 2023 and is leak-free.

Chief Hansen acquired four estimates to have the floor resurfaced. All quotes included removing the existing coating, preparing the floor for new coating, and striping. All quotes have a 30-year warranty. The warranty covers product failure and craftsmanship. The product will not be covered, due to any concrete failure – spalling leading to cracking. It also wouldn't be covered from abuse like someone doing burnouts on the floor because that would not be considered normal use.

The BLFD Capital Improvement Plan budgeted amount for this project is \$70,000. The quotes were presented to the BLFD JPB at the November 12, 2024, meeting. Upon review of the quotes, the Fire Board recommended going with Zach's Painting/Xtreme Coatings quote of \$52,875.00. Other quotes were \$74,843.00, \$79,735.00, and \$87,500.00.

If the Town Board authorizes this project, it will commence before the end of 2024 as the City of Big Lake approved this project as part of their consent agenda, presented during their November 24, 2024, meeting.

The cost of resurfacing the fire station floor will be split 50/50 between the Town and City. The Town's portion is \$26,437.50, which will be taken out of BLFD CIP Fund 401 or the ARPA fund 206, should the Board wish to utilize remaining ARPA funds.

Motion/Second to acceptance of the quote for BLFD capital improvement project of resealing the truck bay floors, from Zach's Painting/Xtreme Coatings, in the amount of \$52,875.00 – Town's portion \$26,437.50 by: Alford's/Brenteson. Approved by: Alford's, Aubol, Brenteson, Hayes, and Hedstrom. None opposed. None abstained. Motion Prevailed.

### Request for variance to Town Ordinance 85-1 section 100.20 subd. 1. Agricultural Animals

Town ordinance for Regulation of Animals prohibits agricultural animals on platted parcels. Generally, platted parcels in the township are 2.5 acres. Cherlynn Krueger owns two adjacent, 5-acre parcels, in the plat known as Oak Savannah at Selg Farm. She is requesting a variance to section 100.20 subd. 1 to allow her to bring her elderly horse and possibly two additional companion horses to the property. There is no plan to have a horse boarding operation, or horse related business, resulting from having a horse on the property. Cherlynn presented her plans for a stable, pasture area, and manure management to the Board. She also informed the supervisors, she has discussed bringing up to three horses to the property, with her neighbors. All of them have been supportive of this plan.

Supervisor Brenteson stated he would like the Kruegers to be extremely mindful of all manure storage location(s), as the ditch on the south property line is deep and drainage culverts divert run-off to nearby marshes and ponds, which eventually drain into the Elk River. Cherlynn plans to have manure

hauled off-site on a regular basis and the stable will be in an area far from the ditch and marsh areas of the property. Supervisor Hayes noted the request for variance is for two adjacent, 5-acre parcels – creating essentially 10 acres for the up to three horses. The ordinance states a parcel of 4+ acres which is unplatted, is able to have large agricultural animals. She believes this variance request is appropriate. Supervisor Alfords and Supervisor Hedstrom requested Cherynne obtain letters from landowners adjacent to the Krueger property, stating they approve of her housing up to three horses on her land.

Motion/Second to grant a variance to Town Ordinance 85-1 section 100.20 subd. 1. Agricultural Animals, to Cherynne Krueger to house up to three horses on parcels 10-00566-0150 and 10-00566-0110. Variance to be revoked if either parcel changes ownership. Variance is contingent on the Town receiving letter(s) of approval of variance from adjacent landowners by: Hedstrom/Hayes. Approved by: Alfords, Aubol, Brenteson, Hayes, and Hedstrom. None opposed. Motion Prevailed.

Clerk Kimberly-Maas was directed to issue letter of variance when letter of approval from neighbors is received.

Employee Benefits – QSEHRA

When updating the Town Board’s election for employee benefit levels, after the November 13, 2024, meeting; Clerk Kimberly-Maas was informed by the Benafica’s director of TPA operations, that the Town was misadvised by Benafica representatives, when creating the existing QSEHRA plan. At that time, the Town Board was advised they could have two separate job classifications – full-time and part-time, and offer different reimbursement levels based on an employee’s job classification. According to current Benafica representatives, we are UNABLE to offer different levels of reimbursement based on an employee’s job classification. IRS Bulletin 2017-67 was reviewed to confirm this revelation.

