

## OFFICIAL PROCEEDINGS

Pursuant to due call and notice thereof, the regularly scheduled meeting of the Spring Lake Park City Council was held on December 7, 2015 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 Mason, Nelson, Wendling and Mayor Hansen

Members Absent: Councilmember Nash

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

Visitors: Olivia Alveshere, ABC Newspapers  
Larry & Jean Pederson, 1595 83<sup>rd</sup> Avenue NE  
Dean Sweeney, 7705 Lakeview Lane NE  
Hans Hansen, 8331 Able Street NE

### 3. Pledge of Allegiance

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

### 5. Consent Agenda:

Mayor Hansen reviewed the following Consent Agenda items:

- A. Approval of Minutes – November 16, 2015
- B. Fourth Quarter Billing Payable for 2017 Property Tax Assessment – Ken Tolzmann
- C. Public Right of Way Application – CenterPoint Energy
- D. Approval of Resolution No. 15-30 Establishing Water, Sewer and Water Treatment Plant Rates
- E. Licenses:
  - 1. Contractor's Licenses
  - 2. Dance Licenses
  - 3. Used Car Licenses
  - 4. Tobacco Licenses
  - 5. Pawn Shop License
  - 6. Massage Enterprise License
  - 7. Massage Therapist – Individual License
- F. Sign Permit Application
- G. Correspondence

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

#### 6. Discussion From The Floor

Jean Pederson, 1595 83<sup>rd</sup> Avenue NE, inquired on the new changes to the Zoning Code. Ms. Pederson inquired if current businesses who have Special Use Permits are “grandfathered” in for existing stipulations.

Administrator Buchholtz explained that Special Use Permits that were previously granted and are currently in effect are not impacted by the new Code. He stated that the Special Use Permit is only changing the name to Conditional Use Permit. He stated that a SUP expires one year after the use is discontinued.

Ms. Pederson inquired what more can be done to enforce the SUP conditions, as she feels there needs to be more code enforcement on businesses who are constant violators of their SUP.

He stated in the future the City hopes to work with the property owner to issue a CUP for the entire building to have the conditions apply to all the businesses if multiple businesses are in a building. He explained that if one CUP is issued for the building, it will make enforcement of the CUP simpler.

Dean Sweeney, 7705 Lakeview Lane NE, inquired if there are any provisions on rentals property that has changed in the new Zoning Code. He stated that he has many concerns with rental property in his neighborhood. Administrator Buchholtz stated that not a lot of time was taken in reviewing the rental portion of the code. He stated that most of the changes occurred with the land usage and improvements to commercial areas. He stated that he would be willing to meet with Mr. Sweeney regarding his concerns with rental properties.

Mr. Sweeney stated that he was not aware that changes were being made to the existing code. Administrator Buchholtz stated that articles regarding the changes on the code were published in the City newsletter, on the City website and an open house was held for feedback. He stated that a public hearing was held regarding the code in November. He explained the new code provided updates to the existing code, which, in some areas, were out of date. He stated that the Code is a living document and as community needs change, the Code will be amended to reflect these changing community needs.

Mr. Sweeney inquired how Code Enforcement is handled with rental properties. Building Official Brainard stated that he enforces the basic safety items of rental properties and not the behavioral issues of a rental property. He stated that the Police Department has a program called “Three Strikes” to control behavioral issues at a property.

Police Chief Ebeltoft provided an explanation on the Three Strikes Program. He stated that if the police are called to the property for issues such as disturbance, domestic violence or violation of ordinances more than three times, the City can revoke the rental license from the property. Chief Ebeltoft stated that if there is a disturbance occurring at a property, the residents should call the police.

Mr. Sweeney stated that he feels the lighted sign at the liquor store is a distraction to drivers on Highway 65 and expressed his concern with the prices at the liquor store. Councilmember Nelson stated that Mayor Hansen has been working hard to improve liquor store operations and to make the store more appealing. He stated that the City is starting to see results from these changes.

