

OFFICIAL PROCEEDINGS

Pursuant to due call and notice thereof, the regularly scheduled meeting of the Spring Lake Park City Council was held on July 18, 2016 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 Nash, Nelson and Wendling

Members Absent: Councilmember Mason and Mayor Hansen

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

Visitors: Bryan Buch, 8350 Fillmore Street NE
Tom Hamilton, 7856 Monroe Street NE
Tom Wentz, Rubicon Capital
Jason Miller, Smith Schafer and Associates
State Representative Connie Bernardy

3. Pledge of Allegiance

Acting Mayor Nelson offered a moment of silence in honor of the police events that have occurred over the past few weeks.

4. Additions or Corrections to Agenda

Administrator Buchholtz asked that Item 6.I, Liquor Store Part Time Employees Conditional Job Offers, and New Business Item 11.3, Liquor Store Manager Conditional Hire 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 – July 5, 2016
- B. Disbursements
 - 1. General Fund Disbursement Claim No. 16-11 -- \$448,666.63
 - 2. Liquor Fund Disbursement Claim No. 16-12 -- \$247,831.91
- C. Budget to Date/Statement of Fund Balance
- D. Contractor's Request for Payment No. 4/Final –Visu-Sewer
- E. Contractor's License
- G. Sign Permit
- H. Correspondence
- I. Liquor Store Part Time Employees Conditional Job Offers

Acting Mayor Nelson inquired if the hiring of the additional liquor store clerks are needed to fill additional hours due to the retirement of the Liquor Store Manager. Administrator Buchholtz stated that is the reason for the the additional help that is needed. He stated that the new employees will be on probation during the time of the transition of the new Liquor Store Manager.

Councilmember Wendling inquired as to how many liquor store employees we currently have. Administrator Buchholtz reported that he will get the exact number and report back to the Council.

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

7. Presentation

A. State Representative Connie Bernardy

Representative Bernardy thanked the City of Spring Lake Park for hosting a great Tower Day's celebration and that it is an honor it is to serve Spring Lake Park as a State Representative. She reported that she has been working hard on two bills to get them passed in the Legislature.

Ms. Bernardy explained that one her bills she is introducing is helping persons with disabilities get the assistance they need to have an advocate help them have a voice in medical assistance and their care when they are not able to communicate their needs. She also provided details on the second bill. She is working with the post-secondary schools to create user-friendly portal that high school students can work through to see what college courses they take, while still in high school, and how those classes will apply toward a future degree.

Administrator Buchholtz thanked Ms. Bernardy for her work at the Legislature and for being so available to work with the City on questions, calls and concerns.

B. Tom Wentz- Rubicon Corporation

Tom Wentz, Rubicon Corporation, presented to the Council the possible development plans for the ten-acre parcel lot north of Central Park Liquor Store. He reported that his corporation has submitted an application to the Planning Commission for development of a multi-family apartment complex on the property. He stated that there is a high demand for a multifamily complex in communities.

Mr. Wentz stated that a study has been completed on the property and two wetlands were found. He stated that because of the wetlands, redevelopment around the wetlands will be planned. Acting Mayor Nelson reported that he is not in favor of filling wet lands with a water pond in an area that could have a high density of children.

Acting Mayor Nelson stated that he is not in favor of a multi-family dwelling on that property and does not want to encourage Section Eight housing. He inquired how long the Rubicon usually owns a property before it is sold to a private individual or another corporation.

Mr. Wentz stated that his corporation on average will own a building seven to ten years but depends on the situation. He stated that Rubicon Corporation will be submitting a Planned Unit Development application meaning that the City will be setting the requirements and code enforcement for the building.

Councilmember Wendling inquired as to what type of parking options will be presented. Mr. Wentz stated the building would be a four story with parking garages off to the side of the main building as accessory structures. He stated that they typically do not build with underground parking.

Acting Mayor Nelson inquired if the building will have elevators large enough to accommodate emergency personnel if needed. Mr. Wentz stated that the elevators are oversized and larger than the typical elevator.

Councilmember Nash inquired if there are any similar project in the area. Mr. Wentz stated that there are several building in surrounding communities that they have built.

Administrator Buchholtz stated that the purpose of the presentation was for an overview of the plans for development and the city is still waiting on fees to be submitted before any action on the submitted application can take place. Attorney Thames agreed that no action is required at this time.

