

## OFFICIAL PROCEEDINGS

Pursuant to due call and notice thereof, the regularly scheduled meeting of the Spring Lake Park City Council was held on May 7, 2018 at the Spring Lake Park Community Center, 1301 81st Avenue N.E., at 7:00 P.M.

### 1. Call to Order

Acting Mayor Nelson called the meeting to order at 7:00 P.M.

### 2. Roll Call

Members Present: Councilmembers Nelson, Wendling, Delfs and Goodboe-Bisschoff

Members Absent: Mayor Hansen

Staff Present: Police Chief Ebeltoft; Public Works Director Randall; Building Official Brainard; Engineer Gravel; Attorney Thames; Parks and Recreation Director Rygwall; Administrator Buchholtz and Executive Assistant Gooden

Visitors: Paddy Jones, Ham Lake, MN  
Olivia Alveshere, ABC Newspaper  
Daniel Gelb, 9617 Oak Ridge Trail, Minnetonka  
Osman Musani, 14537 Locksley Trail, Savage  
Mark Lazarchic, Blue Sun Soda Shop

### 3. Pledge of Allegiance

### 4. Additions or Corrections to Agenda

Administrator Buchholtz requested that Item 10 G., Landlord's Consent to Assignment, and Item 10 H., Past Due Rental Settlement Agreement, be added to the agenda.

### 5. Discussion From The Floor- None

### 6. Consent Agenda:

Mayor Hansen reviewed the following Consent Agenda items:

- A. Approval of Minutes – April 16, 2018
- B. Mayor's Proclamation – Building Safety Month – May 2018
- C. Mayor's Proclamation – Municipal Clerks Week – May 6-12, 2018
- D. Mayor's Proclamation – National Police Week - May 13-19, 2018
- E. Request for No Parking Signs on one side of Hillview Road on Saturday, May 19, 2018
- F. Citywide Towing Impound Services Agreement
- G. Torg Brewery Liquor License
- H. Contractor's Licenses
- I. Sign Permit
- J. Correspondence

Councilmember Wendling inquired if Blue Tow Towing combined businesses with Citywide Towing. Police Chief Ebeltoft reported that Citywide Towing purchased Blue Tow Towing and an agreement has

been reached with Brett Letourneau of Citywide Towing to provide towing and impound services for the City.

MOTION BY COUNCILMEMBER DELFS TO APPROVE THE CONSENT AGENDA. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

#### 7. Public Works Report

Public Works Director Randall reported that in the month of April, the Public Works Department continued to collect the garbage and recycling at the parks and completed the planter boxes for the community garden. He stated that the merry-go-round at Able Park was removed to be repaired.

Mr. Randall reported that the Department plowed and salted three times in the month of April. He reported that the Department has started patching potholes with hot mix; continued to trim boulevard trees and repair street signs.

Mr. Randall stated the weight limits on the streets have been removed and the flushing of the fire hydrants has started. He reported that he and Recycling Coordinator Brown assisted at the City Recycling day April 14, 2018.

#### 8. Code Enforcement Report

Building Official Brainard reported that he attended the Council meetings on April 2 and April 16; a Department Head meeting on April 3; the North Suburban Code Official meeting on April 10; Code Enforcement Inspector interviews on April 24 and the North Suburban Building Officials meeting on April 24.

Mr. Brainard stated that in April 2018, 11 building permits, two sign, one zoning, three mechanical and five plumbing permits were issued for a total of 22 permits compared to a total of 28 in 2017. He reported that he conducted 134 inspections in the month of April.

Mr. Brainard reported construction continues rapidly at the Legends of Spring Lake Park, as the roof to the front entry has been installed and that mechanical, plumbing and drywall has been completed on a section of the building.

Mr. Brainard stated that on April 24, 2018, he conducted interviews for the part-time Code Enforcement Inspector position. He reported that a tentative offer has been made pending the background investigation. He stated that position will start on May 8, 2018 and continue through the end of 2018.

Mr. Brainard reported that the March 2018 vacancy listing shows that there are 14 vacant/foreclosed residential properties currently posted and/or soon posted by the Code Enforcement Department, which is down two from last month. There are two vacant/foreclosed commercial property, which is remains the same from last month; and five residential properties currently occupied and ready for Sheriff Sale redemption, which is the same as last month. He reported that he posted one abandoned and/or vacant property notice in month of April. He stated that the department issued 13 administrative offense tickets and six written violation notices in the month of April.

