

OFFICIAL PROCEEDINGS

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

Members Absent: Councilmember Nash

Staff Present: Public Works Director Randall; Attorney Carson; Engineer Gravel; Parks and Recreation Director Rygwall; Administrator Buchholtz; and Executive Assistant Gooden

Visitors:

Olivia Alveshere, ABC Newspaper
Kristi Riley, Barna, Guzy and Steffan, LTD., 200 Coon Rapids Boulevard,
Coon Rapids
Steve Fellows, Spring Crest Estates Homeowners' Association, 554 78th Avenue NE
Bill Tschida, St. Paul Water Regional Water Works Authority
Gerald Maeckelbergh, North Suburban Hospital District
Mike Bultman, Sambatek Engineering

3. Pledge of Allegiance

4. Additions or Corrections to Agenda - None

5. Discussion From The Floor – None

6. Presentation

A. Senator Alice Johnson and Representative Jerry Newton

Senator Johnson reported that there is a \$1 billion surplus this year and there are many needs. She stated that some of those needs include transportation and education. She informed residents that is actively involved on the Education Committee and urged residents to contact her with any issues that they would like addressed this session.

Representative Newton stated that he will be working hard on the education bill and with the school districts to avoid levy limits to the residents this session.

Administrator Buchholtz stated the City's opposition to levy limits. He stated that levy limits is a "one size fits all" policy that does not take into account the needs of an individual city. He stated it makes budgeting and decision making significantly harder.

Councilmember Nelson stated that he would like to see a bill that allows cities to legally set up a utility account to raise money for road construction projects, thereby avoiding special assessments and franchise fees.

Senator Johnson agreed the importance of taking care of the roads to avoid future problems and hardships. She inquired if a bill has already been introduced. Councilmember Nelson stated that in the past it has been introduced but never carried any further. Both Senator Johnson and Representative Newton asked for additional information.

7. Consent Agenda:

Mayor Hansen reviewed the following Consent Agenda items:

- A. Approval of Minutes –January 20, 2015
- B. Budget to Date/Statement of Fund Balance-December 2014
- C. Business Licenses
- D. Contractor's Licenses
- E. Correspondence

MOTION BY COUNCILMEMBER WENDLING APPROVING THE CONSENT AGENDA.

ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

8. Public Works Report

Public Works Director Randall reported that the Public Works city crews have been patching potholes along 81st Avenue; performing daily maintenance at the skating rinks; trimming trees along the snow plow route and installed the aerator in Spring Lake due to low oxygen levels. He reported that the city crews plowed one time and salted three times in the month of January and repaired three water main breaks. He noted that the areas of the water main break are being monitored daily and the work at the Cemstone building is progressing nicely.

9. Ordinances and Resolutions

A. Amendment to Interim Ordinance No. 411

Administrator Buchholtz reported that the City Council adopted Ordinance 404, An Interim Ordinance to Permit Study and Amendments to the Official Controls within the City of Spring Lake Park, on December 16, 2014. He stated that the ordinance prohibits development of vacant land, or redevelopment of land, within the commercial and industrial zoned properties of Spring Lake Park.

Administrator Buchholtz stated that at the City Council workshop on January 20, 2015, the City Council came to a consensus that the scope of the interim ordinance should be expanded to prohibit amendments to the comprehensive plan and the zoning code during the period of the moratorium. He noted that Ordinance 411 would add language expanding the scope of the moratorium to prohibit amendments to the comprehensive plan or zoning code during the one-year moratorium.

MOTION BY COUNCILMEMBER MASON APPROVING AMENDMENT TO INTERIM ORDINANCE NO. 11. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

B. Resolution 15-03 Approving a Planned Unit Development, Special Use Permit and Site Plan for the Unity Hospital Campus Addition, 525 Osborne Road NE

Administrator Buchholtz reported that the North Suburban Hospital District submitted applications for a planned unit development, special use permit and site plan approval for a medical office building at 525 Osborne Road NE. He reported that a public hearing on the planned unit development and special use permit was held at the January 26, 2015 Planning and Zoning Meeting. Representatives from the North Suburban Hospital District and the St. Paul Water Works were present to address the details of the application and to answer questions from the Commission, staff and the public.

