



**CITY COUNCIL AGENDA
MONDAY, NOVEMBER 6, 2017
7:00 P.M.**

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. ADDITIONS OR CORRECTIONS TO AGENDA
5. DISCUSSION FROM THE FLOOR
6. **CONSENT AGENDA:**
 - A. Approval of Minutes – October 16, 2017
 - B. Approval of Public Right of Way Application - Comcast
 - C. Approval of Public Right of Way Application - CenturyLink
 - D. Request for Contractor's Payment No. 1 – ASTECH Corp.
 - E. Request for Contractor's Payment No. 2 – Visu-Sewer, Inc.
 - F. Contractor's Licenses
 - G. Correspondence
7. PRESENTATION
 - A. Mayor's Proclamation – Foreign Exchange Student Week – Honorary Citizen
Veera Toikka (Finland)
8. PUBLIC WORKS REPORT
9. CODE ENFORCEMENT REPORT
10. ORDINANCES AND/OR RESOLUTIONS
 - A. Ordinance 441 Amending Chapter 153 of the Spring Lake Park Code of Ordinance Relating to
Conditional Use Permits
 - B. Resolution 17-34 Authorizing Summary Publication of Ordinance 441
 - C. Ordinance 442 Amending Zoning Code Regarding Small Wireless Facilities
 - D. Resolution 17-35 Amending 2017 General Fund Budget
11. NEW BUSINESS
 - A. December Work Session Request
12. ENGINEER'S REPORT
13. ATTORNEY'S REPORT
14. REPORTS
 - A. Beyond the Yellow Ribbon Report
15. OTHER
 - A. Administrator Reports
16. ADJOURN

**SEE REVERSE SIDE FOR RULES FOR PUBLIC HEARINGS AND
DISCUSSION FROM THE FLOOR**

RULES FOR DISCUSSION FROM THE FLOOR AND PUBLIC HEARINGS

DISCUSSION FROM THE FLOOR

- Discussion from the floor is limited to three minutes per person. Longer presentations must be scheduled through the Administrator, Clerk/Treasurer's office.
- Individuals wishing to be heard must sign in with their name and address. Meetings are video recorded so individuals must approach the podium and speak clearly into the microphone.
- Council action or discussion should not be expected during "Discussion from the Floor." Council may direct staff to research the matter further or take the matter under advisement for action at the next regularly scheduled meeting.

PUBLIC HEARINGS

The purpose of a public hearing is to allow the City Council to receive citizen input on a proposed project. This is not a time to debate the issue.

The following format will be used to conduct the hearing:

- The presenter will have a maximum of 10 minutes to explain the project as proposed.
- Councilmembers will have the opportunity to ask questions or comment on the proposal.
- Citizens will then have an opportunity to ask questions and/or comment on the project. Those wishing to comment are asked to limit their comments to 3 minutes. In cases where there is a spokesperson representing a group wishing to have their collective opinions voiced, the spokesperson should identify the audience group he/she is representing and may have a maximum of 10 minutes to express the views of the group.
- People wishing to comment are asked to keep their comments succinct and specific.
- Following public input, Councilmembers will have a second opportunity to ask questions of the presenter and/or citizens.
- After everyone wishing to address the subject of the hearing has done so, the Mayor will close the public hearing.
- The City Council may choose to take official action on the proposal or defer action until the next regularly scheduled Council meeting. No further public input will be received at that time.

OFFICIAL PROCEEDINGS

Pursuant to due call and notice thereof, the regularly scheduled meeting of the Spring Lake Park City Council was held on October 16, 2017 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, Delfs, Goodboe-Bisschoff and Mayor Hansen

Members Absent: None

Staff Present: Police Chief Ebeltoft; Public Works Director Randall; Engineer Gravel; Parks and Recreation Director Rygwall; Fire Chief Smith; Attorney Thames; Administrator Buchholtz and Executive Assistant Gooden

Visitors: Paddy Jones, Ham Lake
Olivia Alveshere, ABC Newspapers

3. Pledge of Allegiance

4. Additions or Corrections to Agenda

Administrator Buchholtz asked that Resolution 17-33, Adopting the General Records Retention Schedule, as amended from time to time to be added to the Consent Agenda as item 6F.

5. Discussion From The Floor - None

6. Consent Agenda:

Mayor Hansen reviewed the following Consent Agenda items:

- A. Approval of Minutes – September 5, 2017 Council Work Session
- B. Approval of Minutes – October 2, 2017
- C. Disbursements
 1. General Fund Disbursement Claim No. 17-17 -- \$395,501.09
 2. Liquor Fund Disbursement Claim No. 17-18--\$191,705.75
- D. Application for Exempt Permit- North Suburban Chapter of MN Deer Hunters Association – December 4, 2017 – Kraus Hartig VFW
- E. Contractor's Licenses
- F. Sign Permits
- G. Correspondence
- H. Resolution 17-33 Adopting the General Records Retention Schedule, As Amended From Time to Time

Councilmember Wendling requested a staff report on Resolution 17-33. Administrator Buchholtz explained that while the City has adopted the General Records Retention Schedule, by adopting this resolution the Public Safety portion of the retention schedule can also follow the County retention schedule for further retention. He noted that the County schedule would prevail over the General Schedule for the Police Department.

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

7. SBM Fire Department Report

Fire Chief Smith provided a summary of the staffing at the various fire stations. He reported that construction on the new Quint ladder truck will begin in January with completion in April 2018. He reviewed the items that will be in need of repair or replacement at the various stations and reviewed the upcoming events that are sponsored by the SBM Fire Department.

Chief Smith reported that the Chemical Assessment Team will be now operated through Anoka County Fire Protection Council. He stated that the County is sending out the RFP and will handle all the paperwork.

8. Police Report

Police Chief Ebeltoft reviewed the September 2017 department statistics.

Chief Ebeltoft reported that the Police Department responded to five hundred sixty one calls for service for the month of September 2017 compared to five hundred forty calls in September 2016. He reviewed the monthly statistics for calls handled by School Resource Officer Chlebeck and Investigator Baker.

Chief Ebeltoft reported that the Police Department deployed the portable speed trailer at 14 different locations throughout the City in the month of September. He stated that it is the Police Department's intent to make the residents and those visiting the community aware of their speed while driving on the city streets.

Chief Ebeltoft thanked the residents of Spring Lake Park who have called the Police Department with locations for the deployment of the portable speed trailer. He encouraged residents to continue to call and report possible locations for speeding issues within the community. He noted that the Police Department will continue to deploy the speed trailer out until winter arrives.

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. Parks and Recreation Report

Parks and Recreation Director Rygwall reported that the Parks and Recreation Commission met and reviewed the program brochure and the softball program. She stated that there has been requests from residents to allow the portables to be left in the parks longer this year. She reported that the Commission agreed to allow the portables to remain longer into the fall season.

Ms. Rygwall reported that she and another Park and Recreation Commission member attended the grand opening of an outdoor fitness course in Golden Valley. She stated that the Commission is interested to see how

well the course holds up for one year; especially during the winter months to see if it would be feasible to build one Spring Lake Park.

Ms. Rygwall reviewed the extended trips that have recently taken place and reported that a travel show highlighting the 2018 extended tours will be held on October 18, 2017. She noted that the trips have been well attended.

Ms. Rygwall reviewed the upcoming programs and events. She noted that Augsburg College has been holding pickle ball classes to introduce the sport and equipment is now available for residents to use.

10. Ordinances and/or Resolutions

A. Resolution 17-32 Accepting a Donation to the City

Administrator Buchholtz reported that the City's wood chipper is over 25 years old and is showing its wear. He stated that the funds for the wood chipper originally donated to the City by the Spring Lake Park Lions Club. He explained that this purchase has allowed the City to accept brush from residents at City Hall, rather than having them bring it to the Anoka County Compost Site. He stated that wood chipper has also been extremely helpful after severe weather at part of the City's storm cleanup efforts.

Administrator Buchholtz reported that the City made a request to the Spring Lake Park Lions Club for a \$40,000 donation to facilitate the purchase of a new wood chipper. He stated that charitable gaming revenues are not what they once were and the Lions Club does not have the resources to fulfill a request like that at one time. He noted that the Spring Lake Park Lions has generously given the City \$5,000 for 2017 and has encouraged the City to continue submitting requests until sufficient funds are donated however; the Spring Lake Park Lions are unwilling to "pledge" the total cost of the wood chipper.

Administrator Buchholtz explained that the Council could do any of the following:

1. The City could authorize purchase of the wood chipper, advancing the money from the Revolving Construction Fund. Further donations from the SLP Lions Club would be deposited back into this fund. This would ensure maximum trade-in value for the existing wood chipper.
2. The City could wait until it collects further donations from the SLP Lions Club. The City would be further along in the purchases budgeted by the 2018-2022 Equipment Certificate and could use any excess funds to cover the difference.

Administrator Buchholtz reported that the City Council could also decline the donation and decide not to purchase a new wood chipper. He stated that if that option were chosen, the City would likely not be able to accept resident brush in order to further preserve the life of the chipper.

Administrator Buchholtz stated that staff recommends option 2, with the caveat that if the wood chipper is no longer safe to use, that staff could come forward to the City Council for purchasing authorization.

Councilmember Wendling inquired what the trade in value is of the current wood chipper. Public Works Director Randall estimated the trade in value to be between \$5,000 - \$10,000. He stated that he would like to try to get two more years out of the existing chipper but it is getting old.

Councilmember Nelson inquired if the wood chipper is being stored inside. Mr. Randall stated that it is being stored outdoors because of the use it does get. He stated that it is typically attached to the truck for a good portion of the winter month while the Public Works Department is out working and collecting brush.

Councilmember Goodboe-Bisschoff inquired if there is any grant money available to use to purchase a new chipper. Administrator Buchholtz stated that he was not aware of any available grants that would allow the purchase of a wood chipper.

Councilmember Goodboe-Bisschoff inquired if there was any more funding available for the 2017 available from the Lions. Administrator Buchholtz explained that there is not any more available for 2017 but requests can be made annually until the donations reach the purchase price.

Councilmember Goodboe-Bisschoff inquired as to how dangerous the current wood chipper is. Mr. Randall noted that while the current wood chipper is safe to use, it does not have all the safety mechanisms that newer equipment has. He stated that the old chipper is definitely showing wear and tear.

Councilmember Nelson noted that the charitable gaming funds are not what they use to be with the state taking a bigger portion and the City not receiving a good return. He stated that he supported the City waiting until further donations are collected.

MOTION MADE BY COUNCILMEMBER NELSON TO APPROVE RESOLUTION 17-32 ACCEPTING A DONATION TO THE CITY. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

11. New Business

A. Considering Joining the Trunk Highway 65 Corridor Coalition

Administrator Buchholtz reported that a number of cities, townships and counties have joined together to form the Trunk Highway 65 Corridor Coalition, to advocate for substantive improvements to Trunk Highway 65. He stated that MnDOT has no significant funding allocated for Trunk Highway 65 improvements for the next 20 years. He noted that with the anticipated growth along the Trunk Highway 65 corridor, along with the fact that portions of Highway 65 carry more traffic than I-35W, that lack of funding is unacceptable.