Mr. Brainard provided the Council a public information handout on installing a fence.

9. Ordinances and/or ResolutionsA. Resolution 18-14 Approving a Conditional Use Permit for An Auto Repair Facility at 1540 County Road 10 NE

Administrator Buchholtz reported that Daniel L. Gelb of Northern Auto Repair, LLC submitted a Conditional Use Permit application for the operation of a used car sales and auto repair facility at 1540 County Road 10 NE. He reported that currently, the site is vacant, though it has most recently been used as an automobile repair shop. He reported that the existing repair shop was closed and the CUP was revoked because of numerous complaints and violations on the site. He noted that prior to the repair shop; the site was used for automobile sales.

Administrator Buchholtz reported that the property is zoned C-1, Shopping Center Commercial and guided Commercial on the 2030 Future Land Use Plan. He reported that the proposed automobile repair shop is a conditional use in the C-1 zoning district and consistent with the Comprehensive Plan. He stated that proposed used automobile sales lot is prohibited in the C-1 zoning district. He stated the Conditional Use Permit will only apply to the use for the automobile repair shop, as a used automobile sales lot is prohibited.

Administrator Buchholtz reported that although the site has ample paved areas for parking, the lot is currently not striped, and it is unclear which areas of the lot are designated for automobile storage, visitors, and employees. He stated that the city's parking requirements state for automobile repair/maintenance facilities, businesses must provide three spaces per maintenance bay and one space per shift employee, and accessible parking spaces are required.

Administrator Buchholtz reported that given that the property has three garages, each with two bays (six bays total) the applicant is required to provide 18 parking spaces for visitors. He stated that assuming there are four shift employees at the facility at any time, this would bring the total required parking spaces to 22 spaces. He stated that the applicant will be required to prepare a drawing for the City to review showing the proposed conditions on the site for neighboring properties and visitors.

Administrator Buchholtz reported that a second access to the service road for County Road 10, at the southeast end of the property, has been closed off to vehicular traffic with asphalt. He stated that on either side of this former access, the property features a grass planted boulevard. He stated that the closed access point should also be restored to a planted boulevard with grass to match adjacent street frontage and provide more visual consistency.

Administrator Buchholtz stated that the Planning Commission held a public hearing and recommended approval of the application for a Conditional Use Permit to allow an automobile repair shop in the C-1 district with the following conditions:

1. All vehicles waiting for repair or pick-up shall be stored within an enclosed building or designated off-street parking spaces.
2. All work shall be performed within a completely enclosed building.
3. All vehicles parked or stored on site shall display a current license plate with a current license tab.
4. Outside storage of automobile parts or storage of inoperable or salvage vehicles shall be prohibited.
5. The sale of vehicles is prohibited.
6. The use shall employ best management practices regarding the venting of odors, gas and fumes. Such vents shall be located a minimum of ten feet above grade and shall be directed away from residential uses. All storage tanks shall be equipped with vapor tight fittings to eliminate the escape of gas

- vapors.
7. Waste containers are enclosed or inside the building, in accordance to City standards.
  8. Landscaping of boulevard along County Road 10 in the southeastern part of the site will be restored to match other boulevard areas.
  9. The applicant will stripe the parking lot to delineate parking spaces meeting City dimensional standards.
  10. Proper parking will be provided and designated for visitors, customers, and employees, in accordance to City and ADA standards.
  11. The applicant will provide a drawing to the City Engineer illustrating revisions to the parking lot including striping, parking areas, and boulevard landscaping prior to making improvements.
  12. A Certificate of Occupancy must be obtained from the Code Enforcement Director prior to the start of use.

Mr. Gelb reported to the Council that he had met with Mr. Brainard and they had reviewed the required improvements needed.

Acting Mayor Nelson inquired if Mr. Gelb understands the conditions of the CUP and stated he hopes that the new ownership is proactive and improvements made.