C. 2015 Audit Presentation – Jason Miller, Smith Schafer and Associates

Jason Miller, Smith Schafer & Associates, presented the 2015 Financial Report and reviewed the various financial statements.

Mr. Miller stated that the City's financial statements present fairly, in all material aspects, the respective financial position of the government activities, the business-type activities, each major fund and the aggregate remaining fund information of the City of Spring Lake Park as of December 31, 2015 and the reflective changes in financial position and, where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States.

He suggested that in some cases, management may decide to consult with other accountant about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations.

He expressed appreciation to Accountant Anderson and Administrator Buchholtz for their assistance with the audit.

8. Police Report

Police Chief Ebeltoft reviewed the June 2016 department statistics.

Chief Ebeltoft stated that the Police Department responded to five hundred forty eight calls for service for the month of June 2016 compared to four hundred seventy seven calls for service in June 2015.

Chief Ebeltoft reported that the Spring Lake Park Police Department deployed the "Speed Trailer" at fifteen different locations throughout the city to help remind the residents and those driving in the community of their speeds while operating a motor vehicle

Chief Ebeltoft reported that he orchestrated the Law Enforcement participation of the City celebration of "Tower Days" by facilitating and monitoring the parade route security being staffed by Police Officers, Police Reserves/Explorers/Community Service Officers from the community and others with assistance of Police Department staff.

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.

9. Public Hearings

Acting Mayor Nelson opened the public hearing at 7:55 PM to consider approval of variances for driveway expansions at 7856 Monroe Street NE and 8350 Fillmore Street NE.

Administrator Buchholtz informed the Council that the City received applications for variances for driveway expansions at 7856 Monroe Street and 8350 Fillmore Street NE. He reported that both applications were presented to the Planning Commission for their recommendations but due to not having a quorum at the meeting on June 27, 2016, they could not hold the public hearing. He stated that the Planning Commission did recommend their approval of both variances.

1. Approval of Variance to Allow a Driveway Expansion at 7856 Monroe Street NE

Administrator Buchholtz reported that the City received a variance request from Thomas Hamilton, 7856 Monroe Street NE, to allow a reduced setback for a driveway to serve an existing garage. He reported that the application is in order and notice of the Public Hearing was mailed to residents within 350 feet of the subject property and notice was published in the Spring Lake Park Life newspaper.

Administrator Buchholtz stated that the property is zoned R-1, Single Family Residential with a lot size of 80 feet by 145 feet. He stated that there is an existing house with a detached garage. He reported that the driveway currently serving the detached garage is located on the south lot line. He stated the current asphalt driveway, which is currently seven feet from the property line at its closest point, would be replaced with a wider concrete driveway that would be three and half feet from the property. He stated that proposed driveway would be able to accommodate a small travel trailer and allow the property owner to utilize both lanes of his driveway. He stated that the property owner has had some health issues and the wider driveway would allow him to back out of garage with less difficulty.

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 as many homes in this area have driveways with setbacks of less than five feet. He stated that owner is proposing a 3.5 foot setback from the property line.

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 2.5 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 was set in 1976. The proposed

driveway will accommodate the parking of a small travel trailer on an approved parking surface and will reduce the landowner's difficulty in backing out of his 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 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 expanded 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 NASH TO APPROVE VARIANCE TO ALLOW AT DRIVEWAY EXPANSION AT 7856 MONROE STREET NE. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

2. Approval of Variance to Allow a Driveway Expansion at 8350 Fillmore Street NE

Administrator Buchholtz reported that the City received a variance request from Bryan Buch Sr., 8350 Fillmore Street NE, to allow a reduced setback for a driveway to serve an existing garage. He reported that the application is in order and notice of the Public Hearing was mailed to residents within 350 feet of the subject property and notice was published in the Spring Lake Park Life newspaper.

Administrator Buchholtz stated that the property is zoned R-1, Single Family Residential with a lot size of 100 feet by 190 feet. He stated that there is an existing house with a detached garage. He reported that the driveway currently serving the detached garage is located on the south lot line. He stated the current asphalt driveway, which is currently four feet from the property line at its closest point, would be replaced with a wider concrete driveway that would be two and half feet from the property line at its closest point. He stated that proposed driveway would be able to accommodate a small fishing boat, which is currently being parked on an unapproved surface, as well as the property owner's mother's car.

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 as many homes in this area have driveways with setbacks of less than five feet.