Administrator Buchholtz reported that the City of Blaine contacted the City about possibly joining the effort. He stated that the annual membership fees are \$100. He stated that the Coalition is currently working with Representative Nolan West to seek State funds for a Trunk Highway 65 Corridor Study between CSAH 10 in Spring Lake Park to Bunker Lake Road in Ham Lake. He explained that this is the first step in identifying improvements to the Trunk Highway 65 corridor and an important document in seeking State funding for those improvements.

Administrator Buchholtz stated that staff would recommend joining the Trunk Highway 65 Corridor Coalition and noted that the City Council would also need to appoint a representative to serve on the coalition.

Councilmember Wendling commented that he liked that the study was moved down to CSAH 10 to include the City. Administrator Buchholtz stated that Representative Bernardy had a big role in seeking to include a portion of Spring Lake Park in the corridor study.

Councilmember Nelson added that the study needs to go further north than just to Bunker Lake Road as there are many commuters further north. He noted that he worked on the Anoka County Highway 10 Coalition project many years ago.

Councilmember Goodboe-Bisschoff volunteered to be the Spring Lake Park representative for the Coalition.

Councilmember Nelson inquired if the Coalition will consist of mostly Mayors or if other representatives will be present. Administrator Buchholtz stated that it is a mix of many elected officials and staff.

MOTION BY MAYOR HANSEN TO JOIN THE TRUNK HIGHWAY 65 CORRIDOR COALITION. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

B. Approval of Wireless Consultant Contract

Administrator Buchholtz reported that due to changing State right-of-ways, Federal telecommunications laws and new technology, managing telecommunication contracts have become a more complex task. He stated that in order to endure that the City can ensure its water tower assets are maximized to their fullest potential; he is seeking authority to enter into an agreement with Community Wireless Consultants, Inc. to assist the City with reviewing new tower applications.

Administrator Buchholtz provided information on Community Wireless Consultants to the Council for their review. He stated that the City of Rogers uses them extensively and City Attorney Thames has worked with them in the past. He reported that the consultants charge \$100/hour in reviewing new site and tower modification applications. He stated that all of their fees could be passed on to the applicants, resulting in the City receiving professional advice at no cost to itself.

Administrator Buchholtz stated that in addition, Community Wireless Consultants, upon execution of the contract, will review the City's zoning and tower ordinances at no cost to the City to ensure they are up to date with the current Federal and State law.

Administrator Buchholtz stated that staff recommend the City Council grant authority to the Mayor and Administrator, Clerk/Treasurer to enter into an agreement with Community Wireless Consultants, subject to review of the contract by the City Attorney.

Councilmember Delfs inquired what the anticipated length of the contract or if it will continue as an ongoing contract. Administrator Buchholtz stated that the contract will be ongoing, services will be utilized as needed.

Councilmember Wendling inquired if the consultants will only be providing assisting only with the paperwork and permit process or if they will be doing inspections as well. Administrator Buchholtz stated that the City will continue to use Stantec for inspections and the City can choose to use the consultants as much or as little as it wishes.

Public Works Director Randall stated that he would prefer the Stantec or KLM Engineering continue with the review process for any work done on the water towers. He stated that Stantec does a very good job at making sure all cleanup efforts are complete and all procedures are followed correctly.

MOTION MADE BY MAYOR HANSEN TO APPROVE AGREEMENT WITH COMMUNITY WIRELESS CONSULTANTS. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

12. Engineer's Report

Engineer Gravel reported that Stantec continues to work with City staff and developer regarding the Hy-Vee development.

13. Attorney's Report - None

14. Reports

Councilmember Goodboe-Bisschoff reported that she attended the North Suburban Hospital Board meeting and the School Board forum. She encouraged residents to vote in the upcoming school board election.

15. OtherA. Administrator Reports

Administrator Buchholtz reported that the Hy-Vee project is making good progress. He stated that the Rice Creek Watershed District made their conditional approval and staff met with Anoka County regarding the access on CSAH 35. He reported that Hy-Vee is waiting on direction from the County.

Administrator Buchholtz reported that there will be leaf drop off event on October 28, 2017 at City Hall. He noted that a new Spring Lake Park sign was recently placed in the Council Chambers.

16. Adjourn

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

The meeting was adjourned at 7:50 PM.

Cindy Hansen, Mayor

Attest:

Daniel R. Buchholtz, Administrator, Clerk/Treasurer



CITY OF SPRING LAKE PARK
 1301 Eighty-First Avenue N.E.
 Spring Lake Park, MN 55432
 Ph: 763-784-6491 Fax: 763-792-7257

PUBLIC RIGHT-OF-WAY APPLICATION

NAME/COMPANY: Comcast

GOPHER 1-CALL REG. NO.: _____

ADDRESS: 4255 Lexington Ave Suite 100 Arden Hills, MN 55126

PHONE: 651-493-5535 **FAX:** _____

E-MAIL ADDRESS: keith_gesinger@comcast.com

NAME OF REPRESENTATIVE: Keith Gesinger

REPRESENTATIVE PHONE NO'S.: 651-493-5535

DESCRIPTION OF PROPOSED WORK: including a start date and completion date:

Aerial: Overlash existing pole attachments for fiber installation. Underground: Directional drill from pole to building on private property. (see attached plans)

Location: 1322 81st Ave NE - (Software Diversified Services - Job # JT 27151)

START DATE: 1/1/2017 **COMPLETION DATE:** 1/31/2018

The City of Spring Lake Park reserves the right to modify the schedule as necessary in the issuance of the permit. Therefore, the dates stated on this application may not necessarily match actual approved dates.

EXPLANATION OF RESTORATION: Complete restoration of all disturbed areas. (Tamp, Rake, Seed)

OK
10-27-17

Scott T. Sandkamp

Authorized Representative Signature

10/26/2017

Date

FOR OFFICE USE ONLY

Rec'd 10/27 Email

- | | |
|--|--|
| <input type="checkbox"/> PROOF OF CERTIFICATE OF INSURANCE: | VERIFICATION DATE: _____ |
| <input type="checkbox"/> SCALED DRAWING SHOWING LOCATION | <input type="checkbox"/> LETTER OF CREDIT OR CONST. BOND |
| <input type="checkbox"/> COPY OF INSURANCE POLICIES
(If Corporation; from Secretary of State) | <input type="checkbox"/> COPY OF CERTIFICATE OF AUTHORITY
(From M.P.U.C., State, or Federal Agency) |
- PERMIT FEES:** Excavation Hole - \$150.00 Emergency Hole - \$55.00
 Trench - \$70.00/100'+Hole fee Obstruction Fee - \$50.00+.05/Ft.

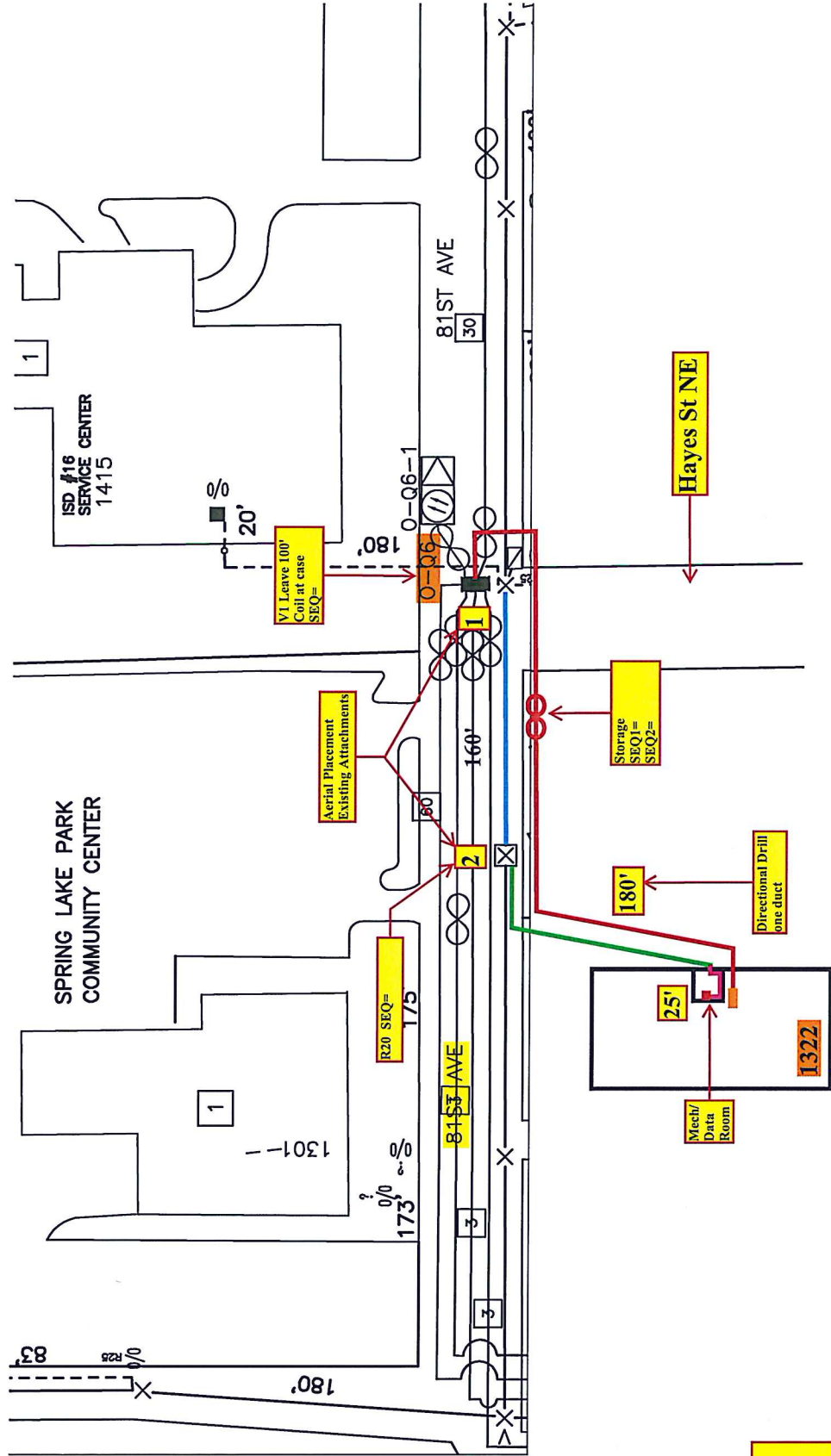
Receipt No.:

Date:

Initials:

**APPLICANT MUST CONTACT THE SPRING LAKE PARK PUBLIC WORKS DIRECTOR AT 763-792-7227
48 HOURS PRIOR TO COMMENCING WORK**

Enter building with PVC and pull box into mech/data room. Install fiber 25ft along wall to new PTP location. Install PTP on existing plywood in mech/data room. Install jumper 15ft to rack.



