

## OFFICIAL PROCEEDINGS

Pursuant to due call and notice thereof, the regularly scheduled meeting of the Spring Lake Park City Council was held on March 16, 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 Nelson, Wendling, Nash and Mayor Hansen

Members Absent: Councilmember Mason

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

Visitors: Olivia Koester, ABC Newspaper

### 3. Pledge of Allegiance

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

### 5. Discussion From The Floor - None

### 6. Consent Agenda:

Mayor Hansen reviewed the following Consent Agenda items:

- A. Disbursements
  - 1. General Fund Disbursement Claim No. 15-03 -- \$441,616.01
  - 2. Liquor Fund Disbursement Claim No. 15-04 -- \$178,881.00
- B. Budget to Date/Statement of Fund Balance – February 28, 2015
- C. First Quarter Billing Payable 2017 Assessment – Ken Tolzmann
- D. Contractor's Request for Payment No. 6 – Valley Paving
- E. Contractor's Licenses
- F. Correspondence

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

### 7. Police Report

Police Chief Ebeltoft reviewed the February 2015 department statistics.

Chief Ebeltoft stated that the Police Department responded to three hundred and thirty-one calls for service in 2015 compared to three hundred and forty-four calls for service in February 2014. He stated that the Police Department issued seventy-nine citations in February compared to one hundred and sixty-seven citations in February 2014.

Chief Ebeltoft reported that the Spring Lake Park Police Department recognizes the volunteer Spring Lake Park Reserve Officers who worked a total of four hundred two hours in 2014, equal to approximately \$9,800 in savings to the City of Spring Lake Park and its residents, for duties/details that would otherwise have had to be completed by sworn peace officers. He stated that the reserve unit is not at full capacity, and reminded interested residents/individuals that the Police Department is continuously taking applications.

Chief Ebeltoft reported in addition to addressing the day to day operation of the Department he attended numerous meetings; including the Governance Committee; a meeting of the Anoka County Chiefs of Police; a Department Head meeting; a meeting the MN POST Board regarding educational requirements to become a police officer; an Emergency Management Webinar meeting; and the Spring Lake Park Planning and Zoning Committee meeting.

#### 8. Parks and Recreation Report

Parks and Recreation Director Rygwall reviewed the February 2015 department statistics.

Ms. Rygwall stated that the Parks and Recreation Commission met and reviewed the softball flyer as well as the 2014 financial report and activity reports. She reported that she met with interested candidates for the summer internship position however, has not found the right candidate and the department has started applications for summer positions.

Ms. Rygwall reported that staff has been busy updating the senior mailing list and reminded residents that the next Tower Days meeting is on March 31, 2015.

#### 9. Ordinances and Resolutions

##### A. Resolution No. 15-08 Certifying False Alarm Fines and Administrative Citations

Administrator Buchholtz reported that four properties in the City have outstanding false alarm invoices and one property with outstanding administrative fines. He stated that the residents had been notified with several invoices and the City did not hear any response from the residents with the exception of one property owner who spoke to the City prior to the meeting.

Administrator Buchholtz asked that Property ID number 01-30-24-12-0003 be removed from the resolution for further investigation. He stated that the remaining properties will be sent to Anoka County for certification on their 2016 Property Taxes.

**MOTION BY COUNCILMEMBER NELSON TO APPROVE RESOLUTION NO. 15-08 CERTIFYING FALSE ALARM FINES AND ADMINISTRATIVE FINES AS AMENDED. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.**

#### 10. New Business

##### A. Development Agreement between City of Spring Lake Park and Substance Church for CSAH 35 Turn Lane Improvements

Administrator Buchholtz reported that the City issued a special use permit to Substance Church to allow operation of a church at 8299 Central Avenue NE, subject to reasonable conditions. He noted that two of those conditions included:

Condition #4: A northbound right turn lane and a southbound express bypass lane will be designed and constructed at the Church's expense at the church entrance from CSAH 35.

Condition #5: A 6-foot wide sidewalk will be designed and constructed at the Church's expense on the east side of Central Avenue from 81<sup>st</sup> Avenue North to the entrance into the church site, including permitting and continued snow removal and maintenance.

Administrator Buchholtz stated the improvement project outlined in Conditions 4 and 5 of the Special Use Permit will be completed as a City project. He stated the proposed development agreement outlines the financial securities that Substance Church will provide the City to ensure that the project is paid for by the Church. He reported that Substance Church will be required to post a financial guarantee in the amount of \$406,125, which is 125% of the Engineer's Estimate of \$324,980 for the project. The agreement also requires Substance Church to post a cash escrow with the City in the amount of \$35,000 to cover all reasonable administrative, legal, planning, engineering and staff charges incurred by the City. He stated that the proposed agreement was drafted by City Attorney Carson and contains a number of other provisions that protects the City during this project.

Administrator Buchholtz stated that staff recommends approval of the development agreement so that final design of the project can be completed and the project can be bid once the escrow and letter of credit is posted.

Councilmember Nelson inquired if Rice Creek Watershed District approved the plans for the sidewalk improvements. Engineer Gravel stated that they did approve, but noted that wetland credits will need to be purchased.