Councilmember Goodboe-Bisschoff inquired as to how many parking spaces will be available and the conditions will be in place for when vehicles can be dropped off for repairs. Administrator Buchholtz stated that 22 parking spaces are required. He reported that currently there are no City Code standards for specific drop off times for vehicles. He stated that a condition could be added to the CUP for drop off hours.

Councilmember Delfs inquired as to who will be running the new repair shop. Mr. Gelb stated that Omar Musani and a manager will be operating the new business.

Councilmember Wendling inquired if any excess vehicles will be stored on site since Mr. Gelb owns several automotive operations. Mr. Gelb stated that the vehicles will leave this location as soon as they are completed and no excess vehicles will be stored.

Acting Mayor Nelson inquired on the timeframe for the opening of the new business and the corrections of the conditions with the CUP. Mr. Gelb stated that the closing is scheduled for the end of July, as that is the end of redemption period of the existing owner. Administrator Buchholtz reminded the Council that that CUP runs with the land and if no action were done within one year of the approval of the CUP, the permit would not be valid.

Councilmember Delfs stated that this new business would be the eighth auto repair business to open within the three surround cities and inquired if the Council should consider if there is a need for another auto repair business.

Councilmember Wendling stated that the area is zoned C-1 for commercial use and feels that car repair businesses are a viable business in the city. Acting Mayor Nelson stated that any limitations would require a change in zoning. He agreed that there are many auto repair businesses; but stated that the present is not the appropriate time to discuss a zoning change.

MOTION MADE BY COUNCILMEMBER WENDLING TO APPROVE RESOLUTION 18-14 APPROVING A CONDITIONAL USE PERMIT FOR AN AUTO REPAIR FACILITY AT 1540 COUNTY ROAD 10 NE WITH THE FOLLOWING CONDITIONS: : (1) ALL VEHICLES WAITING

FOR REPAIR OR PICK-UP SHALL BE STORED WITHIN AN ENCLOSED BUILDING OR DESIGNATED OFF-STREET PARKING SPACES; (2) ALL WORK SHALL BE PERFORMED WITHIN A COMPLETELY ENCLOSED BUILDING; (3) ALL VEHICLES PARKED OR STORED ON SITE SHALL DISPLAY A CURRENT LICENSE PLATE WITH A CURRENT LICENSE TAB; (4) OUTSIDE STORAGE OF AUTOMOBILE PARTS OR STORAGE OF INOPERABLE OR SALVAGE VEHICLES SHALL BE PROHIBITED; (5) THE SALE OF VEHICLES IS PROHIBITED; (6) THE USE SHALL EMPLOY BEST MANAGEMENT PRACTICES REGARDING THE VENTING OF ODORS, GAS AND FUMES SUCH, VENTS SHALL BE LOCATED A MINIMUM OF TEN FEET ABOVE GRADE AND SHALL BE DIRECTED AWAY FROM RESIDENTIAL USES. ALL STORAGE TANKS SHALL BE EQUIPPED WITH VAPOR TIGHT FITTINGS TO ELIMINATE THE ESCAPE OF GAS VAPOR; (7) WASTE CONTAINERS ARE ENCLOSED OR INSIDE THE BUILDING, IN ACCORDANCE TO CITY STANDARDS; (8) LANDSCAPING OF BOULEVARD ALONG COUNTY ROAD 10 IN THE SOUTHEASTERN PART OF THE SITE WILL BE RESTORED TO MATCH OTHER BOULEVARD AREAS; (9) THE APPLICANT WILL STRIPE THE PARKING LOT TO DELINEATE PARKING SPACES MEETING CITY DIMENSIONAL STANDARDS; (10) PROPER PARKING WILL BE PROVIDED AND DESIGNATED FOR VISITORS, CUSTOMERS, AND EMPLOYEES, IN ACCORDANCE TO CITY AND ADA STANDARDS; (11) THE APPLICANT WILL PROVIDE A DRAWING TO THE CITY ENGINEER ILLUSTRATING REVISIONS TO THE PARKING LOT INCLUDING STRIPING, PARKING AREAS, AND BOULEVARD LANDSCAPING PRIOR TO MAKING IMPROVEMENTS (12) A CERTIFICATE OF OCCUPANCY MUST BE OBTAINED PRIOR TO BUSINESS OPENING. ROLL CALL VOTE: COUNCILMEMBER WENDLING – AYE, COUNCILMEMBER DELFS – NAY, COUNCILMEMBER GOODBOE-BISSCHOFF – NAY; ACTING MAYOR NELSON – AYE. MOTION FAILED.

