

OFFICIAL PROCEEDINGS

Pursuant to due call and notice thereof, the regularly scheduled meeting of the Spring Lake Park City Council was held on October 17, 2016 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 Nash, Nelson, Wendling and Mayor Hansen

Members Absent: None

Staff Present: Building Official Brainard; Public Works Director Randall; Engineer Gravel; Planner Carlson; Parks and Recreation Director Rygwall; Administrator Buchholtz and Executive Assistant Gooden

Visitors: Barbara Goodboe-Bisschoff, 8309 Monroe Street NE
Tom Wentz, Rubicon Development Group LLC
Mark Peterson, 8322 Laddie Road NE

3. Pledge of Allegiance

4. Additions or Corrections to Agenda

Administrator Buchholtz asked that Item 5M, Commission Appointments to fill Councilmember Mason's Positions as Acting Mayor, Parks and Recreation Commission, Local 49 Labor Negotiation Commission and Cable Commission Member be added to the agenda.

Mayor Hansen asked that Item 14A Barbara Goodboe-Bisschoff Correspondence, be pulled from the agenda and she stated that her concerns will be addressed after the November 8, 2016 election.

5. Discussion From The Floor

Barbara Goodboe-Bisschoff, 8309 Monroe Street NE, addressed the Council with her concerns regarding the proposed rezoning and construction of a multi-family unit near the municipal liquor store on Highway 65. She stated that she felt more residents should have been notified of the public hearing and feels that bringing a high-rise rental apartment complex into the area does not seem to be the best use of the nine acres. She stated her concerns with the possible tax increase that residents could face if this project were to be developed.

Administrator Buchholtz explained to the Council that the required notice of the public hearing was sent to those residents and businesses within 350 feet of the proposed development as required. He added that the notice was published in the Spring Lake Park Life newspaper and on the City's website, Facebook and Twitter accounts. He stated that mailing public hearing notices to every resident would be very costly.

6. Consent Agenda:

Mayor Hansen reviewed the following Consent Agenda items:

- A. Approval of Minutes – October 3, 2016
- B. Disbursements
 - 1. General Fund Disbursement Claim No. 16-17 -- \$310,314.14
 - 2. Liquor Fund Disbursement Claim No. 16-18 -- \$175,997.38
- C. Budget to Date/Statement of Fund Balance
- D. Application for Exempt Permit - North Suburban Chapter of MN Deer Hunters Association – December 5, 2016 at Kraus Hartig VFW
- E. Resolution 16-27 Appointing Election Judges for the 2016 General Election
- F. Call for Special Meeting to Canvass City Election Results – November 14, 2016
- G. Motion to Not Waive Monetary Limits on Municipal Tort Liability
- H. Contractor's Request for Payment No. 2 – Hydro-Klean, LLC
- I. Contractor's License
- J. Business License – Massage Therapy – Individual License
- K. Business License – Wine and 3.2% Beer
- L. Correspondence
- M. Accept Appointments to Fill Councilmember Mason's Positions as Acting Mayor (Nelson), Parks and Recreation Commission (Wendling), Teamster Labor Negotiation Commission (Nash) and Cable Commission Member (Hansen).

MOTION BY COUNCILMEMBER NASH APPROVING THE CONSENT AGENDA. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

7. Police Report

Police Chief Ebeltoft submitted the September Police Report prior to the Council meeting. Chief Ebeltoft was absent from the meeting.

Chief Ebeltoft's report stated that the Police Department responded to five hundred forty calls for service for the month of September 2016 compared to four hundred ninety eight calls for service in September 2015.

Chief Ebeltoft reported that the Spring Lake Park Police Department deployed the "Speed Trailer" at thirteen different locations throughout the city. He encouraged residents to continue to contact the Police Department with areas in the City that they feel are problematic for speeding.

Chief Ebeltoft reported, in addition to addressing the day-to-day operations of the Department, he attended numerous meetings throughout the month representing Spring Lake Park Police Department and the City of Spring Lake Park.