#### 7. Public Works Report

Public Works Director Randall reported that the Public Works Department swept the parks, blew out the sprinkler systems and installed numerous new trees including four at the new Public Works Garage. He stated that Christmas decorations and lights have been placed at the parks and fire hydrants have been drained for the

winter months. He reported he met with the City of Fridley regarding the realignment of Osborne Road and completed dumpster enclosures at the liquor store and city hall.

Councilmember Wendling inquired on the correspondence letter from the MN Health Department regarding the testing levels of the water. Mr. Randall stated that the testing was completed during a time a pump had failed and was shut off at the time of testing. He stated that the pump is back online and water us testing is at acceptable levels.

#### 8. Code Enforcement Report

Building Official Brainard reported that he attended the Council meetings on November 1<sup>st</sup> and 16<sup>th</sup>; a Department Head meeting on November 3<sup>rd</sup> and 17<sup>th</sup>; a Planning and Zoning Commission meeting on November 23<sup>rd</sup>; a Fire Chiefs walk-through of Substance Church on November 24<sup>th</sup>; an evaluation meeting for Facility Assessment & Needs RFP on November 17<sup>th</sup>; a North Suburban Code Officials meeting on November 11<sup>th</sup> and the North Suburban Building Official's meeting on November 24<sup>th</sup>.

Mr. Brainard stated that in November 2015, 44 permits were issued. He reported that he conducted 113 inspections in November.

Mr. Brainard reported that the November 2015 vacancy listing shows that there are 20 vacant/foreclosed residential properties currently posted and/or soon posted by the Code Enforcement Department, which remains the same from last month. There are three vacant/foreclosed commercial properties, which remains the same from last month; and 16 residential properties currently occupied and ready for Sheriff sale, which remains the same from last month. He reported that five violation notices and four administrative offense tickets were issued in November by the Code Enforcement Department.

Mr. Brainard provided a Christmas Tree Fact Sheet reminding of the use and display of natural or resin-bearing Christmas trees.

#### 9. Public Hearing

##### A. 2016 Truth in Taxation Hearing

Mayor Hansen opened the public hearing at 7:35 PM to discuss the 2016 proposed budget and tax levy.

Administrator Buchholtz reviewed the following visuals:

- Graphs showing the 2015 to 2016 Revenue and Expenditure Comparisons
- Pie Chart for 2016 Revenues
- Pie Chart for 2016 Expenditures
- 2016 Budget Highlights

Administrator Buchholtz stated the proposed levy increase is 3.36 %, of which the General Government levy will increase by 5.31%. He noted this proposed levy is still \$139,694 less than the 2007 levy. He stated that overall General Fund spending is set to increase by 2.74%. He stated that the City's tax rate will increase slightly from 52.877% in 2015 to 54.56% in 2016. He reported that the City will be receiving Local Government Aid for the 3<sup>rd</sup> time in 12 years and outlined how these will be used as follows: 1.) fund general fund expenditures; 2.) buy down debt service levy; 3.) purchase capital equipment; 4.) fund State/Federal storm water mandates; and 5.) special projects.

Mr. Sweeney, 7705 Lakeview Lane NE, stated that he is aware of many grants that are available to cities and he inquired who is responsible for applying for these grants and available monies in the city. Mayor Hansen stated that the city staff does an excellent job of applying for grants as time permits and grants have been received and used to purchase equipment for various departments.

Mayor Hansen asked for comments from the floor. Hearing none, the public hearing was closed at 7:55 PM.

#### 10. Ordinances and Resolutions

##### A. Resolution No. 15-29 Adopting CenturyLink Franchise and Authorizing Summary Publication of Ordinance No. 418

Administrator Buchholtz reported that CenturyLink has submitted an application for a cable TV franchise within the city limits of Spring Lake Park. He stated that the North Metro Telecommunications Commission conducted a public hearing on the franchise application and authorized the negotiation of a franchise agreement with CenturyLink. He stated the franchise agreement has been negotiated and approved by the Commission.