Administrator Buchholtz reported that the property was rezoned from R-6, Elderly and Handicap Housing District, to C-3, Office Commercial District, on December 4, 2014. He stated that the project was specifically excepted from the commercial/ industrial development moratorium approved by the City Council on December 15, 2014.

Administrator Buchholtz stated the public hearing was very informative and the only change the Planning and Zoning Commission made to the staff recommendation was to require the building owner to restore all grades and landscaping in the utility and drainage easement upon completion of the utility portion of the project. He stated that this was based on the feedback the Planning and Zoning Commission received from the Spring Crest Estates Homeowner's Association.

Administrator Buchholtz reported that the Planning and Zoning Commission recommends approval of the planned unit development and special use permit with the following conditions:

1. Parking will be provided to adequately serve the intended use of the building. If parking shortages become a problem in judgment of the city building official, the owner of the building will be required to solve the problem by modifying or reducing the use of the building or providing more parking for the building, or other means acceptable to the City.
2. There will be handicapped parking spaces providing on all three sides of the building, at least one for each entrance to the building.
3. The building owner will install the landscaping and build and maintain the fence as shown on the north lot line on the site development plans dated January 8, 2015.
4. The building owner will restore all grades and landscaping on the city's 30 foot wide utility and drainage easement in the Spring Crest Estates subdivision according to a plan to be approved by the City Council in consultation with the City Engineer, City Planner and Spring Crest Estates Homeowners' Association.
5. Impervious surface coverage on the lot shall not exceed the City's maximum limit of 75%.
6. Parking lot and building (windows/entry points) shall be illuminated; the building shall have an alarm system covering windows and doors; and the building shall have an internal panic alarm for use during business hours.
7. Site Plan approval shall be contingent upon approval of final site and utility construction plans by the Public Works Director and City Engineer. Final review of the site and utility construction plans will include a review of water main fittings, valves, hydrants, etc., utility connection locations, patching details and other related items.
8. As part of the final plan preparation for site and utility construction plans, a detailed survey of the proposed off-site storm sewer and water main alignment shall be completed. The survey shall include locating easement lines and an existing tree inventory.
9. Sewer, water and drainage facilities within the site shall be considered "private" facilities. The City will not be responsible for maintenance of the private facilities.

10. The existing bituminous trail along the south side of the site shall be replaced between the west and east edges of the property.
11. Building owner shall submit drainage calculations providing evidence that the project meets the requirements of the city's local surface water management plan.
12. Site and construction shall meet the requirements of the Coon Creek Watershed District (CCWD) and be approved by the City Engineer.
13. Prior to starting construction, applicant shall provide the city with a copy of the maintenance agreement negotiated with the CCWD. Applicant shall also provide evidence that maintenance agreement has been properly recorded.
14. Applicant should review snow storage and snow storage requirements with an emphasis on making sure that snow storage will not encroach on neighboring properties.
15. Prior to beginning site construction, a Development Agreement must be executed for the project.
16. Any changes to the site plan shall be processed as an amendment to the PUD and approved by the City Council.
17. Applicant shall satisfy conditions outlined by Anoka County Transportation Division in its letter dated January 29, 2015 to the satisfaction of the City Engineer and the City Administrator.

Mayor Hansen stated that she would like reassurance that there will not be any storm water drainage issues with the proposed project. Engineer Gravel stated that the North Suburban Hospital District will be required to follow the conditions of the Coon Creek Watershed District and that the Coon Creek Watershed District has already approved storm water plans for the project that have been submitted. Mr. Gravel stated that there is concern with discharge drainage and it is an issue that has been raised that needs to be looked at more in depth.

Chairperson Maeckelbergh addressed the Council stating that since the proposed parking lot will be used in conjunction with the Osborne Apartments through a parking agreement for visitor parking during off peak times, the fence along the north lot line may not be required as previously planned and would be replaced with a sidewalk.

Councilmember Mason inquired if vehicles from Osborne Apartments are parked overnight, who will be monitoring the vehicles. Chair Maeckelbergh stated that a parking agreement will be worked out between Unity Hospital security and Osborne Apartments.