12Ct ID=	
6Ct ID -	
12Ct at PTP=	
6Ct at PTP=	
6Ct at Rack=	
Total ISP=	
Copper Used=	
Existing Duct -	
Overlap -	
New UG -	
Total 12ct -	



CITY OF SPRING LAKE PARK
 1301 Eighty-First Avenue N.E.
 Spring Lake Park, MN 55432
 Ph: 763-784-6491 Fax: 763-792-7257

PUBLIC RIGHT-OF-WAY APPLICATION

NAME/COMPANY: CenturyLink Inc.: Aaron Lesmeister N.262330

GOPHER 1-CALL REG. NO.: _____

ADDRESS: 301 W 65TH ST
RICHFIELD, MN 55423

PHONE: 651-312-5327 **FAX:** (612)381-5571

E-MAIL ADDRESS: aaron.lesmeister1@CenturyLink.com , Becky.Richter@CenturyLink.com

NAME OF REPRESENTATIVE: Aaron Lesmeister

REPRESENTATIVE PHONE NO'S.: 651 312 5327

DESCRIPTION OF PROPOSED WORK: including a start date and completion date:
DIRECTIONAL BORE 45' OF NEW COPPER CABLE FROM EXISTING POLE UNDER LADDIE RD NE.
PLACE 556' OF COPPER CABLE IN OPEN TRENCH.

START DATE: 10/30/17 **COMPLETION DATE:** 5/15/18

The City of Spring Lake Park reserves the right to modify the schedule as necessary in the issuance of the permit. Therefore, the dates stated on this application may not necessarily match actual approved dates.

EXPLANATION OF RESTORATION: OK 10-25-17
Trench 600' @ \$420.00
Hole 1 @ \$150.00
TOTAL \$570.00

Aaron Lesmeister

Authorized Representative Signature

10/25/2017

Date

FOR OFFICE USE ONLY Rec'd 10/25/17 - Email (J6)

- | | |
|--|--|
| <input type="checkbox"/> PROOF OF CERTIFICATE OF INSURANCE: | VERIFICATION DATE: _____ |
| <input type="checkbox"/> SCALED DRAWING SHOWING LOCATION | <input type="checkbox"/> LETTER OF CREDIT OR CONST. BOND |
| <input type="checkbox"/> COPY OF INSURANCE POLICIES
(If Corporation; from Secretary of State) | <input type="checkbox"/> COPY OF CERTIFICATE OF AUTHORITY
(From M.P.U.C., State, or Federal Agency) |

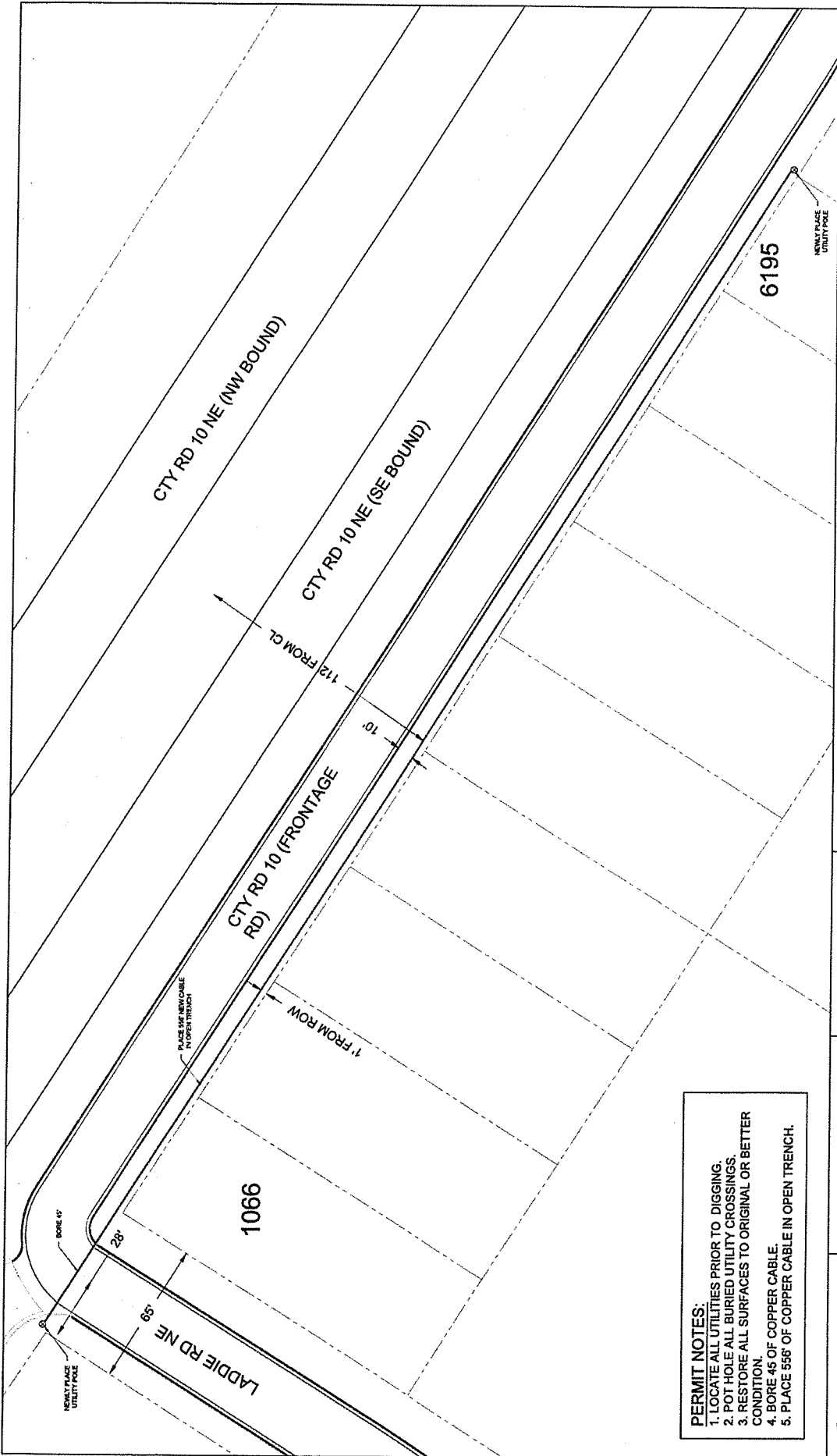
- PERMIT FEES:**
- | | |
|---|--|
| <input type="checkbox"/> Excavation Hole - \$150.00 | <input type="checkbox"/> Emergency Hole - \$55.00 |
| <input type="checkbox"/> Trench - \$70.00/100'+Hole fee | <input type="checkbox"/> Obstruction Fee - \$50.00+.05/Ft. |



Receipt No.:

Date:

Initials:

APPLICANT MUST CONTACT THE SPRING LAKE PARK PUBLIC WORKS DIRECTOR AT 763-792-7227
 48 HOURS PRIOR TO COMMENCING WORK



		SCALE: 1/4" = 1'-0" SHEET: 01 OF 01
DRAWING SYMBOLS		1066 CTY HWY 10
WC: BLANNLB JOB: N 262330 ISSUE DATE: 10/25/2007		ENGINEER: AMOR, LEKHESTER PHONE: 651 312 5327 FAX: EMAIL: AMOR.LEKHESTER@CENTURYLINK.COM
 CenturyLink 301 W 65TH ST RICHFIELD, MN 55423		PERMIT NOTES: 1. LOCATE ALL UTILITIES PRIOR TO DIGGING. 2. POT HOLE ALL BURIED UTILITY CROSSINGS. 3. RESTORE ALL SURFACES TO ORIGINAL OR BETTER CONDITION. 4. BORE 45' OF COPPER CABLE. 5. PLACE 556' OF COPPER CABLE IN OPEN TRENCH.



Stantec Consulting Services Inc.
2335 Highway 36 West
St. Paul MN 55113
Tel: (651) 636-4600
Fax: (651) 636-1311

November 1, 2017

Honorable Mayor and City Council
City of Spring Lake Park
1301 81st Avenue NE
Spring Lake Park, MN 55432

Re: 2017-2018 Street Seal Coat Project
Project No. 19380783
Contractor's Request for Payment No. 1

Dear Mayor and Councilmembers:

Attached for your approval is Contractor's Request for Payment No. 1 for the 2017-2018 Street Seal Coat Project. The prime Contractor on this project is ASTECH Corp.

This request covers crack seal and seal coat work on:

- Streets in the northwest portion of the city (2017 project area).
- Parking lot at Sanburnol Park.
- Parking lot at City Hall.

The construction cost for work completed in 2017 exceeded the original construction bid for 2017 work by about 14 percent. The increase was due to substantially more crack repair material used than anticipated.

We have reviewed the contractor's payment request and found it to be in order. We recommend approval. **If the City wishes to approve this request, then payment should be made to ASTECH Corp. in the amount of \$144,943.15.**

Please execute the payment request documents. Keep one copy for your records, forward two copies to ASTECH Corp one for them and one for their bond company), and return one copy to me.

Feel free to contact Harlan Olson or me if you have any questions.

Regards,

STANTEC

A handwritten signature in blue ink that reads "Phil Gravel".