Councilmember Delfs asked that the discussion be tabled until the May 21, 2018 City Council meeting.

Mr. Gelb stated that he is willing to answer any questions or concerns of the Councilmembers. He stated that he is committed to running a professional business.

Attorney Thames reminded the City Councilmembers that it is their duty to evaluate the application under the current CUP conditions and they are free to discuss matters of concern to try to reach a majority vote this evening or the item be tabled to future meeting. He stated that a second vote would require specific violations for code violations for a reason for denial. He stated that as long as the requirements and standards fit the use, the Council is obligated to vote.

Administrator Buchholtz stated that he would send the 60-day extension letter dated May 7, 2018 since a consensus could not be reached at the meeting.

MOTION MADE BY ACTING MAYOR NELSON TO TABLE THE APPROVAL OF RESOLUTION 18-14 APPROVING A CONDITIONAL USE PERMIT FOR AN AUTO REPAIR FACILITY AT 1540 COUNTY ROAD 10 NE UNTIL MAY 21, 2018. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

B. Resolution 18-15 Approving G.O. Equipment Certificates of Indebtedness, Series 2018A to be Issued by the City of Blaine

Administrator Buchholtz presented the resolution authorizing the City of Blaine to issue general obligation equipment certificates of indebtedness to finance various equipment for municipal fire protection and firefighting purposes with a pledge of repayment from Spring Lake Park and Mounds View. He stated that

the resolution and agreement is pursuant to the Joint Powers Agreement with the cities of Blaine, Mounds View and Spring Lake Park. He reported that the city's portion of is less than eight percent.

MOTION MADE BY COUNCILMEMBER WENDLING TO APPROVE RESOLUTION 18-15 APPROVING G.O. EQUIPMENT CERTIFICATES OF INDEBTEDNESS, SERIES 2018A TO BE ISSUED BY THE CITY OF BLAINE. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

#### 10. New Business

##### A. Special Event Permit – Minnesota Soda Festival

Administrator Buchholtz reported that the City of Spring Lake Park received a special event permit application from Blue Sun Soda Shop for the "Minnesota Soda Festival" which will be held on Saturday, August 4, 2018 from 10 AM to 7 PM at 1625 County Highway 10 NE.

Administrator Buchholtz reported that admission to the soda festival is free. He stated that attendees will pay \$.25 per ticket to use toward the purchase of soda samples. He stated that the applicant will not be serving alcohol and food will be provided using food truck vendors. He stated that the event will conclude by 7:00 PM, which is well within the time set forth under the City's noise ordinance.

Administrator Buchholtz stated that staff has reviewed the special event permit and provided comments. He stated that staff recommends approval of the special use permit, subject to the conditions provided to the applicant by staff.

Mark Lazarchic, Blue Sun Soda Shop, reported that several soda bottlers will be coming in to the event from many states. He stated that he has 13 confirmed bottlers that will participate and hopes that he can have 25. He stated that there is space in the back of the warehouse for them to set up for the event. He stated that there will be a car show in front of the building. He stated that there will be parking at the former Povlitzki site and a shuttle bus to bring the customers to the soda shop. He stated that he plans to advertise the event on Facebook.

Councilmember Goodboe-Bisschoff inquired where customers would go if there were violent storm the day of the event. Mr. Lazarchic stated that the back of the building would be a safe location, away from windows and any glass breakage.

Councilmember Goodboe-Bisschoff inquired if there would be a live band and the timeframe the excess garbage and portable toilets would be picked up. Mr. Lazarchic stated that there would not be any live music and the entire cleanup will be completed on the following Monday.

MOTION MADE BY COUNCILMEMBER DELFS TO APPROVE SPECIAL EVENT PERMIT – MINNESOTA SODA FESTIVAL TO BE HELD ON SATURDAY, AUGUST 4, 2018. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

##### B. Highway 65 Signal Painting

Administrator Buchholtz reported that Anoka County is in the process of putting together a solicitation for bids for signal painting. He stated that City staff is seeking authorization to participate in the bid by submitting two signalized intersections for painting.