Councilmember Mason inquired how the facility affects the St. Paul Water Works easement. Bill Tschida, St. Paul Water Regional Water Works Authority, stated that the St. Paul Waterworks has a 60' Right of Way easement crossing the front of the property with two main water main conduits running below the surface. He stated that the conduit has been in place since 1923. He stated that 80% of the volume of raw water utilized by the City of St. Paul flows through this conduit from the river. He reported that a compromise has been reached with the North Suburban Hospital District and the plans will be revised to require concrete aprons at the driveway entrances. He stated that the concrete reinforcements would be similar to those that were required in the city street projects.

Engineer Gravel inquired on the comments received from Anoka County and the significant traffic concerns that they have with the project. Mike Bultman, Sambatek Engineering, stated that the comments from Anoka County were just received and he was surprised at the turn lane requirements, which was not included in the original plans. He stated that Anoka County is requiring an additional 17 feet of right of way that will overlap onto the water works easement.

Mr. Gravel inquired on the storm water process that has been proposed. Mr. Bultman stated that they have met with the Coon Creek Watershed District and the proposed drainage system meets the requirements set by the Watershed District.

Councilmember Nelson stated that he has significant concerns with the drainage system and possible flooding to upstream residents. He stated that the City has worked hard to control flooding and often times the manhole covers overflow with too much water passing through. He stated he feels that City staff needs to review the drainage plans and the request should be tabled until further investigation and research.

Mr. Bultman spoke stating that the drainage system that is being proposed is a typical system and other communities have not been affected or had any major concerns. He stated that models have been used and in fact, the proposed system will reduce the property's impact on the current drainage system in the City.

Attorney Kristi Riley, Barna, Guzy and Steffan LTD., addressed the Council and stated that she is very disappointed that the drainage issues and comments from Anoka County are being addressed so late in the process. She stated that the purchase agreement on this property was signed in March 2013 and the Hospital District is due to close on the property within days. She stated that the agreement has been extended twice already and it likely cannot be delayed any more. She stated that it was her understanding that all conditions of the request had been addressed prior to this meeting.

Attorney Carson questioned how quickly the concerns of Anoka County could be addressed and if a two week period would be an acceptable amount of time. Mr. Gravel stated that a more reasonable period is two to four weeks to respond to review drainage issues. He stated that it is not uncommon for drainage issues to arise as projects proceed and for City staff to respond. He feels that the City does not need to respond the concerns of Anoka County since the City would not be involved in those specific plans.

Administrator Buchholtz stated that the request from the North Suburban Hospital District was received on January 8, 2015 therefore; the request is still within the 60-day window. He inquired if the drainage issue could be made a condition in the resolution, which would allow the North Suburban Hospital District to close on the property. Mr. Gravel stated that it would be enough time; however, he is unsure of the drainage on neighboring streets and unsure of wading of water in certain areas nearby.

Chairperson Maeckelbergh addressed the Council stating how important this project is for the community and the development of Unity Hospital. He stated that a large amount of money is being invested in this project and if the North Suburban Hospital District were not investing the property, there would be no development on this piece property. He expressed his disappointment in the delays the City Council is proposing and those of Anoka County. He stated that they are willing to work with everyone and meet the conditions to make this project work for everyone.

Mayor Hansen recessed the meeting at 8:15 PM. to allow staff to confer with the applicant.

Mayor Hansen reconvened the meeting at 8:30 PM.

Administrator Buchholtz reported that an additional condition will be added to Resolution 15-03 stating: Applicant shall satisfy conditions outlined by the Anoka County Transportation Division in its letter dated January 29, 2015 to the satisfaction of the City Engineer and the City Administrator. He requested that condition number 12 be amended to include the approval of City Engineer.

Attorney Carson stated that the applicant could now move ahead with the closing of the property. He stated that there was a misunderstanding of communication with the North Suburban Hospital District, Anoka County and the City Engineer regarding the letter received from Anoka County. He stated that it is doubtful that the 17 foot of additional right of way will be an issue.

