

## OFFICIAL PROCEEDINGS

Pursuant to due call and notice thereof, the regularly scheduled meeting of the Spring Lake Park City Council was held on November 6, 2017 at the Spring Lake Park Community Center, 1301 81st Avenue N.E., at 7:00 P.M.

### 1. Call to Order

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

### 2. Roll Call

Members Present: Councilmembers Wendling, Delfs, Goodboe-Bisschoff and Mayor Hansen

Members Absent: Councilmember Nelson

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

Visitors: Paddy Jones, Ham Lake  
Sue Davis, AFS Representative  
Olivia Alveshere, ABC Newspapers  
Veera Toikka (Finland), AFS Student

### 3. Pledge of Allegiance

4. Additions or Corrections to Agenda - None

5. Discussion From The Floor - None

### 6. Consent Agenda:

Mayor Hansen reviewed the following Consent Agenda items:

- A. Approval of Minutes – October 16, 2017
- B. Approval of Public Right of Way Application – Comcast
- C. Approval of Public Right of Way Application – CenturyLink
- D. Request for Contractor's Payment No. 1 – ASTECH Corp.
- E. Request for Contractor's Payment No. 2 – Visu-Sewer, Inc.
- F. Contractor's Licenses
- G. Correspondence

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

## 7. Presentation

### A. Mayor's Proclamation – Foreign Exchange Student Week – Honorary Citizen Veera Toikka

Mayor Hansen presented a proclamation proclaiming the week of October 2, 2017 as American Field Service Week and proclaiming that Veera Toikka be named honorary citizen for the City of Spring Lake Park for the duration of her stay. Mayor Hansen noted that Ms. Toikka was not able to attend the previous Council meeting during American Field Service Week.

## 8. Public Works Report

Public Works Director Randall reported that the Public Works Department has been collecting trash at the parks; continuing to mow; collecting leaves and performing general clean up. He reported that patching of potholes has taken place and numerous cement sidewalk panels have been replaced at Lakeside Park.

Mr. Randall reported that all the fire hydrants have been pumped out for the winter and street sweeping has started throughout the City. He stated that the Public Works Department has been getting the equipment ready for the snow and winter season.

Councilmember Wendling inquired on the leaf collection that took place on the weekends at City Hall.

Mr. Randall reported that two dumpsters of leaves were dropped off on both weekends and the event was successful.

## 9. Code Enforcement Report

Building Official Brainard reported that he attended the City Council meetings on October 2 and October 16; the Planning Commission meeting on October 23; a Department Head meeting on October 3; the North Suburban Code Officials meeting on October 10; a Public Storage meeting with Administrator Buchholtz on October 23 and the North Suburban Building Officials meeting on October 31.

Mr. Brainard stated that in October 2017, 23 building permits were issued. He reported that he conducted 122 inspections in the month of October including 56 building, 11 mechanical, 10 plumbing, 14 nuisance, one Certificate of Occupancy, 15 rental, six fire and nine zoning inspections.

Mr. Brainard reported that the October 2017 vacancy listing shows that there are 17 vacant/foreclosed residential properties currently posted and/or soon posted by the Code Enforcement Department, which is down one from last month. There are two vacant/foreclosed commercial property, which is the same as last month; and six residential properties currently occupied and ready for Sheriff Sale's redemption, which is the same as last month. He reported that he did not post any abandoned and/or vacant property notices in month of September. He also reported that eight Administrative Offense Tickets were issued by the Code Enforcement Department.

Mr. Brainard provided a handout on fences for residents as well as commercial owners to help understand the regulations and process for erecting a fence.

10. Ordinances and/or ResolutionsA. Ordinance 441 Amending Chapter 153 of the Spring Lake Park Code of Ordinance Relating to Conditional Use Permits

Administrator Buchholtz reported that over the past several years, City staff has been working to address the issue of ensuring certain businesses are complying with the conditions of their Conditional Use Permit/Special Use Permit (CUP). He stated that City staff has issued warning letters and, in many cases, Administrative Offense Tickets to businesses who have failed to comply with the conditions of their CUP. He stated that even with the enforcement actions, compliance has been elusive. He reported that in consultation with the City Attorney, an amendment to the CUP ordinance has been drafted that will establish a suspension/revocation process for consistent violators.