8. Parks and Recreation Report

Parks and Recreation Director Rygwall reported that the Parks and Recreation Commission met and discussed upcoming events such as the Turkey Shoot in November and the possibility of the selling of concessions at the adult softball tournaments.

Ms. Rygwall reported that she met with the Blaine Youth Baseball Association regarding the usage of the City's baseball fields. She reported that she accepted donations of trees that will be planted at Terrace and Lakeside

Parks. She stated that the new Parks and Recreation website is now up and running and invited residents to provide feedback on the new site.

Ms. Rygwall provided an update on the classes offered in September and stated that some of the popular classes are filling up fast as well as the mini trips

9. Ordinances and/or Resolutions

A. Resolution 16-28 Declaring a Vacancy on the City Council

Administrator Buchholtz informed the City Council that due to the death of Councilmember Jeanne Mason, a vacancy exists. He presented the resolution officially declaring that a vacancy exists.

Administrator Buchholtz stated that staff is recommending that the City Council discuss the appointment process at a future City Council workshop. He stated that the next workshop is scheduled for November 14, 2016 at the conclusion of the special City Council meeting to canvass the 2016 general election results. He stated the City Council will need to determine what process they wish to use – either the process the City Council undertook in 2013 or a different process yet to be identified.

Mayor Hansen read Resolution 16-28, Declaring a Vacancy on the City Council, and expressed her gratitude towards Councilmember Mason and acknowledged her years of service to the City of Spring Lake Park.

MOTION MADE BY MAYOR HANSEN TO APPROVE RESOLUTION 16-28 DECLARING A VACANCY ON THE CITY COUNCIL. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

B. Request for Comprehensive Plan Amendment for Vacant Parcel North of 81st Avenue between Highway 65 and Old Central Avenue

Administrator Buchholtz reported that Rubicon Development, an apartment developer, has purchased the vacant property north of 81st Avenue Ne between Old Central Avenue and State Highway 65. He stated that Rubicon Development has proposed a comprehensive plan amendment for this parcel from Commercial to High Density Residential and a zoning map amendment from C-1, Shopping Center Commercial, to R-3, Multiple Family Housing, for approximately eight acres of the parcel. He stated that the remaining 1.5 acres immediately north of the liquor store would remain commercial. He stated that the proposed zoning changes would accommodate a 150 unit of multi-family housing in two buildings.

Administrator Buchholz reported that the Planning Commission, after receiving the staff report and hearing testimony presented by the developer, residents and business owners during the public hearing, recommended approval of the land use changes on a 3-2 vote.

Administrator Buchholtz explained to the Council that, pursuant to M.S. 462.355, subd.3, an amendment to the Comprehensive Plan generally requires a two-thirds affirmative vote of all the members of the City Council. He explained that in this situation, three votes are required for approval. He stated that the zoning map amendment would take a simple majority vote.

Planner Carlson provided an overview of the request as it pertains to current land use guidance in the Comprehensive Plan and the official zoning map, transportation access to the the site, economic implications to the community, housing needs, and land use compatibility.

Councilmember Nelson voiced his concern with the ability of the city's infrastructure handle the demands that a large complex would create. Engineer Gravel stated that at this time, the infrastructure capacity is unknown and it would be reviewed during site plan review.

Councilmember Nash inquired if the proposed complex would be built on the existing standing water or swamp area that currently exists. Engineer Gravel stated that the soils have not been tested and that these are wetlands on the parcel.

Councilmember Wendling reported that he is concerned with the occupancy numbers that have been proposed. He stated that the numbers could increase to 900 people in a small area if three people were to move in each designated unit. Planner Carlson stated that the occupancy rate is unknown at this time but the occupancy rate likely would equal around two people per unit.

Councilmember Wendling inquired on the accessibility from Highway 65 and inquired if MnDOT would allow an access point. Engineer Gravel stated that he felt it was more than likely that MnDOT would not allow access.

Tom Wentz, Rubicon Development Group LLC, reviewed with the City Council that the Planning Commission had recommend approval of the Comprehensive Plan and Zoning Map amendments at their meeting. He stated that he understands the City Council's concern with the wetlands and soil and assured that it would be addressed with the application and site plans.