Administrator Buchholtz reported that the City Council held its own public hearing on the proposed franchise ordinance on November 16, 2015. He stated that other than comments from a representative of CenturyLink in support of the franchise, no additional public feedback was received.

Administrator Buchholtz stated that Resolution No. 15-29 will do the following:

1. Adopt findings of fact in support of granting a cable television franchise to CenturyLink.
2. Adopt Ordinance No. 418 which would grant a cable television franchise to CenturyLink.
3. Authorize summary publication of Ordinance No. 418.

MOTION MADE BY MAYOR HANSEN TO ADOPT CENTURYLINK FRANCHISE AND AUTHORIZE SUMMARY PUBLICATION OF ORDINANCE NO. 418. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

##### B. Ordinance No. 419 Adopting New Zoning Ordinance

Administrator Buchholtz presented Ordinance 419, he stated that it is an Ordinance Repealing and Replacing Chapter 152, Signs and Billboards, with a new Chapter 152, Subdivision Control; Repealing and Replacing Chapter 153, Antennas and Towers, with a new Chapter 153, Zoning; Repealing and Replacing Chapter 154, Mobile Homes and Mobile Home Parks, with a new Chapter 154, Antennas and Towers; Repealing and Replacing Chapter 155, Subdivision Control, with a new Chapter 155, Mobile Homes and Mobile Home Parks; and Repealing Chapter 156, Zoning.

Administrator Buchholtz presented Ordinance Number 419 to the Council. He reported that the ordinance is a year's worth of work by the Planning and Zoning Commission, City staff, and City Planner Phil Carlson. He stated the goal of the zoning ordinance update process was to study the City's existing land use ordinances and recommend updates to the City Council to meet current and emerging needs and to ensure consistency with the City's Comprehensive Plan.

City Planner Carlson provided a brief summary of the changes. He stated that while the new land use ordinance has too many specific revisions to review at the meeting, he did highlight the main items that were addressed:

1. Special Uses: Mr. Carlson explained that the term "special uses" in the zoning code have been changed to a more common term, "conditional uses", and the application is now for a conditional use permit (CUP), not a special use permit.
2. Variance Committee: Mr. Carlson reported that the existing zoning code requires approval of variances by a "Variance Committee". He stated that the new language has been changed to have the approval process for variances is to require recommendation from the Planning and Zoning Commission with final approval the full City Council.
3. Signage: Mr. Carlson stated that the language was reviewed pertaining to a number of types of signs, with the largest revision being for dynamic signs, which are digital/electrical signs.
4. Site and Building Design Standards: Mr. Carlson reported that new language and standards pertaining to site and building design was added to the proposed code. He provided the examples of landscaping and green space, parking lot design and lighting standards, lot coverage, and impervious surface requirements.
5. Wireless Communication/Cell Towers: Mr. Carlson reported that a new section has been added on wireless communication towers requiring wireless communication carriers to co-locate on shared towers.
6. PUD Ordinance: Mr. Carlson explained the new planned unit development (PUD) ordinance, making PUDs a zoning district, not a special use permit. He stated that there is also language clarifying the process and benefits to be gained with PUDs.
7. New Uses: Mr. Carlson stated that the Commission investigated several uses not currently addressed in the zoning code that are growing in popularity, such as food trucks, micro-breweries, and chickens in residential neighborhoods. He reported that the Commission decided that language related to the microbreweries and taprooms would be added to the proposed code.
8. Vehicles in Apartment Parking Lots: Mr. Carlson reported that the Commission has clarified language regulating the types of vehicles and equipment allowed to be stored in apartment parking lots and the length of time allowed. He stated that the issue was that trucks and other large vehicles were being stored in apartment parking lots, which was not the City's intent.
9. Non-conforming uses: Mr. Carlson explained that the draft code includes revised language for the sections of the code dealing with non-conforming uses to conform with changes in State law that took effect in 2004.
10. Residence Districts: He stated that several revisions were made to the number and type of residential districts and density standards. He stated that the City's six residential zoning districts have now been consolidated into three districts.
11. Commercial, Industrial, PUD Districts: Mr. Carlson explained that the three commercial districts- C-1, C-2 and C-3 remain as is. He stated that the I-1 district was renamed from "Industrial/Commercial" to "Light Industrial" to reflect its predominately industrial character, but also to emphasize that it does not accommodate heavy industry.