Administrator Buchholtz stated that staff is seeking authority to paint the signals on Highway 65 at 85<sup>th</sup> Avenue and 81<sup>st</sup> Avenue NE. He stated that the paint is cracking and rust is coming through, making the signals unsightly. He stated the painting contractor selected by the County would remove the existing paint and rust and repaint the signals.

Administrator Buchholtz reported that the City is responsible for this maintenance on both signals pursuant to maintenance agreements signed with the MnDOT. He stated that the County Highway Department estimates the cost of the signal repainting will be approximately \$10,000 - \$12,000 per intersection. He stated that according to MnDOT, the 85<sup>th</sup> signal was installed in 1997 and the 81<sup>st</sup> Avenue signal was installed in 2002.

Administrator Buchholtz reported that staff reviewed the Osborne Road/Highway 65 and the 81<sup>st</sup> Avenue/University Avenue signals as well. He noted that the paint on these signals, while faded, is in relatively good condition. He stated that these signals might be included in a future signal-painting project.

He stated that the funding for the signal repainting would come from the City's MSA maintenance funds (Fund 402).

Councilmember Wendling inquired when the other signal lights, such as University Avenue, will be painted. Administrator Buchholtz stated that it would depend on the condition of the paint on the signals.

MOTION MADE BY COUNCILMEMBER WENDLING TO AUTHORIZE STAFF TO PARTICIPATE IN BID PROCESS WITH ANOKA COUNTY FOR REPAINTING OF SIGNAL LIGHTS. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

C. Proposal for Engineering Services for the Wells 4 and 5 Rehabilitation Project

Engineer Gravel reported that over the past months Engineering staff has worked with Public Works Director Randall to establish maintenance plans for the city's water system. He noted that as part of that process, it was determined that routine maintenance of Wells 4 and 5 should be completed.

Mr. Gravel provided the scope of the work, schedule, and budget to assist the Council and City with the rehabilitation of City Wells No. 4 and No. 5. He stated that these wells were last rehabilitated in 2003 and are due for maintenance, inspection and repair. He reported that this maintenance will help prevent an unexpected outage or breakdown.

Mr. Gravel explained that the schedule of the maintenance is timed so that Well 5 can remain in service throughout the summer months, not being pulled for rehab until after the peak pumping season. He noted that in the event that Well 5 were to begin experiencing problems or break down during the summer, the schedule could be altered to complete Well 5 first.

Mr. Gravel provided a breakdown of the anticipated engineering costs:

Wells 4 and 5 Specifications and Bidding:	\$12,500
Well 4 Construction Oversight:	\$ 6,500
Well 5 Construction Oversight:	\$ 6,500
Expenses:	<u>\$ 1,000</u>
<b>Total Estimate:</b>	<b>\$26,500</b>

Mr. Gravel stated that although it is not expensive to prepare specifications for bidding, the engineering staff believes that formally bidding this project will result in an overall lower construction price. He stated the project will be attractive to multiple drilling firms, since it involves two wells and it allows work to begin during the summer months, when well rehabilitation work is generally harder to find. He stated that he is hopeful this will result in numerous competitive bids for the project.

MOTION MADE BY COUNCILMEMBER DELFS TO AUTHORIZE PREPARATION OF PLANS, SPECIFICATIONS AND BID PROCESS FOR WELLS 4 AND 5 REHABILITATION PROJECT. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

D. 2018 Sanitary Sewer Lining Project Bid Results

Engineer Gravel reported that bids were opened for the 2018 Sanitary Sewer Lining Project on May 1, 2018. He stated that seven bids were received. He provided a summary of the bids.

<u>Contractor</u>	<u>Total Base Bid</u>
Low- Insituform Technologies USA, LLC	\$326,758.40
#2 - Hydro-Klean, LLC	\$343,114.95
#3 - Michel's Pipe Services	\$375,844.00
# 4 - Veit & Company, Inc.	\$382,985.00
#5 - Visu-Sewer, Inc.	\$415,300.00
#6 - Lametti & Sons, Inc.	\$434,620.00
#7 - SAK Construction LLC	\$491,400.00

Mr. Gravel reported low bidder on the Project is Insituform Technologies USA, LLC with a Total Base Bid Amount of \$326,758.40. He noted that this compares to the Engineer's Opinion of Probable Costs of \$300,000. He noted that the bids have been reviewed and found to be in order.