The Town’s Employee Handbook states:

“The Township may offer a health reimbursement program. This program is offered to regularly scheduled employees in a job classification of Clerk, Treasurer or Regular Full-time, working more than 20 hours per week.”

The Town’s current QSEHRA Health Reimbursement Arrangement with Benafica states:

Job Class	Employee	Employee + Spouse	Family	Employee + Child	Age Category
Full Time	\$6,350.00	N/A	\$6, 350.00	N/A	Any Age
Part Time	\$3,075.00	N/A	\$3,175.00	N/A	Any Age

According to the IRS’s QSEHRA bulletin 2017-67 employees who work 35 or more hours weekly are considered full-time. Based on this definition, all town staff would be considered part-time. If the Board wishes to continue to provide QSEHRA benefits to employees, the town plan will need to include full-time and part-time employee.

Mike Roth, Benafica’s new Client Success Manager, was contacted and provided the following information:

The available options for offering QSEHRA benefits to our employees:

- The Board may choose to offer the benefit exclusively to full-time employees.
- If the Board decides to extend the benefit to part-time employees, they must receive the same contribution amount as full-time employees.

\*\*\* It is important to note that different contribution amounts cannot be provided to full-time and part-time staff. Should the Board offer the benefit to both job classifications, they MUST offer the same level of benefit.

The Town will NOT be charged to make changes to the Town’s QSEHRA plan, including its termination, if so chosen.

Board members discussed the information presented It was noted the Board initially opted to provide QSEHRA coverage due to a former employee’s need to provide self-coverage for medical insurance. And were unsure if they would like to continue offering the benefit. They also discussed the

poor communication that has been experienced with Benafica, since beginning the business relationship. It was determined they would like to terminate the relationship with Benafica and will research other QSEHRA administration companies, as well as other health reimbursement options.

Motion/second to terminate the QSEHRA plan and business relationship with Benafica by: Aubol/Hayes. Approved by: Alfords, Aubol, Brenteson, Hayes, and Hedstrom. None opposed. Motion prevailed.

#### Employee Benefits – Paid Time Off (PTO)

While reviewing the employee benefits policy for QSEHRA benefit information, Clerk Kimberly-Maas also reviewed employee paid time off (PTO) and ESST sections of the policy. The number of hours allowed to be carried over from one year to the next for both PTO and ESST is 80 hours. Clerk Kimberly-Maas reviewed staff's ESST/PTO ending balances. Both Treasurer Warneke and Clerk Kimberly-Maas have PTO balances well over the 80-hour carryover limit.

The existing policy gives no guidance to hours in excess of the carry-over limit. Supervisor Hayes and Supervisor Hedstrom are the officials on the personnel committee and were contacted for direction. The committee held a meeting on Tuesday December 10, 2024, and informed the Board they intended to have the excess time that was initially brought to their attention in December 2023 and resulted in the creation of the Employee Handbook, to be removed from the books. Clerk Kimberly-Maas stated the Board gave no direction during the meeting, so the accrued time was left on the books. Supervisor Hedstrom stated he felt that PTO should be like ESST where if you don't use the time, you lose it.

Supervisor Alfords stated the company where he spent his career, paid out accrued time more than the allowed carry-over amount. It was considered supplemental income. Treasurer Warneke recalled previous boards allowed the carry-over, in case an employee needed to take extended time off as leave, they would still receive wages to cover their expenses. Clerk Kimberly-Maas noted that paying out the treasurer's excess carry-over PTO, could jeopardize his social security benefit. Further discussion resulted in the Board's desire to clear vacation time and excess PTO from the books. Accrued vacation prior to the implementation of the current PTO policy will be paid out at the employee's 2023 rate. PTO hours accrued in excess of 80 hours at the end of 2024 and successive years will be paid out at the beginning of the following year, at the employee's rate for the calendar year in which it was accrued and, in a manner, preferred by the employee. The practice of paying out PTO hours in excess of the allowed 80-hour carryover will be done annually, beginning in 2025.