Phil Gravel
City Engineer

Enclosures

Design with community in mind



Owner: City of Spring Lake Park, 1301 81st Ave. NE., Spring Lake Park, MN 55432	Date: November 1, 2017
For Period: 9/1/2017 to 11/1/2017	Request No: 1
Contractor: ASTECH Corp., 8348 Ridgewood Rd., St. Joseph, MN 56374	

CONTRACTOR'S REQUEST FOR PAYMENT
2017-2018 STREET SEAL COAT PROJECT
STANTEC PROJECT NO. 193803783

SUMMARY

1	Original Contract Amount		\$	241,201.55
2	Change Order - Addition	\$	0.00	
3	Change Order - Deduction	\$	0.00	
4	Revised Contract Amount		\$	241,201.55
5	Value Completed to Date		\$	152,571.73
6	Material on Hand		\$	0.00
7	Amount Earned		\$	152,571.73
8	Less Retainage 5%		\$	7,628.58
9	Subtotal		\$	144,943.15
10	Less Amount Paid Previously		\$	0.00
11	Liquidated damages -		\$	0.00
12	AMOUNT DUE THIS REQUEST FOR PAYMENT NO.	<u>1</u>	\$	<u>144,943.15</u>

Recommended for Approval by:
STANTEC

Phil Havel 11/1/17

Approved by Contractor:
ASTECH CORPORATION

*Approved by e-mail message
Dale Strenberg*

Approved by Owner:
CITY OF SPRING LAKE PARK

Specified Contract Completion Date:

Date:

No.	Item	Unit	Contract Quantity	Unit Price	Current Quantity	Quantity to Date	Amount to Date
2017 STREETS							
1	2017 MOBILIZATION AND TRAFFIC CONTROL	LS	1	10000.00	1	1	\$10,000.00
2	ROUTE AND SEAL	LBS	1400	3.50	8825	8825	\$30,887.50
3	SEAL COAT AGGREGATE, FA-2 (MOD)	TN	890	25.00	863	863	\$21,575.00
4	BITUMINOUS MATERIAL FOR SEAL COAT, CRS-2	GAL	23100	3.05	21877	21877	\$66,724.85
5	4" DOUBLE SOLID LINE, YELLOW PAINT	LF	8050	0.20	7156	7156	\$1,431.20
6	4" SOLID LINE, WHITE PAINT	LF	9100	0.10	6615	6615	\$661.50
7	24" STOP LINE, WHITE PAINT	LF	220	3.30			\$0.00
8	ZEBRA CROSSWALK, WHITE PAINT	SF	500	3.00			\$0.00
	TOTAL 2017 STREETS						<u>\$131,280.05</u>
2018 STREETS							
9	2018 MOBILIZATION AND TRAFFIC CONTROL	LS	1	10000.00			\$0.00
10	ROUTE AND SEAL	LBS	1400	3.50			\$0.00
11	SEAL COAT AGGREGATE, FA-2 (MOD)	TN	738	25.00			\$0.00
12	BITUMINOUS MATERIAL FOR SEAL COAT, CRS-2	GAL	19175	3.05			\$0.00
13	4" DOUBLE SOLID LINE, YELLOW PAINT	LF	5100	0.20			\$0.00
14	4" SOLID LINE, WHITE PAINT	LF	10200	0.10			\$0.00
15	24" STOP LINE, WHITE PAINT	LF	280	3.30			\$0.00
16	ZEBRA CROSSWALK, WHITE PAINT	SF	1200	3.00			\$0.00
	TOTAL 2018 STREETS						<u>\$0.00</u>
ALTERNATE BID A - SANBURNOL PARK PARKING LOT:							
17	ROUTE AND SEAL	LBS	100	5.00	100	100	\$500.00
18	SEAL COAT AGGREGATE, FA-2 (MOD)	TN	16	75.00	16	16	\$1,200.00
19	BITUMINOUS MATERIAL FOR SEAL COAT, CRS-2	GAL	400	4.00	400	400	\$1,600.00
20	PAVEMENT MESSAGE (HANDICAPPED SYMBOL) PAINT	EA	2	110.00	2	2	\$220.00
21	4" SOLID LINE, YELLOW PAINT	LF	760	1.65	774	774	\$1,277.10
	TOTAL ALTERNATE BID A - SANBURNOL PARK PARKING LOT:						<u>\$4,797.10</u>
ALTERNATE BID B - LIQUOR STORE PARKING LOT:							
22	ROUTE AND SEAL	LBS	200	5.00			\$0.00
23	SEAL COAT AGGREGATE, FA-2 (MOD)	TN	36	75.00			\$0.00
24	BITUMINOUS MATERIAL FOR SEAL COAT, CRS-2	GAL	915	4.00			\$0.00
25	PAVEMENT MESSAGE (HANDICAPPED SYMBOL) PAINT	EA	2	110.00			\$0.00
26	4" SOLID LINE, YELLOW PAINT	LF	1150	1.20			\$0.00
	TOTAL ALTERNATE BID B - LIQUOR STORE PARKING LOT:						<u>\$0.00</u>
ALTERNATE BID C - CITY HALL PARKING LOT:							
27	ROUTE AND SEAL	LBS	200	5.00	200	200	\$1,000.00
28	SEAL COAT AGGREGATE, FA-2 (MOD)	TN	76	75.00	73	73	\$5,475.00
29	BITUMINOUS MATERIAL FOR SEAL COAT, CRS-2	GAL	1980	4.00	1950	1950	\$7,800.00
30	PAVEMENT MESSAGE (HANDICAPPED SYMBOL) PAINT	EA	3	110.00	3	3	\$330.00
31	4" SOLID LINE, YELLOW PAINT	LF	2680	0.66	2863	2863	\$1,889.58
	TOTAL ALTERNATE BID C - CITY HALL PARKING LOT:						<u>\$16,494.58</u>
	TOTAL 2017 STREETS						\$131,280.05
	TOTAL 2018 STREETS						\$0.00
	TOTAL ALTERNATE BID A - SANBURNOL PARK PARKING LOT:						\$4,797.10
	TOTAL ALTERNATE BID B - LIQUOR STORE PARKING LOT:						\$0.00
	TOTAL ALTERNATE BID C - CITY HALL PARKING LOT:						\$16,494.58
	WORK COMPLETED TO DATE:						<u>\$152,571.73</u>

PROJECT PAYMENT STATUS

OWNER CITY OF SPRING LAKE PARK
STANTEC PROJECT NO. 193803783
CONTRACTOR ASTECH CORPORATION

CHANGE ORDERS

No.	Date	Description	Amount
Total Change Orders			

PAYMENT SUMMARY

No.	From	To	Payment	Retainage	Completed
1	09/01/2017	11/01/2017	144,943.15	7,628.58	152,571.73

Material on Hand

Total Payment to Date		\$144,943.15	Original Contract	\$241,201.55
Retainage Pay No.	1	7,628.58	Change Orders	
Total Amount Earned		\$152,571.73	Revised Contract	\$241,201.55



Stantec Consulting Services Inc.
2335 Highway 36 West
St. Paul MN 55113
Tel: (651) 636-4600
Fax: (651) 636-1311

November 1, 2017

Honorable Mayor and City Council
City of Spring Lake Park
1301 81st Avenue NE
Spring Lake Park, MN 55432

Re: 2017 Sanitary Sewer Lining Project
Project No. 19380782
Contractor's Request for Payment No. 2

Dear Mayor and Councilmembers:

Attached for your approval is Contractor's Request for Payment No. 2 for the 2017 Sanitary Sewer Lining Project. The prime Contractor on this project is Visu-Sewer, Inc.

This request covers sewer lining work completed this through September 2017 as noted on Visu-Sewer invoice 28917 (modified). Terry Randall has been overseeing the construction.

We have reviewed the contractor's payment request and found it to be in order. We recommend approval. **If the City wishes to approve this request, then payment should be made to Visu-Sewer, Inc. in the amount of \$102,686.92.**

Please execute the payment request documents. Keep one copy for your records, forward two copies to Visu-Sewer, Inc. (one for them and one for their bond company), and return one copy to me.

Feel free to contact Harlan Olson or me if you have any questions.

Regards,
STANTEC

A handwritten signature in blue ink that reads "Phil Gravel".

Phil Gravel
City Engineer

Enclosures



Owner: City of Spring Lake Park, 1301 81st Ave. NE, Spring Lake Park, MN 55432	Date: November 1, 2017
For Period: 9/14/2017 to 11/1/2017	Request No: 2
Contractor: Visu-Sewer, Inc., W230 N4855 Betker Dr., Pewaukee, WI 53072	

CONTRACTOR'S REQUEST FOR PAYMENT
 2017 SANITARY SEWER LINING PROJECT
 STANTEC PROJECT NO. 193803782

SUMMARY

1	Original Contract Amount		\$	288,261.50
2	Change Order - Addition	\$ 5,200.00		
3	Change Order - Deduction	\$ 0.00		
4	Revised Contract Amount		\$	293,461.50
5	Value Completed to Date		\$	263,615.00
6	Material on Hand		\$	0.00
7	Amount Earned		\$	263,615.00
8	Less Retainage 5%		\$	13,180.75
9	Subtotal		\$	250,434.25
10	Less Amount Paid Previously		\$	147,747.33
11	Liquidated damages -		\$	0.00
12	AMOUNT DUE THIS REQUEST FOR PAYMENT NO. <u>2</u>		\$	<u>102,686.92</u>

Recommended for Approval by:
STANTEC

Phil Mamed 11/1/17

Approved by Contractor:
VISU-SEWER, INC.

per invoice 28917 modified

Approved by Owner:
CITY OF SPRING LAKE PARK

Specified Contract Completion Date:

Date:

No.	Item	Unit	Contract Quantity	Unit Price	Current Quantity	Quantity to Date	Amount to Date
BASE BID:							
1	MOBILIZATION	LS	1	600.00		0.5	\$300.00
2	TRAFFIC CONTROL	LS	1	100.00		0.5	\$50.00
3	SEWER REHABILITATION, 8 or 9-INCH CIPP	LF	10730	20.25	3638	11112	\$225,018.00
4	HYDROPHILIC END SEAL	EA	66	76.50	28	78	\$5,967.00
5	TRIM PROTRUDING TAP	EA	1	350.00	1	1	\$350.00
6	CLEAN AND INSPECT SERVICE LATERAL CONNECTION	EA	34	320.00			\$0.00
7	GROUT SERVICE LATERAL CONNECTION	EA	200	270.00	99	99	\$26,730.00
	TOTAL BASE BID:						<u>\$258,415.00</u>
CHANGE ORDER NO. 1							
1	DEWATERING	LS	1	5200.00	1	1	\$5,200.00
	TOTAL CHANGE ORDER NO. 1						<u>\$5,200.00</u>
	TOTAL BASE BID:						\$258,415.00
	TOTAL CHANGE ORDER NO. 1						<u>\$5,200.00</u>
	WORK COMPLETED TO DATE:						<u>\$263,615.00</u>

PROJECT PAYMENT STATUS

OWNER CITY OF SPRING LAKE PARK
STANTEC PROJECT NO. 193803782
CONTRACTOR VISU-SEWER, INC.