MOTION MADE BY COUNCILMEMBER DELFS TO AWARD THE 2018 SANITARY SEWER LINING PROJECT TO INSITUFORM TECHNOLOGIES USA, LLC IN THE AMOUNT OF \$326,758.40. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

E. Appoint Temporary Election Position

Administrator Buchholtz reported that with recent changes to election laws relating to absentee balloting, staff is in need of a temporary employee to assist with processing absentee ballot applications. He stated that the new direct ballot absentee process has become very popular with residents. He stated that the popularity of the absentee voting it has taxed staff the month before election, limiting their ability to do other aspects of their job.

Administrator Buchholtz reported that staff recommends hiring Alice Prokott as a temporary elections employee. He stated that she is a long time election judge and a former staff person. He stated that her knowledge of election procedures and her customer service skills make her an excellent choice to assist the City with the absentee balloting process.

Administrator Buchholtz reported that Alice would begin part-time starting on October 8 through October 19, 2018. He noted that she would then transition to full time from October 22 through November 5, 2018. In addition to her absentee ballot duties, she would assist staff with preparations of the 2018 General Election. He stated that her salary would be \$12.00/hour, with no benefits. He stated that the temporary position was

discussed during the 2018 budget process and funds were included in the budget for the position.

MOTION MADE BY ACTING MAYOR NELSON TO APPROVE ALICE PROKOTT TO THE TEMPORARY ELECTION POSITION. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

F. Part-time Code Enforcement Inspector Employment

Building Official Brainard reported that interviews were conducted on April 24, 2018, for the part-time Code Enforcement Inspector position. He stated that a contingent offer of employment was made to Mr. John Caldwell with an hourly rate of \$24.00; pending a criminal background check and Council approval to commence work starting on Tuesday, May 8, 2018.

Mr. Brainard reported that the Code Enforcement budget expenditure for the part-time Code Enforcement Inspection has allocated \$14,560.00 for 2018.

Councilmember Delfs inquired if there is a set end date for employment. Mr. Brainard stated that the position will be for as long as the funds allow.

Councilmember Goodboe-Bisschoff inquired if Mr. Brainard would come before Council to ask for more funds when the current funds are exhausted. Mr. Brainard answered affirmatively.

MOTION MADE BY COUNCILMEMBER WENDLING TO APPROVE JOHN CALDWELL AS PART TIME CODE ENFORCEMENT INSPECTOR POSITION. ROLL CALL VOTE: ALL AYES. MOTION

G. Landlord's Consent to Assignment – 8466 Central Avenue NE

Administrator Buchholtz reported that the City received a Landlords Consent to Assignment Agreement from Village Bank for the property at 8466 Central Avenue NE. He stated that the new tenants of the Sunset Grill requested changes to the collateral language of the agreement to include kitchen equipment as all new equipment has been purchased by the new tenants and language changes to the re-assignment rights should a change as such be necessary before the end of the lease.

Attorney Thames stated that he had reviewed the agreement and submitted changes on behalf of the City with Village Bank on the changes to the agreement. He stated he was comfortable with the new changes.

MOTION MADE BY COUNCILMEMBER DELFS TO APPROVE LANDLORD'S CONSENT TO ASSIGNMENT FOR 8466 CENTRAL AVENUE NE. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

H. Past Due Rental Settlement Agreement – 374 and 375 83<sup>rd</sup> Avenue NE

Administrator Buchholtz reported that the City has a property owner, 6936 Baird LLC; failed to renew a rental-housing license this year for two properties that they own – 374 83<sup>rd</sup> Avenue and 375 83<sup>rd</sup> Avenue NE.

Administrator Buchholtz stated that according to Section 150.079 of the City Code, failing to renew a rental-housing license for an active rental property results in a delinquent penalty of 5% of the license fee for each day of operation without a valid license. He stated that the property owner obtained their rental-housing license on May 2, 2018. He stated the resulting delinquency fee is \$2,873.75 per building.