Councilmember Nash stated that he has concerns changing the zoning of the property before an application has been submitted. He stated he is concerned with the zoning changing to residential could cause problems if the development application was not approved and the parcel would then be zoned for residential purposes.

Councilmember Nelson stated that he agreed with Councilmember Nash and said the City is not in need of any new multifamily rental properties.

Mayor Hansen stated that the Planning Commission recommended the amendment changes however, not all the Commissioners voted in favor of the changes.

MOTION MADE BY MAYOR HANSEN TO APPROVE RESOLUTION 16-25 DENYING A COMPREHENSIVE PLAN AMENDMENT TO AMEND THE FUTURE LAND USE MAP FOR A 9.5 ACRE PORTION OF PROPERTY LOCATED NORTH OF 81ST AVENUE NE BETWEEN STATE HIGHWAY 65 AND COUNTY STATE AID HIGHWAY 35. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

C. Request for Official Zoning Map Amendment for Vacant Parcel North of 81st Avenue between Highway 65 and Old Central Avenue

MOTION MADE BY MAYOR HANSEN TO APPROVE RESOLUTION 16-29 DENYING AN AMENDMENT TO THE OFFICIAL ZONING MAP FOR A 9.5 ACRE PORTION OF PROPERTY LOCATED NORTH OF 81ST AVENUE NE BETWEEN STATE HIGHWAY 65 AND COUNTY STATE AID HIGHWAY 35. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

10. New BusinessA. Parking Lot Lease Agreement

Administrator Buchholtz reported that Liquor Store Manager Brian Hachey informed the City that Central Park Liquor and Oppidan Incorporated have reached a tentative agreement for the use of parking spaces on the southeast corner of the liquor store property. Administrator Buchholtz reported that Oppidan is the management company of the Spring Lake Park Marketplace, the retail center directly to the south of the store. He stated that the agreement will deliver \$500.00 in additional income to the liquor operation while solving a continuing parking need at the retail center. He stated the use of the parking will be Monday through Friday from 6:00 AM to 6:00 PM and will not affect the customers or employees as these hours are outside the peak retail times.

Administrator Buchholtz reported that the City Attorney has reviewed the agreement and has found it in order.

Councilmember Wendling inquired if reserved parking signs would be needed to avoid towing of the vehicles. Administrator Buchholtz stated that it will be individual employees using the parking spots and they are typically open so he does not see a problem.

Councilmember Nelson inquired if additional pedestrian signs would be needed to warn of people crossing the street. Engineer Gravel suggested that the individuals using the parking spaces use the crosswalk and stated that the area will be watched and signs could be added at later date if it is a problem.

Administrator Buchholtz added that the situation will be evaluated during the contract term and the City can recommend changes. He stated nine spaces will be utilized.

MOTION MADE BY COUNCILMEMBER NASH TO APPROVE PARKING LOT LEASE AGREEMENT. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

B. 8322 Laddie Road Request for Permit Extension

Building Official Brainard reported that the property at 8322 Laddie Road has a long-standing history of nuisance violations including abatements with the City of Spring Lake Park. He stated that to prevent future nuisance's issues, he encouraged the homeowner to construct a garage in which they can store all outside material and debris. Mr. Brainard reported that on December 12, 2014, an application for home and garage addition was made by the homeowner, which stated completion of the project on the application by April 2016. He stated that permit number BP14232 was issued on December 15, 2014.

Mr. Brainard reported that on March 4, 2016, a nuisance violation notice letter was sent to the homeowner requiring front and side yard cleanup, which was corrected and completed. He stated that the letter also noted building permit BP14232, and the requirement to complete the project by the end of April 2016. He stated that he did grant the homeowner an extension of the building permit as permitted by code, in which he stated that homeowner, must make all efforts to make continuing progress on the house and garage addition so that it is fully completed and occupied by December 31, 2016.