12. New Subdivision Code: Mr. Carlson stated that a significantly revised Subdivision chapter was added which brought the code up to date in a number of ways in terms of process and submission requirements.

13. Planning and Zoning Commission becomes Planning Commission: Mr. Carlson stated that the Planning body for the City is referenced by three different names in various parts of City materials. He stated that noted in State Statute, "Planning Commission", was selected.

14. "Other uses" catch-all phrase was removed: Mr. Carlson stated that the Table of Uses in Appendix D has a phrase at the end of the commercial and industrial uses that include "Other uses the Council determines to be compatible with existing and permitted uses in this district". He reported that the Commission felt this statement to be overly broad and imprecise, and removed it.

15. Reformatting: Mr. Carlson mentions that several changes were made to the order of the various chapters and to some of the provisions within the chapters to improve the organization of the Code.

Administrator Buchholtz stated that the Planning and Zoning Commission held a public hearing on November 23, 2015 on the proposed changes to the land use ordinances. He reported that two comments on the proposed code were received – one from Robert Nelson and one from Larry and Jean Pederson.

Administrator Buchholtz reported that the comment from Mr. Nelson referred to the change in the language regulating the types of vehicles and equipment allowed to be stored in apartment parking lots. He stated that Mr. Nelson expressed his opinion that the new language was overly restrictive and the code issue was better dealt with by apartment management. Administrator Buchholtz stated that the Planning and Zoning Commission had heard from Building Official Brainard that the City has received a lot of complaints of boats, RVs and trailers parked in apartment parking lots, creating a negative aesthetic for the rental property and reducing the number of parking spots for apartment residents and guests. He stated that the Planning and Zoning Commission agreed with staff's recommendation and clarified the language. He reported that the Commission declined to make any changes to this section of the Code.

Administrator Buchholtz stated the comment from Mr. and Mrs. Pederson related to conditional use permits. He stated that the Commission felt the new performance standards outlined in the City Code will result in a better conditional use permit process and better outcomes. He stated that the Commission agreed that if there are specific problems in the future, the Commission would study approval of the land use ordinances to the City Council.

Councilmember Nelson stated that he was impressed and happy to see the Code updates. He stated that the former wording in the Code was frustrating with what was and was not allowed. Planner Carlson stated that it was good that new Code was developed and changes were made. He suggested a yearly review would be beneficial to the City.

Administrator Buchholtz stated that many complaints have been received regarding the parking of boats and RVs in apartment lots. He stated that the proposed language in the Code refers to the parking of these vehicles in the R-1 zoning districts and not in the other zoning districts. Building Official Brainard stated that he received an email from Councilmember Nash inquiring on the number of complaints received. Mr. Brainard reviewed the complaints and noted that all the apartments have detached garages and no extra paved areas for extra storage. He also reported that Mounds View and Blaine do not allow storage of recreational vehicles at apartment buildings.

Mayor Hansen suggested that a workshop session be scheduled with staff to discuss changes of the language of Section 156.027 to allow the parking of recreational vehicles in apartment buildings. The Council was in agreement.

MOTION MADE BY MAYOR HANSEN TO APPROVE ORDINANCE NO. 419 WITH THE EXCEPTION THAT LANGUAGE CHANGES SPECIFIED IN 153.065 REVERT BACK TO EXISTING LANGUAGE. ROLL CALL VOTE. ALL AYES. MOTION CARRIED.