Administrator Buchholtz stated that the property owner originally applied for a variance of 2.5 feet. He stated that the property owner then requested that the variance be increased from 2.5 feet to 4.5 feet. He stated that while there are driveways that are six inches (0.5 feet) from the property line, the applicant should provide an explanation for the increased variance.

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 2.5 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 was set in 1948. The proposed driveway will accommodate the parking of a car for the landowner's 89-year-old mother who is living with the landowner.
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 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 expanded 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.

Bruce Buch, 8350 Fillmore Street NE, stated that the additional 2.5 feet on the driveway will help with parking on the driveway of an additional vehicle and will allow easier access getting in and out of the driveway. He stated that he has a good relationship with the neighbors and they have no objections.

Acting Mayor Nelson stated that he has no problem with the variance and is in favor of the variance to allow easier usage of the property for the owner.

Acting Mayor Nelson asked for additional public feedback. Hearing none, Acting Mayor Nelson closed the public hearing at 8:01 PM.

MOTION MADE BY ACTING MAYOR NELSON TO APPROVE VARIANCE TO ALLOW AT DRIVEWAY EXPANSION AT 8350 FILLMORE STREET NE. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

10. Ordinances and/or Ordinances

A. Resolution 16-13 Approving Variance to Allow a Driveway Expansion at 7856 Monroe Street NE

MOTION MADE BY COUNCILMEMBER NASH TO APPROVE RESOLUTION 16-13 APPROVING A VARIANCE TO ALLOW A DRIVEWAY EXPANSION AT 7856 MONROE STREET NE. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

B. Resolution 16-14 Approving a Variance to Allow a Driveway Expansion at 8350 Fillmore Street NE

MOTION MADE BY COUNCILMEMBER NELSON TO APPROVE A VARIANCE TO ALLOW A DRIVEWAY EXPANSION AT 8350 FILLMORE STREET NE. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

C. Resolution 16-15 Appointing Election Judges for Primary Election

MOTION MADE BY COUNCILMEMBER NASH TO APPROVE RESOLUTION 16-15 APPOINTING ELECTION JUDGES FOR THE 2016 PRIMARY ELECTION. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

11. New Business1. Personnel Policy

Administrator Buchholtz reported that over the past year, City staff has worked diligently on drafting a personnel policy to establish a uniform and equitable system of personnel administration for employees of Spring Lake Park. He presented the Council with a copy of the Personnel Policy for their adoption.

Administrator Buchholtz reported that the policy contains twenty-three chapters. He stated that while several of the policies were outlined in various sections of the City's policy manual, a number of the policies were oral understandings. He stated that these undocumented policies have led to confusion among the employees as to what the City's work rules are. He stated that the goal of the personnel policy is to provide certainty to the employees as to the city's expectations.

Administrator Buchholtz explained that the City Council reviewed the proposed policy at a work session this past fall and the City Council's input was incorporated into the policy. He reported that since that time, a number of State Law changes that resulted in amendments being made to the policy. He reported that many of these State Law changes were part the Women's Economic Security Act (WESA).

Administrator Buchholtz stated he sent a copy of the draft personnel policy to the business agents that represent the City's four bargaining units on June 9, 2016. He reported that a deadline of July 8, 2016, was given for the bargaining units to provide feedback on the policy. He stated that as of July 12, 2016, the City had only received input from the Teamsters and they had no objections to the proposed policy.

MOTION MADE BY COUNCILMEMBER WENDLING TO ADOPT PERSONNEL POLICY. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

2. Social Media Policy Adoption

Administrator Buchholtz reported that social media has become more widespread as a way to communicate to the community and amongst individuals. He stated that the City of Spring Lake Park wishes to establish a positive and informative social media presence and feels that it is important to establish a Social Media Policy.

Administrator Buchholtz stated that the proposed policy defines defines social media as internet and mobile-based applications, websites and functions, other than email, for the sharing and discussing information, a place where users can post photos, video, comments and links to other information to create content on any imaginable topic. He stated that the City of Spring Lake Park will determine, at its

discretion, how its web-based social media resources will be designed, implemented and managed as part of the its overall communication and information sharing strategy.

Administrator Buchholtz stated the proposed policy applies to any existing or proposed social media web site sponsored, established, registered or authorized by the City of Spring Lake Park. He explained the policy also covers the private use of social media by all City representatives, including its employees and agents, Council members, appointed board or commission members and all public safety volunteers to the extent it affects the City.