Mr. Brainard reported that on September 13, 2016, an on-site inspection found that only the foundation wall and floor covering of the house addition had been completed. He stated that on September 13, 2016, another letter was sent to the homeowner reminding them of their obligation to complete the house and garage addition so that it is fully occupied by December 31, 2016. He stated that he mentioned to the homeowner that they may request an additional extension; however, since this was the second extension, the request would need to

be forwarded to the City Council for review and action. He reported that that on October 3, 2016, he received a written request stating that inclement weather has delayed the progress and completion of the project and the homeowner hope to have the project fully completed by spring of 2017.

Mr. Brainard stated that he is asking the City Council to consider the request for the extension and to list any possible conditions they may wish to include should the Council agree to grant such extension.

Councilmember Nelson stated that he has heard from several neighbors of nearby properties and they have expressed their disappointment in the tardiness in the cleanup of 8322 Laddie Road. He inquired if conditions could be added to an extension.

Attorney Thames stated that conditions could be added stating that certain items need to be completed by a specified time. He stated that if those conditions were not met by the date, a new permit would need to be issued resulting in new permit fees.

Mayor Hansen stated that she is very concerned that this property has been an ongoing nuisance and in her opinion, feels that the City has been more than patient with the homeowner.

Mark Peterson, 8322 Laddie Road, stated that he is self-employed and has encountered several hardships over the years and the funds he was using to make the repairs has run out. He also stated that the weather has not worked in his favor in the completion of the garage.

Councilmember Nelson stated that while he understands the hardships people encounter, he feels that a solution could be that the permit be extended if the homeowner could secure funds to complete the project. Attorney Thames suggested that an agreement be drafted with the homeowner stating that certain conditions be completed by specific dates or no permit will be granted. He stated that this would extend the period to allow the homeowner to complete the project without having to pay for a new permit.

Administrator Buchholtz stated that he has received calls from neighbors regarding the condition of the property. He stated that he feels an agreement with the homeowner and the City would be the best way to see that the project is completed and inspected at the required times.

Mr. Peterson stated that he plans to have the structure constructed by the end of the 2016. He stated that he would be comfortable signing an agreement with the City.

Mr. Brainard stated that the agreement could be drafted for the next Council meeting and the Council can review the penalties for the next steps. He stated that the agreement could be approved at the November 7, 2016 Council meeting.

Administrator Buchholtz stated that Mr. Brainard will provide status reports on the property owner's progress in his monthly Code Enforcement Report.

11. Engineer's Report

Engineer Gravel reported that the close out process has started on many of the recent projects within the City. He stated he continues to work with staff on implementing items for the MS4 Permit and has been working with Public Works Director Randall on determining areas for 2017 projects.

12. Attorney's Report – None

13. Reports

Councilmembers Wendling and Nelson expressed their appreciation towards former Councilmember Mason and both commented how much she will be missed.

14. OtherA. Administrator Report

Administrator Buchholtz reported that Fire Chief Smith provided an update on the purchasing of the new ladder truck for the Spring Lake Park Blaine Mounds View Fire Department. He stated that the purchase of the new fire truck is purchased with certificate bonds typically purchased by the City of Blaine with the payments split amongst the three cities. Administrator Buchholtz stated that the City of Blaine has several large projects in 2017 requiring their own funding and issuance of bonds. He stated that with their planned projects and the equipment certificate for the new fire truck, it would exceed the amount that the City of Blaine could bank qualify.

Administrator Buchholtz reported that he has offered that the City of Spring Lake Park issue bonds and the participating cities will provide the necessary payments to the City. Administrator Buchholtz assured the Council that this bond will not affect any future bonding that might be required by the City of Spring Lake Park.

Administrator Buchholtz reported that the new City website has been updated and is now live. He stated that the transition of the new IT services for the City is also completed and the City is utilizing the new service provider.

Administrator Buchholtz expressed his condolences towards former Councilmember Mason and recalled what a kind and gentle person she was and how he will miss working with her.

14. Adjourn

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

The meeting was adjourned at 8:15 PM.


Cindy Hansen, Mayor

Attest:


Daniel R. Buchholtz, Administrator, Clerk/Treasurer