

OFFICIAL PROCEEDINGS

Pursuant to due call and notice thereof, the regularly scheduled meeting of the Spring Lake Park City Council was held on March 2, 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 Nash, Nelson, Wendling and Mayor Hansen

Members Absent: Councilmember Mason

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

Visitors: Olivia Koester, ABC Newspaper
Jean and Larry Pederson, 1595 83rd Avenue NE

3. Pledge of Allegiance

4. Additions or Corrections to Agenda

Administrator Buchholtz requested that Item 9B, Resolution No. 15-07 Revoking a Liquor License for Povco, Inc. D/B/A Povlitzki's on 65 be removed from the agenda, as the issue has been resolved. The item was removed from the agenda without objection.

5. Discussion From The Floor - None

6. Consent Agenda:

Mayor Hansen reviewed the following Consent Agenda items:

- A. Approval of Minutes – February 17, 2015
- B. 2 AM Liquor License Renewal Application – Monte's
- C. Massage Therapy License
- D. Sign Permits
- E. Correspondence

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

7. Public Works Report

Public Works Director Randall reported that the Public Works Department continues to maintain the skating rinks however; the warming houses have closed for the season and they continue to perform repairs on the seasonal equipment. He reported the city crews plowed three times in the month of February and have been working at completing a break room and restroom at the former Cemstone building. He stated that a water main

break occurred at 83rd Avenue and Monroe and that the area of street where the water main breaks occurred are being monitored and filled daily with gravel. He stated those areas will be filled with hot mix as soon as the weather permits.

8. Code Enforcement Report

Building Official Brainard reported that he attended the Council meetings on January 5th, January 20th and February 17th; a Department Head meeting on January 6th; the North Suburban Code Official meeting at City of Arden Hills on February 24th; the Planning Commission meeting on February 23rd, the Annual Building Official's Conference at the University of Minnesota on January 12th-16th and a Builders Workshop for SWPP at Fire Station #2 on February 25th.

Mr. Brainard stated that in January 2015, six building permits were issued compared to three in 2014 and in February 2015 eight building permits were issued compared to seven in 2014. He reported that two mechanical permits were issued in January compared to 11 in 2014 while February 2015 showed one mechanical permit issued compared to eight in 2014. He reported that four plumbing permits were issued in January 2015 compared to four in January 2014 and four mechanical permits were issued in February compared to three in 2013.

Mr. Brainard reported that the February 2015 vacancy listing shows that there are 25 vacant/foreclosed residential properties currently posted and/or soon posted by the Code Enforcement Department, which is down three from December 2014. There are two vacant/foreclosed commercial property, which is the same from December 2014; 18 residential properties currently occupied and ready for Sheriff sale, which is up four from December 2014.

Mr. Brainard reported that no Administrative Tickets were issued in January and February by the Code Enforcement Department due to the Building Official being out of the office.

Mr. Brainard provided a handout on the the significant changes from the 2009 Minnesota Residential Code to the 2015 Residential Code that was adopted by the State on January 24, 2015.

9. Resolutions and/or Ordinances

A. Resolution No. 15-06 Denying the Special Use Permit Application for 8359 Westwood Road, NE

Administrator Buchholtz reported that the City of Spring Lake Park has received an application from applicant Lloyd Laumeyer for a special use permit to operate a home occupation at 8359 Westwood Road NE. He stated the proposed site is zoned R-1, Single Family Residential District and home occupations are a special use in the R-1 district.

Administrator Buchholtz stated that the applicant is proposing to operate as an independent representative for WorldVentures from his residence. He reported that the applicant proposed to have 20-30 people meet at his home for WorldVentures travel membership presentations. He stated that the applicant did not share the number of meetings he would hold during a typical week.

Administrator Buchholtz stated the the Zoning Code defines a home occupation as "any occupation or profession which is clearly secondary to the main use of the premises, carried on by a member of a family residing on the premises, conducted entirely within the dwelling, in connection with which there is used no sign (other than one non-illuminated name plate, which is not more than one square foot in area, attached to

the building entrance) and provided that not over 25% of the gross floor area of any one story is used home home occupation or professional purposes.”

Administrator Buchholtz reported that the Planning and Zoning Commission, at its February 23, 2015 meeting, conducted a public hearing on the proposed application. He stated that proper notice was published in the City’s official newspaper, posted at City Hall and mailed to property owners within 350 feet, including the applicant. Administrator Buchholtz reported that the applicant was notified of the public hearing at the time the application was submitted and a copy of the agenda was mailed to him. He stated that despite these efforts, the applicant failed to appear at the public hearing.

Administrator Buchholtz stated that staff drafted potential conditions for the Planning and Zoning Commission to review. He stated that during the Commission’s discussion, the Commission expressed concern about traffic, noise and parking impacts from the 20-30 individual who would meet at his residence. He reported that the Commission also expressed concerns that the meeting attendance would exceed the occupancy of the home as outlined under Table 1004.1.1 of the 2006 International Building Code. He stated that the table limits the maximum occupancy of the home to one person per 200 square feet of living space. Based on these concerns, the Commission was unable to recommend several findings to the City Council that are required to be made under §156.167(E) of the Spring Lake Park Zoning Code.