Motion/Second to establish staff's accrued vacation time prior to paid time off policy effective date, and paid time off more than the allowed annual carry-over of 80 hours, to be paid out on staff's preference by: Hedstrom/Hayes. Approved by: Alfords, Aubol, Brenteson, Hayes, and Hedstrom. None Opposed. Motion prevailed.

#### Options Contract

Supervisor Hayes presented a contract agreement from Options, Inc. to perform weekly cleaning services of the town hall, for calendar year 2025. There is an increase of \$4.00 per weekly service, over the 2024 contract pricing. This is reflective of the minimum wage increase which affects Options, Inc. clients. Staff has reported that the cleaning crew of four and their job coaches do a fantastic job.

Motion/second to enter into contract for 2025 town hall cleaning services, with Options, Inc. at a rate of \$48.00 per weekly cleaning service by: Hayes/Hedstrom. Approved by: Alfords, Aubol, Brenteson, Hayes, and Hedstrom. None opposed. Motion prevailed.

#### Road report

Supervisor Brenteson reported the tree clearing continues with trees being trimmed the full width of the right-of-way, from the ground up. Historically, the town did not clear vertically, as high as is currently being done. Maintenance will be done to ensure the ROW width is maintained vertically, moving forward. The Road Committee has sent their proposed 2025 road projects to the town's engineer, William Tessmer.

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

Supervisor Hedstrom reported the Personnel Committee met to review the employee handbook language, as was discussed during regular business.

Supervisor Hayes is part of the Personnel Committee and reported the committee will be meeting again, in the next few months to review, revise, and make proposals for the employee handbook to the Board.

Supervisor Aubol attended the Planning & Zoning Advisory Meeting where a proposed 700-acre gravel mining pit was discussed and approved in Haven Township. This mine will be on both sides of County Road 65.

### Treasurer's Business & Report

Treasurer Warneke reminded the Board they had already obligated all ARPA money to be spent as lost revenue when Resolution 2022-09 was adopted on April 27, 2022. However, he would like to have the Board take formal action and obligate the remaining ARPA funds toward the new ladder truck – "Tower 1".

Motion/second to obligate the remaining ARPA funds of \$175,951.95 toward the purchase of Big Lake Fire Department's ladder truck – Tower 1, by: Brenteson/Aubol. Approved by: Alfords, Aubol, Brenteson, Hayes, and Hedstrom. None opposed. Motion prevailed.

Treasurer Warneke reviewed the Treasurer's Report and financial statements with the Board. He informed the Board the Town received the second tax settlement. Accounts balances highlighted in the report included the general fund (\$447,634.04), road fund (\$ 1,595,639.60), and Big Lake fire fund (\$154,515.12). The town treasury ending balance (less escrows) after payment of approved claims was \$3,742,785.87 and escrow funds balance of \$141,897.53. The total town treasury balance: \$3,884,683.40.

Motion/Second to approve the Treasurer's report by: Hayes/Brenteson. Approved by: Aubol, Brenteson, Alfords, Hayes, and Hedstrom. None opposed. Motion Prevailed. *Financial Reports are retained as part of the Official Minutes, which are available in the Clerk's Office.*

### Open Forum

None

### Announcements

- Town office will be Closed Christmas Eve, Christmas Day, New Year's Eve, and New Year's Day
- BLFD Joint Powers Board Regular Meeting – Tuesday January 7, 2025, commencing at 5PM, at the Big Lake Fire Station.
- Next Regular Meeting Wednesday January 8, 2025, commencing at 6PM – Oath of Office will be administered to elected officials at this meeting.
- Joine Community Meeting – City of Big Lake, Town of Big Lake, Orrock Township, Sherburne County, Big Lake School District (ISD 727) – Thursday January 16, 2025, commencing at 6PM in the City Council Chambers.

### Adjournment:

Motion/Second to adjourn Regular Board Meeting at 7:31 PM by: Hayes/Hedstrom. Approved by: Aubol, Brenteson, Alfords, and Hedstrom. None opposed. Motion prevailed.

Recorded by: Brenda Kimberly-Maas, Town Clerk

Accepted this 8th day of January 2025, by the Town of Big Lake Board of Supervisors.

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Bruce Aubol, Chair