

## OFFICIAL PROCEEDINGS

Pursuant to due call and notice thereof, the regularly scheduled meeting of the Spring Lake Park City Council was held on August 1, 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 Nelson, Wendling and Mason

Members Absent: Councilmember Nash

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

Visitors: Terry Sween, 2905 Northwest Boulevard, Suite 150, Plymouth  
Suzanne Bickford, 1095 Manor Drive NE  
Patricia Hovanetz, 2635 160<sup>th</sup> Lane NE, Ham Lake  
Michael Harasyn, 566 78<sup>th</sup> Avenue NE  
Barbara Bischoff, 8309 Monroe Street NE  
Bryan and Melody Buch, 8350 Fillmore Street NE  
John Harris, 200 2<sup>nd</sup> Avenue North, Minneapolis  
Megan Hout, 1105 83<sup>rd</sup> Avenue NE  
Tim Little, 8364 Laddie Lake Road NE  
Bob Metzger, 8414 Fillmore Street NE  
Suzanne Cellette, 8384 Fillmore Street NE  
James Misuraca, 1075 Manor Drive NE  
Daniel Kojawa, 1111 Manor Drive NE  
Jay Petersen, 8363 Laddie Lake Road NE  
Dale Griffin, 8286 Taylor Street NE  
Tim Kelly, Coon Creek Watershed District  
Byron Westwood, Coon Creek Watershed District  
Anthony Wilder, Coon Creek Watershed District  
Olivia Alveshire, ABC Newspaper

### 3. Pledge of Allegiance

### 4. Additions or Corrections to Agenda - None

### 5. Discussion From The Floor

Suzanne Bickford, 1095 Manor Drive NE, stated that she has many concerns with the proposed development on 1066 Manor Drive. She stated that she was surprised her home was zoned for commercial use and she inquired if any of the property owners along Manor Drive have been contacted regarding the purchasing of their homes and property for the future development. Ms. Bickford stated that she feels the traffic for the proposed development will create more traffic than what is currently exists.

Ms. Bickford voiced many concerns with her property and has many questions for the developer. She delivered a handful of letters to the Councilmembers regarding the concerns of the proposed development and the future development of the neighborhood.

Daniel Kojawa, 1111 Manor Drive NE, stated that he has many concerns with the proposed development and has concerns over the future of the neighborhood. He cautioned the Councilmembers to proceed cautiously with development of the property, as there are many concerned neighbors.

Bruce Buch, 8350 Fillmore Street NE, voiced his concern over the increased traffic that could occur with the proposed development. He stated that he is concerned with the building of a multifamily development would take away the peacefulness of the neighborhood and traffic in the nearby park.

Mayor Hansen thanked the public for their concerns and stated that the City Council does not want to see Goony Golf go away but it is the decision of the owner to move on. She stated that there would be several planning meetings regarding future development on the site.

6. Consent Agenda:

Mayor Hansen reviewed the following Consent Agenda items:

- A. Approval of Minutes – July 18, 2016
- B. Approval of Option Liquor License for Little Biffy's LLC d/b/a Biff's Billards Sports Bar
- C. Business License
- D. Contractor's Licenses
- E. Correspondence

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

7. Presentation

A. Coon Creek Watershed- Tim Kelly

Bryon Westwood, Chairman for Coon Creek Watershed, introduced Tim Kelly, Administrator for Coon Creek Watershed District and provided the Council an update on the projects and changes that have taken place over the past two years with the Coon Creek Watershed.

Mr. Kelly reviewed the mission, roles and statistics of the Coon Creek Watershed District. He reported that Spring Lake Park has two creeks that occupy the Coon Creek District. He stated that the Springbrook Creek and Stonybrook Creek occupy approximately 63% of the Coon Creek District.

Mr. Kelly reported that the Coon Creek Watershed District monitors Laddie Lake and will be monitoring the water quality of the lake in the near future. He stated that the District will be monitoring the Springbrook Creek for E.coli, other water bacteria, and the Stonybrook Creek for possible flooding concerns.

Mr. Kelly stated that although there are no big projects planned for this year, he reported that there might be a need to contribute to other cities' projects within the watershed district since Spring Lake Park is located in the middle of the watershed district.