Administrator Buchholtz stated that the current ordinance makes violations of a CUP and its conditions a misdemeanor, which must be processed through the Court system. He explained that the proposed ordinance maintains the ability for the City to prosecute ordinance violations through the Court system, but also establishes a process for which violations can be punished through the suspension and/or revocation of the permit.

Administrator Buchholtz stated that if the violation has not been corrected within 10 days of written notice from the Zoning Administrator, the City Council can pursue suspension or revocation utilizing the following procedure:

1. Written notice must be provided to the permittee at least ten business days prior to the permit being suspended or revoked.
2. Notice must be delivered personally or sent by first class mail. The notice will include the effective date of the suspension/revocation, a description of the violations the suspension or revocation is based upon and the facts supporting the conclusion that a violation has occurred. If the Owner desires to appeal, the Owner must, within 10 business days, file a request for a hearing.
3. The hearing request must be in writing, stating the grounds for appeal and served personally or by first class mail to the Zoning Administrator.
4. Following receipt of the request for the hearing, the City Council shall set a time and place for the hearing. The Zoning Administrator shall notify the permittee of the time and place of the hearing in the same manner in which the initial notice was delivered.

Administrator Buchholtz stated that the hearing would be conducted in accordance with the Administrative Procedures Act (M.S. §§14.57 to 14.70, as it may be amended from time to time). He stated this process is the same as what the City utilizes to revoke or suspend liquor licenses.

Administrator Buchholtz stated that the Planning Commission held a public hearing on the proposed ordinance at its October 23, 2017 meeting. He reported that the Commission, after reviewing the ordinance and the public testimony, unanimously recommended approval of the proposed ordinance by the City Council.

Administrator Buchholtz stated that there were a few other minor changes to the ordinance such as requiring all applicants to submit an electronic format of all plans and applications and noting that the fees charged are those listed on the approved fee schedule.

MOTION MADE BY MAYOR HANSEN TO APPROVE ORDINANCE 441 AMENDING CHAPTER 153 OF THE SPRING LAKE PARK CODE OF ORDINANCE RELATING TO CONDITIONAL USE PERMITS. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

B. Resolution 17-34 Authorizing Summary Publication of Ordinance 441

MOTION MADE BY MAYOR HANSEN TO APPROVE RESOLUTION 17-34 AUTHORIZING SUMMARY PUBLICATION OF ORDINANCE 441. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

C. Ordinance 442 Amending Zoning Code Regarding Small Wireless Facilities

Administrator Buchholtz reported that the Legislature approved an amendment to the right-of-way statute that allows small wireless equipment to be placed on city-owned infrastructure. He stated that small wireless facilities is a broad term for the types of cell sites that support antennas plus other equipment in a network to add data capacity. He stated that the size of each small wireless facility is limited to each antenna being no larger than six cubic feet in volume, with associated wireless equipment not exceeding 28 cubic feet in volume.

Administrator Buchholtz reported that the City Council has taken the first step to address this statutory change by amending its rights-of-way ordinance to permit these types of facilities. He stated the second step is establishing the zoning for such facilities. He stated the new law pre-empts the City's zoning authority. He stated the City is unable to prevent these facilities from being installed in public rights-of-way. He reported the City, ultimately, has little control over the placement of such facilities, with one exception. He stated that State law allows these facilities located in the right-of-way to be a conditional use in a single family-zoning district. He stated that in order to take advantage of this provision, staff has drafted the ordinance for consideration by the City Council.

Administrator Buchholtz stated that the Planning Commission held a public hearing on the proposed ordinance at its October 23, 2017 meeting. He reported that after hearing no public feedback on the proposed ordinance, the Commission unanimously recommended approval.

MOTION MADE BY MAYOR HANSEN APPROVING ORDINANCE 442 AMENDING APPENDIX D TO CHAPTER 153, ZONING, OF THE SPRING LAKE PARK CODE OF ORDINANCE. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

D. Resolution 17-35 Amending 2017 General Fund Budget

Administrator Buchholtz reported that building Official Brainard has been working on a number of inspection projects due to the construction of the addition to the Spring Lake Park High School and construction of the Legends of Spring Lake Park. He stated that the City Council, to help manage his workload during last year's inspection season, authorized the hiring of a temporary employee to assist with code enforcement and rental housing inspections. He reported that the temporary assignment is to expire on December 1, 2017.