C. Resolution No. 15-31 Authorizing Summary Publication of Ordinance No. 419

MOTION MADE BY MAYOR HANSEN AUTHORIZING SUMMARY PUBLICATION OF ORDINANCE NO. 419 ADOPTING NEW ZONING ORDINANCE. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

D. Ordinance No. 420 Adopting an Ordinance Regulating Land Use by Establishing a Floodplain Management District

Administrator Buchholtz reported that the Federal Emergency Management Agency (FEMA) has approved new Flood Insurance Rate Maps for cities within in Anoka County that will take effect on December 16, 2015. He stated that previously, the City did not have any lands located within a floodplain. He stated that the new Flood Insurance Rate Maps now show a small floodplain area abutting Laddie Lake. He reported that in order for residents and businesses to continue to participate in National Flood Insurance Program, the City must adopt a floodplain ordinance by December 16, 2015.

Administrator Buchholtz explained that the only areas of floodplain within the City are on the former Nicklow property (the site of Laddie Lake Pub, which the City owns) and the rear yards of properties along Cottagewood Drive. He stated that since this newly identified floodplain area has very little impact on the future development/redevelopment of these areas, City staff chose to recommend adoption of the more streamlined/restrictive ordinance.

Administrator Buchholtz stated the proposed ordinance governs activities that can occur within the floodplain. He reported that City Planner Carlson reviewed the draft ordinance and noted that it is similar to floodplain ordinances adopted in other communities. He stated that the Minnesota Department of Natural Resources has also reviewed the draft ordinance and has granted conditional approval.

Administrator Buchholtz reported that a public hearing was held by the Planning and Zoning Commission on November 23, 2015 to consider that proposed floodplain ordinance. He stated that Councilmember Wendling inquired as the square footage of the floodplain within Spring Lake Park and the area is +/- 1,370 square feet for the former Nicklow property and +/- 45,000 square feet on the four properties along Cottagewood Drive. He stated that after the conclusion of the hearing, the Planning and Zoning Commission unanimously recommended approval of the proposed floodplain ordinance to the City Council.

MOTION MADE BY COUNCILMEMBER NELSON TO APPROVE ORDINANCE NO. 420 ADOPTING AN ORDINANCE REGULATING LAND USE BY ESTABLISHING A FLOODPLAIN MANAGEMENT DISTRICT. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

E. Resolution No. 15-32 Authorizing Summary Publication of Ordinance No. 420

MOTION MADE BY MAYOR HANSEN AUTHORIZING SUMMARY PUBLICATION OF ORDINANCE NO. 420 REGULATING LAND USE BY ESTABLISHING A FLOODPLAIN MANAGEMENT DISTRICT. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

F. Ordinance No. 421 Adopting an Ordinance Adopting a Fee Schedule for the City of Spring Lake Park

Administrator Buchholtz presented the 2016 Fee Schedule for City Council adoption. He stated that there are several fees that were either added to the fee schedule or increased. He highlighted the changes to the schedule, including: 1.) escrows were added to many of the City's zoning/development fees; 2.) the Park Dedication fee for Commercial/Industrial properties was reduced from 7.5% of fair market value unimproved land to 3% of fair market value; 3.) the Park Dedication fee for Residential will increase from \$1,000 per unit to \$1,897 per unit; 4.) Variance Fees for R-1 properties increased due to a change in process from a Variance Committee to full Planning Commission review; 5.) new fee was added for those requesting zoning letters from City staff; 6.) the cost to process a major subdivision was changed from \$250.00 plus \$5/lot to a flat fee of \$400 plus a \$5,000 escrow; 7.) new liquor licenses were added to reflect the licenses authorized by the new liquor ordinance; 8.) an animal impound fee of \$50 was added; 9.) a \$10/rostered player/sports season fee was added for athletic field use by youth sports teams; 10.) Water Availability charge was increased from \$750 per unit to \$900 per unit and 11.) increase the fees for 5/8" water meter from \$25.00 to \$25.00, 3/4" to 1" meter from \$35.00 to \$50.00 and over 1" meter from \$50.00 to \$100.00.