8. Public Works Report

Public Works Director Randall reported that the Public Works Department continues to mow, weed whip and perform general clean up at the parks, as well as maintain the ballfields based on the game schedule from Parks and Recreation. He reported that the Public Works Department assisted with setting up and tearing down tables, equipment and trash collection for the softball tournaments. He stated that the Department has been busy painting crosswalks and stop bars, installing new woodchips at the playgrounds and cleaning up tree damage in Conde Park from the recent storm damage.

Mr. Randall reported that all the streets in the seal coating project area have been swept twice and Hydro-Clean has been working on the sewer-lining project and is near completion. He stated that the City crews continue to work on sewer clean out.

9. Code Enforcement Report

Building Official Brainard reported that attended the Council workshop session on July 5<sup>th</sup> and July 18<sup>th</sup>; a department head meeting on July 6<sup>th</sup>; a conference for IBC Special Inspections Chapter 17 on July 13<sup>th</sup> through the 15<sup>th</sup>; a Budget meeting on July 20<sup>th</sup> and the Planning Commission meeting on July 25<sup>th</sup>.

Mr. Brainard stated that in July 2016, 33 permits were issued consisting of 21 building permits. He reported that he conducted 160 inspections, including 38 building, 12 mechanical, 7 plumbing, 7 nuisance, 3 certificate of occupancy, 89 rental housing, 3 fire and 1 zoning inspection.

Mr. Brainard reported that the July 2016 vacancy listing shows that there are 15 vacant/foreclosed residential properties currently posted and/or soon posted by the Code Enforcement Department, which is down three from last month. There are no vacant/foreclosed commercial properties, which remains the same from last month; and 16 residential properties currently occupied and ready for Sheriff Sale's redemption, which is down four from last month. He reported that he did not post any abandoned and/or vacant property notices in month of July, in addition, two Administrative Offense Tickets (A.O.) and twelve violation notices were issued by the Code Enforcement Department.

Mr. Brainard reported that on July 22, 2016, the Minnesota Department of Labor and Industry restored and transferred the building permit inspection and plan review all public buildings and State licensed facilities, to him, the City Building Official. He reported that the transfer also includes all fire sprinkler and alarm reviews and inspections.

Mr. Brainard reported that the City received plans and specifications for interior remodeling at the Emmanuel Christian Center. He stated that the renovation is valued at \$4,555,000 and is very complicated for plan review purposes.

Mr. Brainard provided a handout on the continuation of garage sales and personal item sales conducted by the residents of Spring Lake Park.

10. Resolutions and/or OrdinancesA. Resolution 16-17 Approving Comprehensive Plan Amendment to Amend the Future Land Use Map for 1066 Manor Drive NE

Planner Carlson reported that Dominion, an established Twin Cities apartment developer, has an option to purchase the Goony Golf Mini Golf Site at 1066 County Highway 10 NE, at Laddie Road and Manor Drive.

Planner Carlson stated that Dominion's intent is to develop a 50+ senior apartment project. He stated that they are requesting a comprehensive plan amendment from Commercial to High Density Residential and rezoning from C-2, Neighborhood and Service Center Commercial, to R-3, Multiple Family Residential, for the project. He stated that if granted, they would apply later for a Planned Unit Development (PUD) to build the project.

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 site, economic implications to the community, housing needs, and land use compatibility.

Planner Carlson stated that he recommended approval of the Comprehensive Plan amendment from Commercial to High Density Residential for the property at 1066 County Highway 10 NE for the following reasons:

1. The commercial potential of the subject property is limited due to the change in access and traffic conditions surrounding the property [the realignment of the frontage road, elimination of access to Highway 10 from Laddie Road, and the demotion of Highway 10 to a county road]. Therefore, a change in the land use is reasonable.
2. A high-density residential use can provide significant economic benefits to the City compared to a marginal commercial use.
3. A high-density residential project targeted to seniors will meet housing needs in the community and in the region. In addition, as seniors move into such a project, single-family homes will free up for younger couples and families to move in to.
4. A high-density residential use will meet certain goals of the City's comprehensive plan related to housing choice and serving diverse populations.
5. An apartment building may be more compatible in the long term with the adjacent existing single-family neighborhood and will provide a reasonable transition in land uses in this area.