Administrator Buchholtz stated that Mr. Brainard is requesting that the temporary assignment be extended into 2018. He stated that funds have been included in the 2018 General Fund budget to cover a portion of the request. He reported however, a budget adjustment to the 2017 budget would be needed to cover the extension of the assignment from December 1, 2017 through December 31, 2017. He stated that cost to the City would be approximately \$3,300.

Administrator Buchholtz reported that the City has received significant building permit revenue this year because of the significant projects mentioned. He stated that if this request is acceptable to the City Council, Staff would request the following budget adjustments to the 2017 General Fund budget:

<b>Revenue</b>			
101-00000-32230	Building Permit Revenue	\$60,000	\$64,000
<b>Expenditure</b>			
101-42300-01030	Temporary Employees	\$14,560	\$18,560

Administrator Buchholtz noted that the budget adjustment will not impact the City's ability to transfer funds from the General Fund to supplement the 2018 Equipment Certificate.

Mayor Hansen inquired if the approval of this adjustment would allow temporary employment until December 31, 2017. Administrator Buchholtz answered affirmatively.

Councilmember Delfs inquired if Mr. Brainard feels he needs to the assignment extended through 2018. Administrator Buchholtz stated that there are many other projects that will be taking place in 2018 and extra help will be needed to cover code enforcement.

Administrator Buchholtz noted that a budget adjustment could occur in 2018 if the Council would want to revisit the need for the temporary inspector and extending the time of once the other projects are started.

Mayor Hansen stated that she would be most comfortable revisiting the need for a temporary inspector at the end of 2017 due to the uncertainty of projects for the upcoming year. She noted that there is a temporary inspector position budgeted for in the 2018 budget.

MOTION MADE BY MAYOR HANSEN TO APPROVE RESOLUTION 17-35 AMENDING 2017 GENERAL FUND BUDGET. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

## 11. New Business

### A. December Work Session Request

Administrator Buchholtz reported that Staff is requesting the City Council hold a work session on Monday, December 11, 2017 at 5:30 PM to discuss the following items:

1. SBM Fire Capital Improvement Plan (Chief Smith)
2. 2018 Public Utilities Budget
3. Administrator Reports

Administrator Buchholtz noted that staff reserves the right to amend the work session agenda to add additional items should the need exist.

The consensus of the Council was to hold the work session on Monday, December 11, 2017.

Councilmember Goodboe-Bisschoff inquired if the SAFER Grant could be discussed at the work session and a discussion on the number of fire fighters for the SBM Fire Department. Administrator Buchholtz stated that Fire Chief Smith will be in attendance.

12. Engineer's Report

Engineer Gravel had no new items to review.

13. Attorney's Report

Attorney Thames reported that he has been working on the development agreements with Hy-Vee and reported they are nearing completion.

14. ReportsA. Beyond the Yellow Ribbon Report

Councilmember Wendling reported that attendance is remaining steady at the monthly pork chop dinner. He noted that Beyond the Yellow Ribbon members are hoping to work with the Blue Star Moms to coordinate events.

15. Other

Councilmember Goodboe-Bisschoff reported that she attended the ribbon cutting ceremony at Emmanuel Christian Center and provided the residents with a reminder to vote in the election on November 7, 2017.

A. Administrator Reports

Administrator Buchholtz provided the Council with letters from the MnDOT and Anoka County regarding the traffic improvements for the Hy-Vee project. He reported that the letters were forwarded to Hy-Vee.

Councilmember Wendling inquired if the green light time will be increased for 81<sup>st</sup> Avenue to allow more traffic onto Highway 65. Engineer Gravel noted that it currently there is no increase in the green light time but modifications to the turn lanes so traffic flow should increase.

Administrator Buchholtz reported that the City of Mounds View has requested that the median crossover east of Mounds View Boulevard and Spring Lake Road be closed for the development of an apartment building being built. He stated that he will be responding to Mounds View that the city of Spring Lake Park will need more discussion and approval before this can take place.

17. Adjourn

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

The meeting was adjourned at 7:44 PM.

  
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Cindy Hansen, Mayor

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