Administrator Buchholtz stated that the property owner requested a waiver of the delinquency fee. He stated that, after consulting with the City Attorney, the City proposed reducing the delinquency fee to \$500.00 per building, with the remaining (\$2,373.75/building) stayed. He stated that if there are no same/similar violation of the Housing Maintenance and Occupancy Code through December 21, 2020, the stayed fine will be waived permanently. He explained that if the property owner is late with their rental registration fee between now and December 31, 2020, the \$2,373.75/building will be levied as a special assessment against each building and the property owner waived their right to appeal the assessment.

Administrator Buchholtz reported that the goal of the administrative offense tickets and penalties is compliance, not generating revenue for the City. He stated the settlement agreement ensures compliance, not just for this year but also into the future.

Councilmember Goodboe-Bisschoff inquired if new owner acquired the building and if they were not aware that the rental license was not renewed. Building Official Brainard stated that new owners had taken over the property and they did not respond to the numerous letters that have been sent to them.

Councilmember Goodboe-Bisschoff inquired on the condition of the buildings. Mr. Brainard stated that they are deteriorating and he has talked with the owners regarding the expectations of the upkeep of buildings.

Acting Mayor Nelson stated that he has many concerns with the building and stated that the fines can be assessed the property if the owners do not honor the agreement.

Mr. Brainard stated that the property owners have received a letter from him stating the corrections needed and they are aware that the buildings need to be brought into compliance. Administrator Buchholtz stated that the buildings will be watched and the City can issue code violation citations.

Councilmember Goodboe-Bisschoff inquired as to how many apartments are in each building and is concerned with the reduction in the citation fee from \$2,000.00 to \$500.00. Mr. Brainard reported that there are two buildings with 22 apartments.

Councilmember Delfs stated that the reduction is sending a message to the property owners and it is a one-time break that they are receiving. He added that code violation citations can still be issued.

Acting Mayor Nelson stated that the one-time break does not remove the total amount owed as the total amount could be assessed in the future if there is a failure to renew the rental license again.

MOTION MADE BY ACTING MAYOR NELSON TO APPROVE PAST DUE RENTAL SETTLEMENT AGREEMENT FOR 374 83<sup>RD</sup> AVENUE NE AND 375 83<sup>RD</sup> AVENUE NE. ROLL CALL VOTE: COUNCILMEMBERS WENDLING, DELFS AND ACTING MAYOR NELSON – AYES; COUNCILMEMBER GOODBOE-BISSCHOFF- NAY. MOTION CARRIED.

#### 11. Engineer's Report

Engineer Gravel reported that the annual report and annual public meeting for the MS4 Permit will be completed in June. He stated that the detailed storm water modeling for the Surface Water Management Plan has been completed. He reported that a summary report will be presented later this summer.

Mr. Gravel reported that staff is working on the idea of possible construction of a small parking lot on the city owned lot on Buchanan Street south of 81<sup>st</sup> Avenue. He stated that a field survey has been completed and a

plan will be prepared. He reported that once a final cost estimate has been prepared the Administrator will discuss possible arrangements with the commercial property on Buchanan Street.

12. Attorney's Report

Attorney Thames reported that he has been working on a new cellular tower lease. He stated the lease is moving forward and will be ready for the Council to review at a future meeting.

13. Reports

A. Beyond the Yellow Ribbon Report

Acting Mayor Nelson reported that the "Hotrods for Hero's" event will take place on Saturday, May 19, 2018 at Lakeside Park. He stated that there will be a car show, games, military personnel and food available with proceeds benefiting the Beyond the Yellow Ribbon families. He reported that the pork chop dinner will not be held in May due to the Memorial Day holiday.

14. Other

A. Administrator Reports

Administrator Buchholtz reported that the community billboard will be reinstalled on May 11, 2018. He stated that the billboard was rebuilt from the existing liquor store billboard.

15. Adjourn

MOTION BY COUNCILMEMBER WENDLING TO ADJOURN. VOICE VOTE: ALL AYES. MOTION CARRIED.

The meeting was adjourned at 8:35 P.M.

Attest:  
  
Daniel R. Buchholtz, Administrator, Clerk/Treasurer

  
Robert Nelson, Acting Mayor