MOTION BY COUNCILMEMBER NASH TO APPROVE DEVELOPMENT AGREEMENT BETWEEN CITY OF SPRING LAKE PARK AND SUBSTANCE CHURCH FOR CSAH 35 TURN LANE IMPROVEMENTS. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

#### B. Discussion on Proposed Tobacco Ordinance Update

Administrator Buchholtz stated that one of his goals for 2015 was to begin review of the City's ordinances to update language to account for current practices and the Zoning update is currently underway. He stated that the first City Code ordinance that he decided to review was the tobacco regulation ordinance.

Administrator Buchholtz reported that he compared and reviewed the existing ordinance with that of the League of Minnesota Cities (LMC) model ordinance. He stated that many of the provisions were the same, which means the current ordinance is not too out of date. He noted that one area of difference was the LMC model ordinance referred to "nicotine or lobelia delivery devices." He defined lobelia as an herb with similar properties to nicotine.

Administrator Buchholtz stated that the proposed ordinance updated the definition of Tobacco or Tobacco Products to match the LMC model ordinance. He reported that the proposed ordinance also includes a new definition for "electronic delivery device" which covers e-cigarettes. He stated that cities were given the authority to regulate e-cigarettes in 2014 and the City of Spring Lake Park requires e-cigarette retailers to obtain a tobacco license. He stated that this would formally codify the current practice into the tobacco regulations.

Administrator Buchholtz stated that the proposed ordinance creates a new definition for “tobacco-related products.” He stated this definition was used to make the ordinance clearer by referring to tobacco or tobacco products, tobacco-related devices, electronic delivery devices and nicotine or lobelia delivery devices in just three words.

Administrator Buchholtz reported that the proposed ordinance would also prohibit smoking in the indoor areas of any establishment with a retail tobacco license. He reported that several years ago, the City instituted an interim ordinance to study the issue of hookah lounges and at that time, no ordinance was adopted. He stated that hookah lounges are required to obtain a tobacco license. He stated that if the City Council were still interested in regulating hookah lounges, the proposed ordinance would establish that regulation through the prohibition of the sampling of tobacco and tobacco-related devices.

Administrator Buchholtz stated that the current ordinance states that the City will establish a license fee from time to time. The City’s practice is to establish its fees by ordinance and the proposed ordinance amends the language to match the City’s practice.

Administrator Buchholtz stated that staff recommends the City Council authorize staff to send the proposed amendment to the tobacco licensees for comment. He stated that once the comment period has passed, staff will bring the proposed ordinance back to the City Council, along with the licensee comments, for possible action.

Councilmember Nelson inquired if the City has received any complaints of e-cigarettes at local establishments. He stated that he feels if e-cigarettes are banned, they should be banned at a state level and not at the city level.

Administrator Buchholtz asked the Council if they felt hookah lounges should be eliminated or if there should be an adjustment to the wording in the paragraph containing hookah lounges. He stated currently hookah lounges fall under the smoking wording and sampling is not allowed.

Mayor Hansen stated that she would like to see the ordinance written so that e-cigarettes are allowed but include a provision prohibiting hookah lounges. She noted that the Council’s intent when the interim ordinance was adopted was prohibition of hookah lounges.

Administrator Buchholtz inquired if the Council is comfortable with the wording as it is currently stated for licensee comments. The consensus was that all the councilmembers agreed.

#### 11. Engineer’s Report

Engineer Gravel reported that bids for the 2015 Seal Coat Project will be received on March 31, 2015 and bids for Lift Station No. 1 will be received on May 11, 2015.

Mr. Gravel provided an update on the medical building at 525 Osborne Road NE. He stated that the developers engineer prepared revisions to the onsite site plan to address drainage issues and other items included as conditions of the February 2, 2015 site plan approval. He stated that they have not started design work on the off-site storm sewer or water main plans and the process will take time there has been no quick action at this time.

#### 12. Attorney’s Report – Not present

13. Beyond the Yellow Ribbon Report

Councilmember Nash reported that a new logo has been designed for merchandise supporting the Beyond the Yellow Ribbon City and Fort Spring Lake Park. He stated that merchandise will be for sale at Kraus-Hartig VFW, City Hall and at the Tower Days celebration.

Councilmember Nash stated that Fort Spring Lake Park will be contacting local businesses to see if their business offers a discount to veterans and if they would be willing to make donations to Fort Spring Lake Park.

14. OtherA. Councilmember Nash – Unsolicited Written Materials Ordinance

Councilmember Nash expressed his concern of the unsolicited written materials that are delivered to resident homes. He stated that as he drives around the City, he has noticed piles of the weekly papers laying around properties especially those of vacant or abandoned. He stated that the unsolicited papers are troublesome especially during the winter months when they can be lodged in snow removal equipment.

Administrator Buchholtz stated that the proposed ordinance would require that unsolicited written materials be required to be placed in the resident's door, on the porch or in a newspaper box. He commented that it would be up to the businesses to coordinate how the materials will be deposited into the boxes.

Councilmember Nelson commented that he supports the ordinance and has noticed several catch basins collecting the papers. Administrator Buchholtz stated that he will finish drafting the ordinance and present it at a future council meeting.


B. Administrator's Report

Administrator Buchholtz reported that the City auditors will be at City Hall from March 24-26, 2015. He reported that he has been invited to join the Community Facility Design Team with the Spring Lake Park School District. He stated that the team will look at the future needs of the schools and facilities.


15. Adjourn

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

The meeting was adjourned at 7:40 P.M.

  
\_\_\_\_\_  
Cindy Hansen, Mayor

Attest:

  
\_\_\_\_\_  
Daniel R. Buchholtz, Administrator, Clerk/Treasurer