CHANGE ORDERS

No.	Date	Description	Amount
8/24/2017	1/1/1900	This Change Order provides for additional work on this project. See Change Order.	\$5,200.00
Total Change Orders			\$5,200.00

PAYMENT SUMMARY

No.	From	To	Payment	Retainage	Completed
1	09/01/2017	09/13/2017	147,747.33	7,776.17	155,523.50
2	09/14/2017	11/01/2017	102,686.92	13,180.75	263,615.00

Material on Hand

Total Payment to Date		\$250,434.25	Original Contract	\$288,261.50
Retainage Pay No.	2	13,180.75	Change Orders	\$5,200.00
Total Amount Earned		\$263,615.00	Revised Contract	\$293,461.50



www.visu-sewer.com

modified
28917

CITY OF SPRING LAKE PARK
1301 - 81ST AVE NE
SPRING LAKE PARK, MN 55432

INVOICE NUMBER:
INVOICE DATE: 10/5/2017

ATTN: ACCOUNTS PAYABLE
RE: 2017 SEWER CIPP
PAY ESTIMATE # 2

CUSTOMER NO. 1207
JOB NO. 17178M

ITEM	DESCRIPTION	EST. QTY	U/M	PRICE	COMPLETED		AMOUNT
					THIS PERIOD	TO DATE	
1	MOB	1	LS	600.00		0.50	300.00
2	TRAFFIC CONTROL	1	LS	100.00		0.50	50.00
3	8"-9" CIPP	10,730	LF	20.25	3,638.00	11,112.00	225,018.00
4	HYDROPHILIC END SEAL	66	EA	76.50	28.00	78.00	5,967.00
5	TRIM TAP	1	EA	350.00	1.00	1.00	350.00
6	CLEAN & INSPECT LATERAL	34	EA	320.00			-
7	GROUT LATERAL	200	EA	270.00	99.00	99.00	26,730.00
A	CHANGE ORDER #1	1	LS	5,200.00	1.00	1.00	5,200.00

PLEASE REMIT TO:
VISU-SEWER, INC.
P.O. BOX 804
PEWAUKEE, WI 53072-0804

TOTAL WORK COMPLETED ✓ 263,615.00
LESS 5% RETAINAGE 13,180.75
LESS PREVIOUS INVOICES *Payment* 147,747.33
149,255.45
TOTAL AMOUNT DUE ~~101,178.80~~
102,686.92

DUE UPON RECEIPT OF INVOICE.
A SERVICE CHARGE OF 1 1/2 % PER MONTH MAY
BE CHARGED ON ALL PAST DUE ACCOUNTS.

City of Spring Lake Park
1301 81st Avenue NE
Spring Lake Park, MN 55432

Contractor's Licenses

November 6, 2017

General Contractor

TNT Fencing

Mechanical Contractor

C & M Heating and A/C

Heating & Cooling Two, Inc.

Superior Heating, A/C and Electric

Plumbing Contractor

Heating & Cooling Two, Inc.

Sign Contractor

Signminds, Inc.

Tree Contractor

Jeff Hoheisel Professional Tree Service, Inc.



MAYOR'S PROCLAMATION
FOREIGN EXCHANGE STUDENT WEEK – OCTOBER 2, 2017
HONORARY CITIZEN – VEERA TOIKKA

WHEREAS, our communities' greatest asset is our youth; and

WHEREAS, American Field Service (AFS) organizes and administers a program which brings students from around the world to our community; and

WHEREAS, this interchange of culture and philosophy contributes to the education and maturation of our youth in many and varied ways; and

WHEREAS, it is the desire of the City of Spring Lake Park to show its appreciation and support to our distinguished guests.

THEREFORE, I, Cindy Hansen, Mayor of the City of Spring Lake Park, hereby proclaim the week of October 2, 2017 as American Field Service Week in honor of Veera Toikka.

FURTHER, I proclaim that Veera be made an honorary citizen of the City of Spring Lake Park for the duration of her stay.

In witness whereof, I have hereunto set my hand and caused the seal of the City of Spring Lake Park to be affixed this second day of October, 2017.



Cindy Hansen, Mayor

ATTEST:

Daniel Buchholtz, City Administrator



City of Spring lake Park
Code Enforcement Division
1301 Eighty First Avenue Northeast
Spring Lake Park, Minnesota 55432
(763) 783-6491 Fax: (763) 792-7257

REPORT

TO: Spring Lake Park City Council
FROM: Barry L. Brainard, Code Enforcement Director
RE: Code Enforcement Monthly Report for October 2017
DATE: November 1, 2017

I apologize as I will not be able to attend the November 6th Council meeting as I will be participating in the International Code Council Education Committee meetings in Clark County Nevada. If anyone has any questions regarding my report, please contact me at bbrainard@slpmn.org and I will answer them as soon as possible.

A total of 56 permits consisting of 23 building, 2 fire, 6 zoning, 15 mechanical, and 10 plumbing permits were issued in October 2017 compared to a total of 71 in 2016. Code Enforcement conducted a total of 122 inspections in the month of October including 56 building, 11 mechanical, 10 plumbing, 14 nuisance, 1 c.o., 15 rental, 6 fire, and 9 zoning inspections. I have enclosed the Spring Lake Park permit data sheets for your review regarding specific permit details.

Review of the Spring Lake Park generated revenue statement for 2017 indicates that the following budget revenues are well above anticipated revenues expected:

1. Building permits revenues up 227% over anticipated budget revenue for 2017.
2. Plan check fees revenues up 777% over anticipated budget revenue for 2017.
3. Mechanical permits revenues up 573% over anticipated budget revenues for 2017.
4. Plumbing permit revenues up 304% over anticipated budget revenues for 2017.

I expect that revenues for 2018 will be more than that of 2017, as several building projects loom for what appears to be a very busy 2018 construction season.

The Legends at Spring Lake Park continues to move forward as completion of the precast concrete floor separating the underground parking garage and the habitable living units is now completed. Wood has been delivered as the first floor framing has commenced this week. With continual inspections from my office, I am happy to report that The Legends of Spring Lake Park remains running ahead of schedule.

In addition to Department of Building Safety policy drafting, I have been generating permit checklist for each type of construction projects to verify that all required information is provided for permit review and processing before accepting an application at the front counter.

Also attached with this report, please find the October 2017 Spring Lake Park vacancies listings. The listings include both residential and commercial properties indicating vacant and foreclosure properties as well as upcoming Sheriff Sales. October 2017 vacancy listing summarizes the following:

- 17 vacant/foreclosed residential properties currently posted by the Code enforcement department. Down one from last month.
- 2 vacant/foreclosed commercial properties currently posted by the Code Enforcement department and/or soon to be posted. Same as last month.
- 6 residential properties currently occupied and ready for Sheriff Sale's redemption. Down three from last month.

In October the Code Enforcement Department did not post any abandoned property, we did however issue eight administrative offense tickets mostly regarding on going nuisance issues.

Time allotted for Code Enforcement in October is as follows:

Building Inspections:	46%
Mechanical Inspections:	9%
Plumbing Inspections:	8%
Rental Inspections:	13%
Vacant/Foreclosure & Certificate of Occupancy Inspections:	1%
Fire Inspections:	5%
Nuisance Inspections:	11%
Zoning Inspections:	7%

In October of 2017, I also attended the following appointments:

- City Council meeting on October 2nd and October 16th.
- Department Head meeting on October 3rd.
- North Suburban Code Officials meeting at Coon Rapids City Hall on October 10th.
- Public Storage meeting with Administrator Buchholtz, on October 11th.
- Planning Commission meeting on Monday, October 23rd.
- North Suburban Building Official meeting at Spring Lake Park City Hall on October 31st.

Did you know that all fences installed in Spring Lake Park required a zoning permit? The Code Enforcement Department created this fence handout for residents as well as commercial owners to understand the regulations and process for erecting a fence in Spring Lake Park.

This concludes the Code Enforcement Department monthly report for October 2017. If anyone has any questions or concerns regarding my report, I would be happy to answer them at this time.

City of Spring Lake Park
Permits Issued & Fees Report - Detail by Address

Issued Date From: 10/1/2017 To: 10/31/2017
Permit Type: All Property Type: All Construction Type: All
Include YTD: Yes Status: Not Voided

Permit#	Date Issued	Site Address	Permit Count	Dwell Units	Valuation	Revenue	Plan Check	State Surcharge	Park Fees	SAC Fees	WAC Fees	Total Fees
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Permit Type: BUILDING

Permit Kind: COMMERCIAL ALTERATION

Permit Kind: COMMERCIAL DEMOLITION

Permit Kind: COMMERCIAL REMODEL

2017-00417 10/17/2017 8179 UNIVERSITY AVE NE 0 60,900.00 827.71 538.01 30.45 1,446.17

Permit Kind: COMMERCIAL REPAIR

Permit Kind: COMMERCIAL ROOFING

Permit Kind: COMMERCIAL SIDING

Permit Kind: MOBILE HOME ROOFING

Permit Kind: MOBILE HOME STRUCTUAL

Permit Kind: MOBILE HOME WINDOW REPLACEMENT

Permit Kind: MULTI-FAMILY ALTERATION

Permit Kind: MULTI-FAMILY DECK

Permit Kind: MULTI-FAMILY GARAGE

Permit Kind: MULTI-FAMILY NEW

Permit Kind: MULTI-FAMILY ROOFING

2017-00390 10/02/2017 8031 PLEASANT VIEW DRIVE 0 18,000.00 340.86 9.00 349.86

Permit Kind: MULTI-FAMILY SIDING

Permit Kind: PUBLIC ADDITION

Permit Kind: SINGLE FAMILY ADDITION

Permit Kind: SINGLE FAMILY ALTERATION

Permit Kind: SINGLE FAMILY BASEMENT FINISH

Permit#	Date Issued	Site Address	Permit Count	Dwell Units	Valuation	Revenue	Plan Check	State Surcharge	Park Fees	SAC Fees	WAC Fees	Total Fees
Permit Type: BUILDING												
Permit Kind: SINGLE FAMILY DECK												
2017-00411	10/11/2017	8015 TERRACE RD NE	0	0	2,000.00	90.96	59.12	1.00				151.08
2017-00436	10/23/2017	501 WESTBY DR NE	0	0	962.40	49.48	32.16	0.48				82.12
Permit Kind: SINGLE FAMILY DEMOLITION												
2017-00447	10/30/2017	316 SANBURNOL DR NE	0	0	3,500.00	103.93		1.75				105.68
Permit Kind: SINGLE FAMILY DRAIN TILE & SUMP												
2017-00448	10/30/2017	535 BALLANTYNE LN NE	0	0	40,000.00	633.07	413.25	20.00				1,061.32
Permit Kind: SINGLE FAMILY FUEL TANK												
2017-00450	10/30/2017	648 84TH AVE NE	0	0	1,490.00	70.56		0.75				71.31
Permit Kind: SINGLE FAMILY NEW												
Permit Kind: SINGLE FAMILY REMODEL												
Permit Kind: SINGLE FAMILY REPAIR												
Permit Kind: SINGLE FAMILY ROOFING												
2017-00419	10/17/2017	1466 80TH AVE NE	0	0	22,000.00	406.22		11.00				417.22
2017-00405	10/04/2017	1477 80TH AVE NE	0	0	1,350.00	64.96		0.68				65.64
2017-00425	10/17/2017	699 81ST AVE NE	0	0	6,490.00	152.79		3.25				156.04
2017-00400	10/09/2017	603 IONE AVE NE	0	0	6,000.00	144.78		3.00				147.78
2017-00415	10/11/2017	8300 JEFFERSON ST NE	0	0	12,000.00	242.82		6.00				248.82
2017-00430	10/20/2017	532 LUND AVE NE	0	0	5,200.00	131.71		2.60				134.31
2017-00428	10/18/2017	841 LUND AVE NE	0	0	3,500.00	103.93		1.75				105.68
2017-00384	10/05/2017	882 LUND AVE NE	0	0	6,500.00	152.95		3.25				156.20
2017-00427	10/19/2017	632 MANOR DR NE	0	0	8,200.00	185.73	5.00	4.10				189.83
2017-00406	10/05/2017	8024 PLEASANT VIEW DR NE	0	0	10,000.00	210.14		5.00				215.14
2017-00426	10/17/2017	350 SANBURNOL DR NE	0	0	5,000.00	133.44	5.00	2.50				135.94
2017-00413	10/11/2017	8200 TERRACE RD NE	0	0	5,172.93	131.27		2.59				133.86
2017-00431	10/20/2017	8401 WESTWOOD RD NE	0	0	13,400.00	265.70		6.70				272.40
Permit Kind: SINGLE FAMILY SIDING												
2017-00435	10/23/2017	8041 MADISON ST NE	0	0	3,000.00	95.76		1.50				97.26