Administrator Buchholtz reported that the city attorney has reviewed the proposed policy and staff recommends approval of the policy.

MOTION MADE BY COUNCILMEMBER NASH TO ADOPT SOCIAL MEDIA POLICY. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

3. Liquor Store Manger Conditional Offer

Administrator Buchholtz reported that City staff is seeking authority from the City Council to make a conditional job offer for the Liquor Store Manager position.

Administrator Buchholtz reported that the City advertised the Liquor Store Manger position opening on June 7, 2016 and applications for the position were due on June 26, 2016. He reported that 24 applications were received and Councilmember Nash, Executive Assistant Gooden and Administrator Buchholtz reviewed and scored each application. He stated that based on the application scoring, seven applicants were selected for interviews. He reported that interviews were held on July 14, 2016 with Mayor Hansen, Councilmember Nash and Administrator Buchholtz.

Administrator Buchholtz stated that the City received a nice mix of applicants with both private sector and municipal experience. He reported that one candidate really stood out from the rest; impressing the interview committee with his breadth of knowledge of the municipal liquor industry and his extensive preparation for the interview. He stated that the candidate is Brian Hachey.

Administrator Buchholtz provided a summary of Mr. Hachey's experience in the liquor store industry, reported consistent themes from his references including the knowledge to purchase product in a way to maximize net profit, and knows how to appeal to customers. Administrator Buchholtz stated that staff is recommending the City Council offer the Liquor Store Manager position to Mr. Hachey, conditioned on passing a criminal background check and drug test. He also stated that staff recommends stating Mr. Hachey at Step 4 of the City's salary schedule (\$31.38/hour); due to his significant experience in the liquor industry and recommending that he be allowed the ability to immediately have access to his vacation accrual.

Administrator Buchholtz remarked at how impressed the interview committee was with the preparation that Mr. Hachey did for the interview to include presenting a 30, 60, 90-day work plan for Central Park Liquors. Councilmember Nash stated that he was very impresses as well and stood out above all the candidates.

Acting Mayor Nelson inquired if the vacation accrual would be given to Mr. Hachey in a lump sum or if it will be accumulated and available for use as it is accumulated. Administrator Buchholtz stated that he will accrue vacation time per pay period but will be able to use the time accumulated immediately rather than waiting the one year to use the time.

Councilmember Wendling inquired as to when the start date will be for Mr. Hachey. Administrator Buchholtz stated that by mid-August is the start date.

MOTION BY COUNCILMEMBER WENDLING TO AUTHORIZE BRIAN HACHEY AS LIQUOR STORE MANAGER ON THE CONDITIONS OF PASSING A CRIMINAL BACKGROUND CHECK AND DRUG TEST AND USE OF ACCRUED VACATION TIME IMMEDIATELY. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

12. Engineer's Report – None

13. Attorney's Report - None

14. Reports – None

15. Other

A. Administrator Report

1. Manor Drive – Watch for Children Street Sign Petition

Administrator Buchholtz stated that the City received a signed petition from a resident requesting that Watch for Children signs be placed on Monroe Street NE between Able Street and University Avenue NE.

Acting Mayor Nelson asked Police Chief Ebeltoft if he had any objection to placing new signs. He stated that he did not.

Councilmember Wendling inquired if the city has signs on hand to be installed. Public Works Director Randall stated that he will order the signs and will see that they are installed. He stated that one will be placed at the end of each block.

B. Motion to Close Regular Meeting to Discuss Labor Negotiation Strategies

Acting Mayor Nelson announced the City Council would be going into a closed session to discuss labor negotiation strategies.

MOTION MADE BY COUNCILMEMBER WENDLING TO CLOSE REGULAR COUNCIL MEETING. VOICE VOTE: ALL AYES. MOTION CARRIED.

The meeting recessed at 8:28 PM.

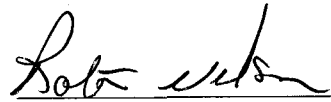
The meeting reconvened at 8:50 PM. Attorney Thames stated that staff was given direction how to proceed with labor negotiation strategies regarding insurance issues.

15. Adjourn

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

The meeting was adjourned at 8:54 P.M.

JULY 18, 2016



Robert Nelson, Acting Mayor

Attest:



Daniel R. Buchholtz, Administrator, Clerk/Treasurer