Planner Carlson stated that he also recommended approval of the rezoning from C-2 to R-3 for this property, if the basic land use change to High Density Residential is also approved.

Planner Carlson provided the Council with a comparison of traffic generation statistics for the project area. He reported that the amount of traffic generated by a specific use could vary greatly depending on the time of day, the season and other factors. He stated that individual uses within a general category, such as office buildings, can also vary greatly depending on the type of business, clientele, and location. He reported that based on the assumptions and analysis, the proposed comprehensive plan amendment from Commercial to High Density Residential and rezoning from C-3 to R-3 would likely result in similar and likely lower traffic than other uses, if the site were to remain guided and zoned for commercial uses. He stated that the applicant has proposed a senior housing project very similar to the use that generates the lower traffic number in the range discussed.

Councilmember Nelson commented that the property is going to redevelop and will have an impact on residents but noted that there are limited options as to what can develop on the property. He stated that what is currently proposed to develop on the property is a good fit for property and the residents could be faced with something much worse.

Councilmember Wendling inquired if a special meeting would need to be called for the property owner at 1095 Manor Drive NE to have her property rezoned. Mayor Hansen stated that the rezoning of that specific property would have to take place a later meeting.

Mayor Hansen reminded the Council and the residents that this amendment is only to amend the Comprehensive Plan and it is no approval of any site plans for the future development. She stated that there will be many discussions on the plans and specification of the future development.

Administrator Buchholtz reminded the Council that rezoning of the property includes Block 1, Lots 2-9; the Goony Golf site.

MOTION MADE BY MAYOR HANSEN TO APPROVE RESOLUTION 16-17 APPROVING A COMPREHENSIVE PLAN AMENDMENT TO AMEND THE FUTURE LAND USE MAP FOR 1066 MANOR DRIVE NE. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

B. Ordinance No. 427 An Ordinance Amending the Official Zoning Map of the City of Spring Lake Park

Administrator Buchholtz reported that an ordinance is necessary to to the City Zoning Map to address the amendment that is being made the City's Comprehensive Plan for the future land use for the property at 1066 Manor Drive NE.

MOTION MADE BY MAYOR HANSEN TO APPROVE ORDINANCE 427 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SPRING LAKE PARK. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

C. Resolution 16-18 Approving a Variance to Allow a Driveway Within the Required Five-Foot Setback at 8316 Westwood Road NE

Administrator Buchholtz reported that the City received a variance request from Prestige Custom Homes, 8316 Westwood Road NE, to allow a reduced setback for a driveway to serve an existing garage.

Administrator Buchholtz stated that the property is zoned R-1, Single Family Residential with a lot size of 70 feet by 199 feet. He stated that there is an existing house with a detached garage. He reported that the driveway currently serving the detached garage on located on the south lot line. He stated the current asphalt driveway, which is currently three feet from the property line at its closest point, would be replaced with a driveway of the same size. He stated that there is no variance on record for the existing driveway, which is the reason why the request was presented to the Planning Commission.

Administrator Buchholtz reported that Section 153.152 of the Zoning Code states that driveways in residential districts not be located less than five feet from the property line, except by variance obtained in the manner provided in the Zoning Code. The Zoning Code states that variances in the case of driveways may be allowed down to a zero foot setback from the property line.

Administrator Buchholtz stated that there are a number of residential homes with driveways that have a setback from the property line less than five feet. He stated that granting the variance would not change the character of the neighborhood.

Administrator Buchholtz reported that the State Legislature amended the zoning law to create practical difficulties test. He stated that there are three factors:

1. *The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance.* Staff believes this test is met as a number of other properties, including this property, have a driveway that has a setback less than five feet.
2. *The plight of the landowner is due to circumstances unique to the property not created by the landowner.* The location of the current house/attached garage has been previously set. The previous driveway will fall within the footprint of the existing driveway and will continue to service the existing garage.
3. *The variance, if granted, will not alter the essential character of the locality.* The neighborhood consists of a number of properties with driveway setbacks less than five feet in width.