Permit#	Date Issued	Site Address	Permit Count	Dwell Units	Valuation	Revenue	Plan Check	State Surcharge	Park Fees	SAC Units	SAC Fees	WAC Fees	Total Fees
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Permit Type: BUILDING
 Permit Kind: SINGLE FAMILY STRUCTUAL

Permit Kind: SINGLE FAMILY WINDOW REPLACEMENT													
2017-00410	10/09/2017	7848 TAYLOR ST NE	0	0	18,992.00	357.07		9.50					366.57
2017-00439	10/24/2017	8220 TERRACE RD NE	0	0	2,391.66	85.83		1.20					87.03

Permit Type: BUILDING - Totals

Period	YTD	23	224	0	17	256,048.99	30,718,889.75	4,981.67	196,840.99	1,052.54	104,737.35	128.05	5,010.62	17	12,425.00	3,585.00	6,197.26	322,558.96
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Permit Type: FIRE ALARM

Permit Kind: COMMERCIAL FIRE ALARM																		
2017-00443	10/26/2017	1639 HIGHWAY 10 NE #100	0	0		262.50		262.50		17.06								279.56

Permit Type: FIRE ALARM - Totals

Period	YTD	1	5	0	0	262.50	499.27	262.50	499.27	17.06	28.23							279.56	527.50
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Permit Type: FIRE - SPECIAL EVENT

Permit Kind: COMMERCIAL FIRE - SPECIAL EVENT

Permit Type: FIRE - SPECIAL EVENT - Totals

Period	YTD	0	1	0	0													75.00
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Permit Type: FIRE SUPPRESSION

Permit Kind: COMMERCIAL FIRE SUPPRESSION																		
2017-00449	10/30/2017	8169 UNIVERSITY AVE NE	0	0		48.00		48.00		3.12		1.60						52.72

Permit Kind: SINGLE FAMILY FUEL TANK

Permit#	Date Issued	Site Address	Permit Count	Dwell Units	Valuation	Revenue	Plan Check	Surcharge	State Fees	Park Fees	SAC Fees	WAC Fees	Total Fees
Permit Type: FIRE SUPPRESSION - Totals													
	Period		1	0		48.00	3.12		1.60				52.72
	YTD		7	0	2,850.00	839.23	40.95	20.36					895.54
Permit Type: MECHANICAL													
Permit Kind: COMMERCIAL COMMERCIAL MECHANICAL													
Permit Kind: COMMERCIAL HEATING, VENT & AC													
2017-00440	10/24/2017	8201 CENTRAL AVE NE STE		0		184.00			1.00				185.00
2017-00437	10/25/2017	8179 UNIVERSITY AVE NE		0		344.68			8.62				353.30
Permit Kind: COMMERCIAL HVAC - COMMERCIAL MINIMUM													
Permit Kind: MULTI-FAMILY HEATING, VENT & AC													
2017-00403	10/06/2017	1066 HIGHWAY 10 NE		0		42,000.00		930.00					42,930.00
Permit Kind: PUBLIC HEATING, VENT & AC													
Permit Kind: SINGLE FAMILY HEATING, VENT & AC													
2017-00438	10/24/2017	8000 6TH ST NE		0		50.00			1.00				51.00
2017-00444	10/25/2017	8042 6TH ST NE		0		50.00			1.00				51.00
2017-00432	10/23/2017	582 78TH AVE NE		0		50.00			1.00				51.00
2017-00409	10/05/2017	1134 79TH AVE NE		0		50.00			1.00				51.00
2017-00451	10/30/2017	616 82ND AVE NE		0		50.00			1.00				51.00
2017-00452	10/30/2017	514 WESTBY DR NE		0		50.00			1.00				51.00
Permit Kind: SINGLE FAMILY HVAC - RESIDENTIAL SINGLE													
2017-00401	10/04/2017	757 81ST AVE NE		0		40.00			1.00				41.00
2017-00418	10/16/2017	8040 ABLE ST NE		0		40.00			1.00				41.00
2017-00421	10/17/2017	8201 ABLE ST NE		0		40.00			1.00				41.00
2017-00423	10/17/2017	1331 CHAMBER OAKS DR NE		0		40.00			1.00				41.00
2017-00445	10/25/2017	517 LUND AVE NE		0		40.00			1.00				41.00
2017-00424	10/17/2017	628 MAPLE ST NE		0		40.00			1.00				41.00
Permit Type: MECHANICAL - Totals													
	Period		15	0		43,068.68		951.62					44,020.30
	YTD		101	0		53,887.02		1,043.52					54,930.54

Permit#	Date Issued	Site Address	Permit Count	Dwell Units	Valuation	Revenue	Plan Check	State Surcharge	Park Fees	SAC Units	SAC Fees	WAC Fees	Total Fees
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Permit Type: PLUMBING

Permit Kind: COMMERCIAL PLUMBING													
2017-00442	10/26/2017	8179 UNIVERSITY AVE NE	0	0		85.00		1.00					86.00
2017-00441	10/24/2017	8183 UNIVERSITY AVE NE	0	0		85.00		1.00					86.00

Permit Kind: MULTI-FAMILY PLUMBING

2017-00407	10/10/2017	1066 HIGHWAY 10 NE	0	0		12,505.00		802.00					13,307.00
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Permit Kind: PUBLIC PLUMBING

Permit Kind: SINGLE FAMILY NEW

Permit Kind: SINGLE FAMILY PLUMBING

2017-00408	10/05/2017	1134 79TH AVE NE	0	0		45.00		1.00					46.00
2017-00402	10/04/2017	1100 81ST AVE NE	0	0		45.00		1.00					46.00
2017-00422	10/17/2017	648 84TH AVE NE	0	0		45.00		1.00					46.00
2017-00434	10/23/2017	8041 MADISON ST NE	0	0		45.00		1.00					46.00
2017-00433	10/23/2017	7901 MCKINLEY ST NE	0	0		45.00		1.00					46.00
2017-00414	10/10/2017	8200 TYLER ST NE	0	0		54.00		1.00					55.00
2017-00429	10/19/2017	8044 WASHINGTON ST NE	0	0		45.00		1.00					46.00

Permit Type: PLUMBING - Totals

Period	10	0	12,999.00	811.00	13,810.00
YTD	66	0	16,168.00	15.00	17,109.00

Permit Type: SIGN

Permit Kind: COMMERCIAL SIGN PERMANENT

Permit Kind: COMMERCIAL SIGN TEMPORARY

Permit Type: SIGN - Totals

Period	0	0	1,514.00		1,514.00
YTD	9	0	1,514.00		1,514.00

Permit Type: ZONING

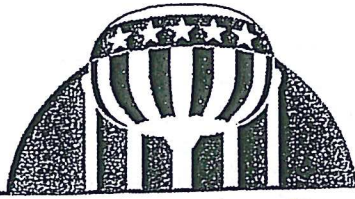
Permit Kind: COMMERCIAL FENCE

Permit#	Date Issued	Site Address	Permit Count	Dwell Units	Valuation	Revenue	Plan Check	State Surcharge	Park Fees	SAC Units	SAC Fees	WAC Fees	Total Fees
Permit Type: ZONING													
Permit Kind: COMMERCIAL PARKING LOT													
Permit Kind: MULTI-FAMILY FENCE													
2017-00416	10/17/2017	7825 TERRACE RD NE #1	0	0		45.00							45.00
Permit Kind: SINGLE FAMILY DRIVEWAY													
2017-00404	10/04/2017	300 MANOR DR NE	0	0		45.00							45.00
Permit Kind: SINGLE FAMILY FENCE													
2017-00398	10/25/2017	658 79TH AVE NE	0	0		45.00							45.00
2017-00297	10/09/2017	671 79TH AVE NE	0	0		45.00							45.00
2017-00420	10/17/2017	8000 TERRACE RD NE	0	0		45.00							45.00
Permit Kind: SINGLE FAMILY SHED													
2017-00376	10/03/2017	602 82ND AVE NE	0	0		45.00							45.00
Permit Type: ZONING - Totals													
			6	0		270.00							270.00
			30	0		1,350.00							1,350.00
Report Total													
			56	0	\$256,048.99	61,629.85	1,072.72	1,892.27		17	12,425.00	3,585.00	64,629.84
			443	17	\$30,721,739.75	271,098.51	104,821.53	6,940.50					398,960.54

Vacants, Foreclosed Properties or Sheriff Sale on Record, October 2017

I checked Public Records online 10-26-17, and no new info as of the 10-20 publication date. N Kelm 10-26-17
 Per Barry, add ALL vacant properties as I'm made aware of them.