Administrator Buchholtz stated that the Commission utilized its concerns about parking, traffic, noise and occupancy as the basis for the findings of fact used to justify its recommendation to deny the special use permit. He stated that the Commission recommended the following findings of fact to be adopted:

1. The proposed use will be detrimental to the health, safety, morals or general welfare of persons residing in the neighborhood as the impacts from the proposed use (traffic, parking, occupancy, noise, etc.) will exceed the level and intensity of a typical single-family use, thereby altering the character of the neighborhood.
2. The anticipated twenty to thirty participants per meeting would generate between 40-60 vehicle trips to and from the residence, equaling or exceeding the number of vehicle trips generated in a week by a typical single family residence and having a detrimental effect on the use and enjoyment of other property in the immediate vicinity of the applicants property.
3. The property does not have adequate off-street parking on an approved driveway surface to support between twenty and thirty vehicles that would be result from attendees participating in business gathering at the property.
4. The noise generated by twenty to thirty persons arriving and departing from the property will exceed the level and intensity of a typical single family home and the applicant provided no evidence of measure he would undertake to prevent noise from becoming a nuisance.
5. The number of participants for the applicant’s business gatherings at the property would exceed the maximum occupancy of the home pursuant to Table 1004.1.1 of the 2006 International Building Code, thereby jeopardizing the health, safety and welfare of those participants should an emergency situation occur on the property.

Administrator Buchholtz stated that these findings are outlined in the Resolution 15-6, A Resolution Denying the Special Use Permit Application for 8359 Westwood Road NE, Spring Lake Park. He stated that the City Council, in adopting the resolution, will adopt the findings of fact to justify denial of the application. He stated

that City staff will send a letter to the applicant outlining the findings of fact, as required by the 60-day rule.

Administrator Buchholtz stated that the current zoning code does not provide guidance for home occupations. He stated that the new zoning code will be clearer and provide specific examples of home occupations that are allowed such as piano lessons.

MOTION BY COUNCILMEMBER NASH TO APPROVE RESOLUTION NO. 15-06 DENYING THE SPECIAL USE PERMIT APPLICATION FOR 8359 WESTWOOD ROAD NE, SPRING LAKE PARK. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

10. Engineer's Report

Engineer Gravel reported that bids will be received in April for the 2015 Sanitary Sewer Lining Project and 2015 Seal Coat Project. He stated that City Engineering staff continues to work with the designers engineer to address drainage issues and other items included in the conditions for the medical building to be located at 525 Osborne Road. He reported that there have been revisions to the onsite drainage facilities and the North Suburban Hospital District is working with Anoka County on the Osborne Road issues.

Mr. Gravel stated that the designating of 81st Avenue to post "no trucks allowed" is still being pursued and no further action will take place until 2016.

A. 2015 Update on Municipal State Aid Account

Engineer Gravel provided an update on the City's Municipal State Aid Account. He reported that in January the Office of the State Aid announced the 2015 Maintenance and Construction allotments for the MSAS cities as approved by the Commission of Transportation. He reported that the City of Spring Lake Park received a construction allocation of \$168,062 and a maintenance allocation of \$56,021 (\$224,083). He stated that the total allocation is \$24,159 more than last year.

Mr. Gravel stated there are pending reimbursement requests totaling about \$1,319,650. He reported that this means that for the next seven to eight years the City will receive the construction portion of the State Aid Allocation without needing to submit any additional requests.

Mr. Gravel reported that the paperwork associated with the annual certification of mileage has been submitted to the Office of State Aid and there were no mileage changes from the previous year.

11. Attorney's Report - None

12. Reports - None

13. Other

A. Administrator Reports

Administrator Buchholtz reported that the first lease payment was received on time from Laddie Lake Pub for the month of March.

Administrator Buchholtz reported that a Zoning Code Ordinance meeting will be held on March 16, 2015 at 5:00 PM for all the local business owners in Spring Lake Park. He stated the meeting will provide business

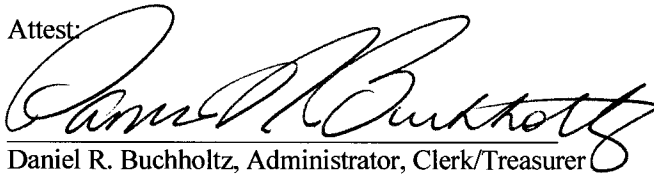
owners the opportunity to weigh in on what is working or not working with the current zoning ordinance and what their vision is for the future of Spring Lake Park.

15. Adjourn

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

The meeting was adjourned at 7:25 P.M.


Cindy Hansen, Mayor

Attest:

Daniel R. Buchholtz, Administrator, Clerk/Treasurer