Administrator Buchholtz reported that pursuant to the Spring Lake Park Zoning Code, a public hearing has been duly called and noticed by publication in the Blaine/Spring Lake Park Life and mailing of public hearing notices to property owners within 350 feet of the subject property.

Administrator Buchholtz reported that staff recommends the variance be granted with the following conditions:

- Applicant must reestablish turf on any areas disturbed by the widening of the driveway.
- Any modifications to the driveway must be constructed pursuant to the standards set forth by the City of Spring Lake Park. Applicant must secure a zoning permit from the Code Enforcement Director for the new driveway.
- Drainage must be handled in such a way as to not deposit storm water onto a neighboring property.
- Certificate of occupancy will not be granted unless all conditions of a variance are met.

MOTION MADE BY COUNCILMEMBER NELSON TO APPROVE RESOLUTION 16-18 A VARIANCE TO ALLOW A DRIVEWAY WITHIN THE REQUIRED FIVE FOOT SETBACK AT 8316 WESTWOOD ROAD NE. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

#### 11. New Business

##### A. Accept Smith Schafer Proposal for Auditing Services

Administrator Buchholtz reported that the City Council appointed Smith Schafer and Associates as its audit firm for fiscal years 2013, 2014, and 2015 after a Request for Proposal (RFP) process. He reported that staff has been extremely pleased with the level of service provided by Jason Miller and his staff at Smith Schafer and invited them to provide a quote for future fiscal years. He stated that Mr. Miller provided two quotes, a three year and a five year, for the City's consideration.

Administrator Buchholtz stated that each quote provides the City with audit services, including financial statement preparation and submission of the Minnesota State Auditor's Annual Financial Reporting Form.

Administrator Buchholtz provided the three-year proposal costs as:

2016	\$20,850	(5%)
2017	\$21,475	(3.0%)
2018	\$22,150	(3.1%)

He also provided the five-year proposal costs as:

2016	\$20,450	(3%)
2017	\$20,950	(2.4%)
2018	\$21,475	(2.5%)
2019	\$22,025	(2.6%)
2020	\$22,575	(2.5%)

Administrator Buchholtz stated that the fee proposed for 2020 is still over \$6,000 less than what the City paid its previous auditor in 2012 and is less than the fee proposed for 2013 by the six other bidders for the City's audit services. He stated that based on that information, staff sees no need to issue another RFP for auditor services.

MOTION MADE BY MAYOR HANSEN TO APPROVE FIVE-YEAR AUDIT PROPOSAL FROM SMITH SCHAFFER AND ASSOCIATES. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

12. Engineer's Report

Engineer Gravel had no new items to report.

Councilmember Wendling inquired if the work is completed on Monroe Street and 81<sup>st</sup> Avenue. Mr. Gravel stated that he will be contacting the contractor and if the work is not completed soon, the City will complete the work and deduct the cost from the funds being withheld.

13. Attorney's Report – None

14. Reports – None

A. Beyond the Yellow Ribbon Report - None

16. Other

A. Administrator Reports

Administrator Buchholtz reported that the Budget books are complete and have been distributed to the Councilmembers. He stated that a Budget workshop will be scheduled soon in the near future.

Administrator Buchholtz thanked the Parks and Recreation staff and the Public Works staff for their hard work and dedication on holding a successful softball tournament event. He reminded residents that the National Night to Unite is August 2, 2016 and he encouraged residents to speak to the representatives from the City who stop by the neighborhood gatherings and voice any concerns they may have.

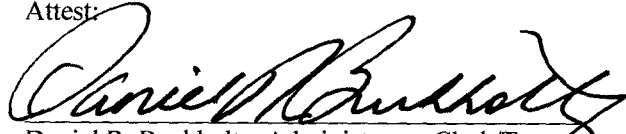
15. Adjourn

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

The meeting was adjourned at 8:15 P.M.

  
Cindy Hansen, Mayor

Attest:

  
Daniel R. Buchholtz, Administrator, Clerk/Treasurer