Residential Prop. Address	Name	Posted	120 day Vacant	120 day vac. expiration	120 day vac. fee paid	Per City Ord.	\$200. vac. fee due 1 yr. anniv.	Add'l vac, anniv (A/D)	Abandoned Date	Res. CO
		Date	expiration Date	fee paid Date	orig. posting date (A/D) of	date(s) add'l	\$200.00 + due.	ALL Due	Res. CO	Paid/date
8012 NE 5TH ST	LARRY RAYMOND, DEC'D									
8000 NE 6TH ST	Forward Equity LLC (Kruger)	xx								
542 82ND Mowing 2017	Garth Johnson, Realty Hse (Nyang)	11/10/16	03/10/17	Paid 11-6-16	A/D 11/10/17	A/D 11/10/18				Paid 9-26-17
626 NE 83RD AVE	JULIANNE AROLA									
548 NE 84TH AVE	BRUCE OLSON									
574 BALLANTYNE LN	MNHomespot C. Rudnitski	10/6/16	02/03/17	\$ due	A/D 10/6/17	A/D 10/6/18				\$ due
8064 NE GARFIELD ST	PETER BOROWITZ	06/06/12	10/04/12	Paid 7-21-16	Paid 2012-2016	A/D 6/6/17				\$ due
1880 NE HWY 10	ARNOLD JOHNSON SR, DEC'D	06/26/15	10/24/15	\$ due	A/D 6/26/16	A/D 6/26/17				\$ due
600 NE IONE Mowing 2017	BRANNAN'S Both dec'd/No mailin	03/19/15	07/17/15	\$ due	A/D 3/19/16	A/D 3/19/17				\$ due
626 NE IONE AVE	DAVID STAHL									
812 NE LUND AVE	RITA HERR	05/23/12	09/20/12	\$ due	A/D 5/23/13	5/23/14,15,16,17				\$ due
459 NE MAPLE ST	DONNA GREEN, DEC'D									
8345 NE PIERCE ST	JOHN WYLASEK, see notes	5/29/13	09/26/13	Paid 12-6-13	A/D 5/29/14	5/29/15, 16, 17				Paid 12-20-13
786 NE SANBURNOL DR	MNHomespot Closing 1 mos?	5/10/16	09/07/16	\$ due	A/D 5/10/17	A/D 5/10/18				\$ due
8313 NE WESTWOOD	WESLEY COX, DEC'D									
Commercial Prop Address										
8407 PLAZA BLVD	POV'S									
8355 UNIVERSITY AVE	PESTELLO'S TAVERN & GRILL	5/20/15	09/17/15		5/20/2016	5/1/2017				\$ due
Spring Lake Park Terrace/Mfgd. & Mobile Home Park										
8155 NE Cleveland	GJW Group LTD	Vacant	120 Day	Expiration	120 Day Fee	1 Year Vacant			Abandoned	Res. CO Paid
8163 NE Cleveland	GJW Group LTD	3-28-16	07/26/16			3-28-2017			3-28-2016	
SHERIFF SALES										
Service Address										
533 81ST AVE	SIDRO GARCIA SUAREZ	5/19/17							Date to vacate	
716 82AND AVE	MARC & ANDREA PORTER	11/3/17							07/01/17	
542 IONE AVE	PATRICIA SMITH	4/21/17							05/03/18	
8286 MONROE ST	ERIC & HEATHER PETSCHL	7/19/17							10/23/17	
7972 PLEASANT VIEW DR	DUSTIN J OTIS	9/13/17							01/19/18	
924 NE RALEIGH LN	PATRICIA HUTCHISON	11/8/17							03/13/18	
									05/08/18	



Spring Lake Park
History. Community. Home.

CITY OF SPRING LAKE PARK

1301 Eighty First Avenue Northeast
Spring Lake Park, Minnesota 55432
Ph: 763-784-6491 Fax: 763-792-7257
Website: www.slpmn.org

FENCES

The purpose of regulating fences is to promote a pleasant physical environment and to protect the public and private property within the City by regulating the location, height, type of construction, and maintenance of all fences.

YOU MUST HAVE YOUR PROPERTY STAKES LOCATED AND EXPOSED BEFORE AN INSPECTION WILL BE CONDUCTED.

The owner/contractor acting as the applicant is responsible for locating the property corner markers prior to applying for a fence permit. If the iron lot corner pins cannot be found, the applicant is to contact a Land Surveyor to re-establish the lot corners before commencing with the fence building. If there is any dispute by your neighbors and/or the inspector as to exact location of a property line, the applicant is to contact a Land Surveyor to locate such property line(s). A metal detector can be useful to find the iron corner marker pins. Refer to your property survey for lot dimensions. When an inspector comes out to inspect your fence, they will need to see your exposed property stakes.

If you are wishing to **connect your fence to any adjacent property fences** which are not yours, you must first get written approval from the neighbor and include such written approval with your fence permit application.

PERMIT REQUIRED

No fence shall be erected or substantially altered without obtaining a zoning permit from the Building Inspections Department. The fee for a fence permit is \$45.00. Permit are issued for a six month (180 days) period giving the applicant six months (180 days) to complete, inspect and close out the permit before such permit is to expire.

DEFINITIONS

Fence: A fence is defined as any partition, structure, wall, or gate erected as a divider marker, barrier or enclosure and located along the boundary, or within the required yard. For the purpose of this Section, a fence shall not include naturally growing shrubs, trees or other foliage.

LOCATION OF FENCE

Please review the Spring Lake Park handout: "Property Line Locations" and "Certificate of Survey/Site Plan" for more information regarding your property line locations and requirements. Fences, when constructed to enclose any lot or tract of land, shall be located in such a way that the entire fence shall be on the property of the owner. Posts and framework shall be placed within six inches of the property lines of the owner and the actual finished fencing material, such as wire, lumber, pickets, etc., shall be placed on **outside** of the fence which faces the street or adjacent property.

No fences shall be allowed or constructed on street right-of-ways. Fences may, by permit, be placed on public utility easements so long as the fence do not interfere in any way with existing underground or over ground utilities. Further, the City of any utility company having authority to use such easements shall not be liable for repair or replacement of such fences in the event they are moved, damaged or destroyed by virtue of the lawful use of said easement.

CONSTRUCTION AND MAINTENANCE

Every fence shall be constructed in a workmanlike manner and of substantial material reasonably suited to the purpose for which the fence is to be used. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition, which would constitute a public nuisance, or a dangerous condition. If such a fence is allowed to become and remain in such condition, a Building Inspector is authorized to notify the owner or owners of such fences of the condition and allow owner or owners ten (10) days in which to repair or demolish the fence.

Link fences, where permitted, shall be constructed in such a manner that the barbed end is at the bottom of the fence.

No barbed wire or barbed wire fences shall be allowed on private property in residential zones. No barbed wire or barbed wire fences shall be allowed

on private property in business or industrial zones where the property lines of such property abut lots or parcels adjacent to residential districts.

All fences shall be constructed in conformity with the wind, stress, foundation, structural and other requirements of the Minnesota State Building Code.

RESIDENTIAL FENCES

In all residential districts, fences shall have the following setbacks and heights limitations:

Front Yard -Maximum height of four (4) feet above ground level in front of the front face of the residential structure.

Side Yard - Maximum height of six (6) feet above ground level.

Rear Yard - Maximum height of six (6) feet above ground level.

The required front yard of a corner lot shall not contain any fence that may cause danger to traffic on a street or public road, by obscuring the view. On corner lots, no fence higher than 36 inches shall be permitted within the 50-foot intersection sight distance triangle.

COMMERCIAL AND INDUSTRIAL FENCES

In business and industrial zones, fences may not exceed eight (8) feet in height above the ground level, and the use of barbed wire is prohibited, except that the top one (1) foot of any fence along side or rear lot lines in these zones may be constructed or barbed wire. Barbed wire is also permitted for the top one (1) foot of fences in industrial zones when fronting a public street and placed no closer than the parking setback. Barbed wire shall not be permitted adjacent to any residential district.

FENCING BETWEEN COMMERCIAL/INDUSTRIAL AND RESIDENTIAL ZONES

Whenever a Residential zone is adjacent to or across the street from a Commercial/Industrial zone, the commercial or industrial land owner/developer must provide a minimum six (6) foot high fence for screening. The fence shall not have less than ninety (90) percent opacity for screening purposes.

SPECIAL PURPOSE FENCES

Fences for special purpose and fences differing in construction, heights, or location, may be permitted in any commercial or industrial district in the city, only by issuance of a conditional use permit approved by the City Council after a recommendation by the

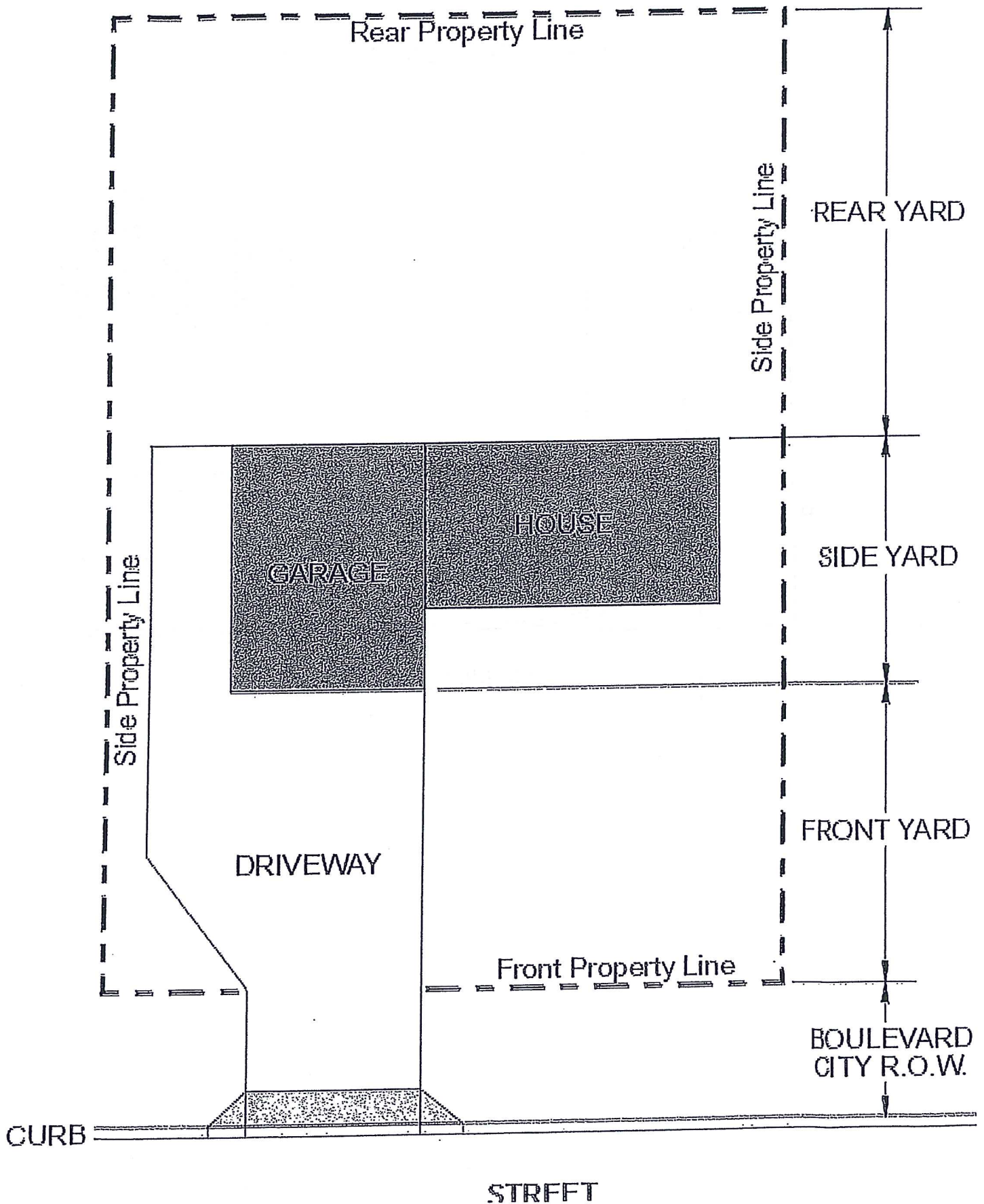
Planning Commission, and upon evidence that such special purpose fence is necessary to protect, buffer, or improve the premises for which such fence is intended. The approval of such buffer fences may include stipulations as to the material, heights, or location of such special purpose fences.