MOTION MADE BY MAYOR HANSEN TO APPROVE RESOLUTION 15-03 APPROVING A PLANNED UNIT DEVELOPMENT, SPECIAL USE PERMIT AND SITE PLAN FOR THE UNITY HOSPITAL ADDITION, 525 OSBORNE ROAD NE, SPRING LAKE PARK. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

10. New Business

A. Traffic Education Program

Police Chief Ebeltoft provided an update to the Traffic Education Program or "TEP. He stated that on December 16, 2013, the Mayor and City Council adopted Resolution 13-31 on the recommendation of Chief Ebeltoft and staff authorizing the City Attorney to establish the Traffic Education Program and to develop a "Traffic Education Program Fund" in the general budget for accounting purposes.

Chief Ebeltoft stated that at that time due to pending litigation of class action lawsuit, it was decided to hold off implementing "TEP" and not subject the City of Spring Lake Park to any undue litigation until further information was received about the pending lawsuit. He reported that since this time he has been corresponding with the Spring Lake Park City Attorney's Office regarding this litigation.

Chief Ebeltoft reported that there has been a new development into this pending litigation, with a court decision that the alleged class action lawsuit did not meet the criteria to be classified as a class action and this decision was upheld by the Court of Appeals. He stated that since this decision eliminated litigation exposure to the City, it is the recommendation of the City Attorney's Office that the City of Spring Lake Park implement the Traffic Education Program.

Attorney Carson commented that our program is different from that of Wabasha County's program and sees no need to delay the implantation of our program any longer. He stated he is comfortable with reaffirming Resolution 13-31 Establishing a Traffic Education Fund.

MOTION BY MAYOR HANSEN REAFFIRMING RESOLUTION 13-31 ESTABLISHING A TRAFFIC EDUCATION PROGRAM. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

B. Authorize Preparation and Bidding – 2015 Seal Coat and Crack Repair Project

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

Mr. Gravel stated that the street system history has been reviewed the Public Works Director to establish priority streets for crack seal and seal coat treatment in 2015. He stated that the target streets to be completed include the following:

- 81st Avenue North from Able to Pleasant
- Garfield Street and Hays Street

- Middletown Road and Frontage Road
- Sanburnol Drive

Mr. Gravel stated the estimated construction cost is less than \$100,000 and the project schedule includes receiving bids and considering award of construction contract in March with construction this summer.

MOTION BY COUNCILMEMBER NELSON TO AUTHORIZE PREPARATION AND BIDDING 2015 SEAL COAT AND CRACK REPAIR PROJECT. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

C. Authorize Preparation and Bidding – 2015 Sewer Lining Project

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

Mr. Gravel reported the proposed 2015 work includes 5,775 feet of sewer lines in the following streets/areas:

- Area behind mobile home park
- Across Highway 10
- 83rd Avenue NE, and
- Westwood Road NE

Mr. Gravel stated the estimated construction cost of the 2015 sewer-lining project is \$170,000. He stated that if the City would like to take the next step in the project, it is requested that the City Council order preparation of plans and specifications and authorize bidding for the 2015 Sanitary Sewer Lining Project. He stated that bid results will be presented to the Council for approval in March.

Mr. Randall commented that work needs to be done with trimming of trees and brush in the mobile home park to gain access to the sewer line and manholes. He stated that the mobile home park has been notified.

MOTION BY COUNCILMEMBER MASON TO AUTHORIZE PREPARATION AND BIDDING 2015 SEWER LINING PROJECT. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

11. Attorney's Report – None

12. Reports

Councilmember Wendling commented on his attendance at the Newly Elected Officials Training. He stated that it was very informational and beneficial.

13. Other

A. Administrator Reports - None

B. Joint City Council/Planning and Zoning Commission Workshop – February 9, 2015 at 6:30 PM

Mayor Hansen stated that a joint City Council and Planning and Zoning Commission is scheduled for February 9, 2015. She stated the Planning Consultant would attend as well.

C. City Hall Closed – February 16, 2015 for President’s Day Holiday

Mayor Hansen reminded everyone that City Hall will be closed on Monday, February 16, 2015 in observance of the President’s Day.

15. Adjourn


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

The meeting was adjourned at 8:45 P.M.



Cindy Hansen, Mayor

Attest:



Daniel R. Buchholtz, Administrator, Clerk/Treasurer