MOTION MADE BY COUNCILMEMBER NELSON TO APPROVE ORDINANCE NO. 421 ADOPTING A FEE SCHEDULE FOR THE CITY OF SPRING LAKE PARK. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

G. Resolution No. 15-33 Authorizing Summary Publication of Ordinance No. 421

MOTION MADE BY MAYOR HANSEN AUTHORIZING SUMMARY PUBLICATION OF ORDINANCE NO. 421 ADOPTING A FEE SCHEDULE FOR THE CITY OF SPRING LAKE PARK. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

11. New BusinessA. Authorize Bids Sewer Sliplining Project

Engineer Gravel reported that in 2012 the City Council asked Public Works and Engineering to develop a long-term plan for sanitary sewer lining. He stated that the city established a seven to ten year lining program. He stated that the lining program places a priority on the larger diameter sewers and on the areas where older sewers and higher ground water are known to exist. He stated the seven to ten year program is set up to try to keep the annual lining projects within a cost range of \$150,000 to \$200,000.

Mr. Gravel stated that Public Works Director has determined properties for lining in 2016. He stated that proposed 2016 work generally includes the following streets/areas:

- CSAH 35/Old Central Avenue
- Easement area between TH 65 (lift station 2) and Old Central Avenue
- Possible other segments as directed by the Public Works Director as the budget allows.



Mr. Gravel reported the estimated construction cost for the 2016 sewer lining project is \$175,000. He stated that the City Council order preparation of plans and specifications and authorize bidding for the 2016 Sanitary Sewer Lining Project.

Councilmember Nelson inquired if any technology has been developed to line water main lines. Public Works Director Randall stated that technology is progressing on lining water mains, but improvements are still needed at the connection of the water main and the service.

MOTION MADE BY COUNCILMEMBER WENDLING TO AUTHORIZE PREPARATION OF PLANS AND SPECIFICATIONS AND AUTHORIZE BIDDING FOR THE 2016 SANITARY SEWER LINING PROJECT. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

B. Authorize Bids for Seal Coat Project

Engineer Gravel reported that as part of ongoing street maintenances, the City completes an annual street maintenance project consisting of crack repair and seal coating. He stated that seal coating included placing bituminous emulsion and small aggregate on the street surface.

Mr. Gravel stated that Engineering has reviewed the street system history with the Public Works Director to establish priority streets to crack seal and seal coat treatment in 2016. He reported the target streets to be completed generally include the streets that received a seal coat in 2006. He stated the project area is essentially the area bounded by Able Street, 81<sup>st</sup> Avenue, and Middletown Road. He explained the actual final list may be adjusted based on final design and/or budget limits.

Mr. Gravel stated that an alternative bid to include parking lots at city facilities may also be included in this project. He stated the estimated construction cost is less than \$100,000. He explained that the project schedule includes receiving bids this coming winter and the Council will be asked to consider award Construction Contract in March.

Mr. Gravel requested that the City Council authorize preparation of plans/specifications and bidding for the 2016 Seal Coat and Crack Repair project.

MOTION MADE BY MAYOR HANSEN TO AUTHORIZE PREPARATION OF PLANS AND BIDDING FOR SEAL COAT PROJECT. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

12. Engineer's Report - None

13. Attorney's Report - None

14. Reports – None

15. Other

A. Administrator Reports

Administrator Buchholtz reported that the North Metro Cable Operations Committee has been discussing an equipment certificate to replace equipment at North Metro TV. He stated the certificate will be used to purchase new equipment to allow broadcasting of local programs in High Definition. He stated that the equipment certificate will have no impact to the franchise fees. He informed the Council that a resolution will be presented

to them in 2016.

B. Close Meeting to Discuss Labor Negotiation Strategies

MOTION MADE BY MAYOR HANSEN TO CLOSE REGULAR MEETING TO DISCUSS LABOR NEGOTIATIONS STRATEGIES. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

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

Mayor Hansen reconvened the meeting at 9:15 P.M.

16. Adjourn

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

The meeting was adjourned at 9:17 P.M.

Attest:

  
Daniel R. Buchholtz, Administrator, Clerk/Treasurer

  
Cindy Hansen, Mayor