NON-CONFORMING FENCES

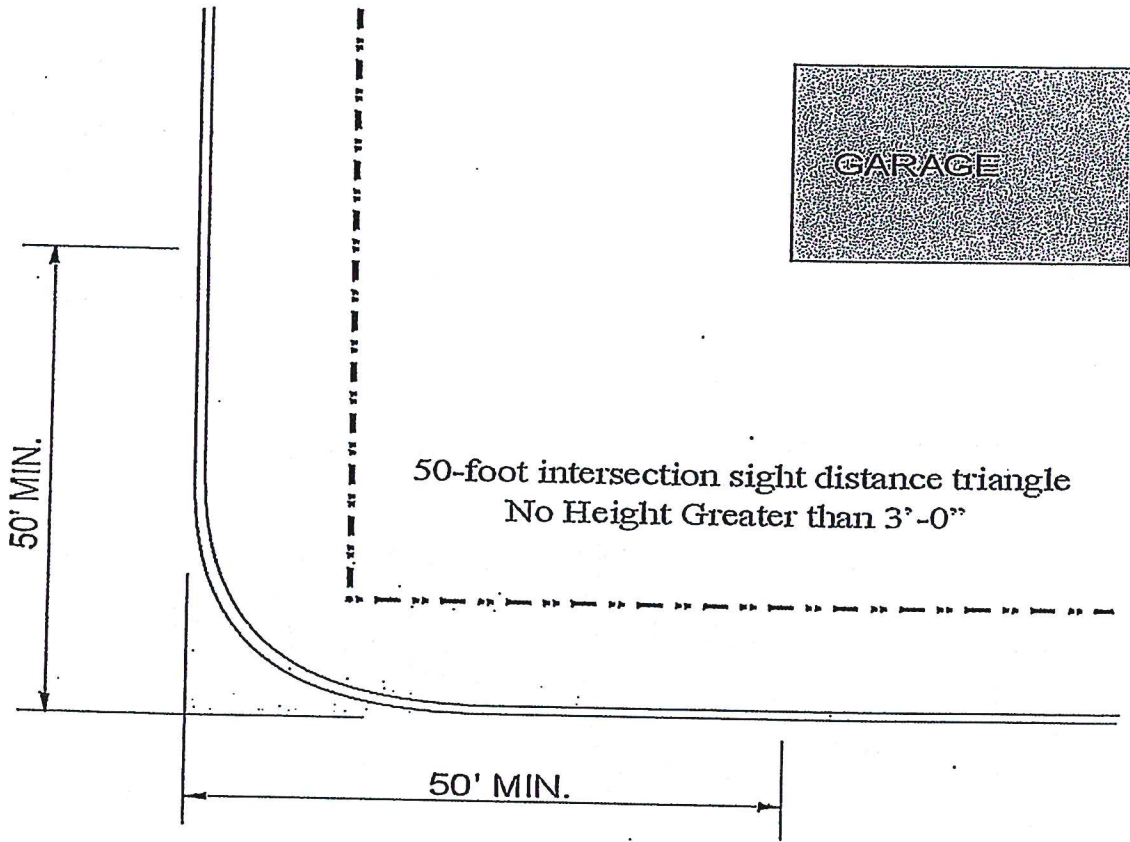
All existing fences, at the time of the adoption of this Section, which are not in violation of this Section and are not located within a public right-of-way or easement, but which violate other Sections of this Code, may be continued to be maintained and to exist but may not be replaced, if destroyed or removed, to the extent that the violations be continued.

QUESTIONS?

If you have questions about the information in this handout, please contact the Building Official at (763) 784-6491, or e-mail your questions to bbrainard@slpmn.org



CORNER LOT CLEARANCE REQUIREMENT





Memorandum

To: Mayor Hansen and Members of the City Council

From: Daniel R. Buchholtz, MMC, Administrator, Clerk/Treasurer

Date: October 31, 2017

Subject: CUP Ordinance Update

Over the past several years, City staff has been working to address the issue of ensuring certain businesses are complying with the conditions of their Conditional Use Permit/Special Use Permit. City staff has issued warning letters and, in many cases, Administrative Offense Tickets to businesses who have failed to comply with the conditions of their CUP. Even with these enforcement actions, compliance has been elusive. In consultation with the City Attorney, an amendment to the CUP ordinance has been drafted that will establish a suspension/revocation process for consistent violators.

The current ordinance makes violations a misdemeanor, which must be processed through the Court system. The proposed ordinance maintains the ability for the City to prosecute ordinance violations through the Court system, but also establishes a process for which violations can be punished through the suspension and/or revocation of the permit.

If the violation has not been corrected within 10 days of written notice from the Zoning Administrator, the City Council can pursue suspension or revocation utilizing the following procedure:

1. Written notice must be provided to the permittee at least ten business days prior to the permit being suspended or revoked.
2. Notice must be delivered personally or sent by first class mail. The notice will include the effective date of the suspension/revocation, a description of the violations the suspension or revocation is based upon and the facts supporting the conclusion that a violation has occurred. If the Owner desires to appeal, the Owner must, within 10 business days, file a request for a hearing.
3. The hearing request must be in writing, stating the grounds for appeal and served personally or by first class mail to the Zoning Administrator.
4. Following receipt of the request for hearing, the City Council shall set a time and place for the hearing. The Zoning Administrator shall notify the permittee of the time and place of the hearing in the same manner in which the initial notice was delivered.

The hearing would be conducted in accordance with the Administrative Procedures Act (M.S. §§ 14.57 to 14.70, as it may be amended from time to time). This is the same process that the City utilizes to revoke or suspend liquor licenses.

The Planning Commission held a public hearing on the proposed ordinance at its October 23, 2017 meeting. A copy of the minutes from that meeting is included in the packet. The Commission, after reviewing the ordinance and the public testimony, unanimously recommended approval of the proposed ordinance by the City Council.

If you have any questions regarding the proposed ordinance, please don't hesitate to contact me at 763-784-6491.

ORDINANCE NO. ____

AN ORDINANCE AMENDING CHAPTER 153 OF THE SPRING LAKE PARK CODE OF
ORDINANCE RELATING TO CONDITIONAL USE PERMITS

The City Council of the City of Spring Lake Park, Minnesota, ordains as follows:

Section 1. Chapter 153.202 shall hereby be amended as follows:

§ 153.202 APPLICATION PROCEDURE.

(A) *Initiation.* An application for a conditional use shall be in triplicate and may be made by any governmental unit, department, board, or commission or by any person or persons having a freehold interest, or a contractual interest which may become a freehold interest, applicable to the parcel described in the application.

(B) *Application content.* An application shall be by written petition in the form prescribed by the ~~Planning Commission~~ Zoning Administrator, signed by the applicant, and shall be filed with the Zoning Administrator. A fee as established by ~~resolution~~ an ordinance of the City Council shall be required for the filing of the petition.

(1) In addition to the written petition, the following shall be required with an application for a conditional use:

(a) Complete details of the proposed site development, including location of buildings, driveways, parking spaces, garages, refuse disposal areas, loading areas, dimensions of the lot, lot area, and yard dimensions. The plans shall identify all adjoining properties; and

(b) An elevation of at least one building in detail and any sides facing onto all classes of residence districts, if different from the single elevation required.

(2) The following additional information may be required by the Zoning Administrator, Planning Commission, or City Council:

(a) Complete landscaping plans, including species and size of trees and shrubs, proposed and required screening;

(b) A site plan indicating final contours at two-foot vertical intervals;

(c) Proposed sewer and water connections;

(d) Complete plans for storm water drainage systems sufficient to drain and dispose of all surface water accumulations within the area;

(e) Complete plans for proposed sidewalks to service parking, recreation, and service areas within the proposed development;

(f) Complete structural, electrical, and mechanical plans for the proposed buildings; and

(g) Complete plans and specifications for exterior wall finishes proposed for all principal and accessory buildings.

(3) Twelve copies of all required plans shall be submitted at the time of application. Applicant shall also provide all application materials in an electronic format as prescribed by the Zoning Administrator.

(C) *Hearing notice.* Notice of the time and place of the public hearing shall be given not more than 30 nor less than ten days in advance by publishing a notice in the official newspaper of the city and by like notification, at least ten days prior to the date of public hearing, to the owner or owners of property within 350 feet of the subject property. This notice shall describe the particular conditional use and shall contain a brief description thereof. City assessor tax records shall be deemed sufficient for the location or certification of ownership of the adjacent properties.

(D) *Public hearing.* The public hearing shall be held.

(E) *Findings and recommendations.* The Planning Commission shall then make its findings and recommendations to the City Council within 30 days following the end of the public hearing.

(1) The City Council may then authorize the conditional use permit, provided the applicant has provided evidence establishing the following:

(a) The proposed use at the particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community;

(b) The use will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity or injurious to property values or improvements in the vicinity;

(c) The proposed use will comply with the regulations specified in this chapter for the district in which the proposed use is to be located;

(d) The use is one of the conditional uses specifically listed for the district in which it is to be located;

(e) The proposed use shall not have a detrimental effect on the use and enjoyment of other property in the immediate vicinity;

(f) The use will not lower property values or impact scenic views in the surrounding area;

(g) Existing streets and highways and proposed access roads will be adequate to accommodate anticipated traffic;

(h) Sufficient off-street parking and loading space will be provided to serve the proposed use;

(i) The use includes adequate protection for the natural drainage system and natural topography;

(j) The proposed use includes adequate measures to prevent or control offensive odor, fumes, dust, noise, or vibration so that none of these will constitute a nuisance; and

(k) The proposed use will not stimulate growth incompatible with prevailing density standards.

(2) If no recommendation is transmitted by the Planning Commission within 60 days after the date of the hearing, the City Council may take action without awaiting the recommendations.

(F) *Conditions.* The City Council may impose conditions and safeguards upon the premises benefitted by a conditional use as may be necessary to prevent injurious effects therefrom upon other property in the neighborhood. ~~Violation of the conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this chapter and punishable under § 153.227.~~

(G) *Term.* No conditional use permitting the erection or alteration of a building shall be valid for a period longer than one year unless the building is erected or altered within that period, unless a longer time is specified when permit is issued. An extension may be applied for, in writing, before the City Council.

(H) *Violations and suspension and revocation.*

(1) Violation of the conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this chapter. If within 10 days of written notice from the Zoning Administrator the violation has not been corrected, the City Council may pursue the following procedure to suspend or revoke the permit:

(a) Written notice of suspension or revocation shall be provided to the permittee as provided in paragraph (b) at least ten business days prior to the permit being suspended or revoked.

(b) Notice to the permittee and owner of record shall be served personally or sent by first class mail. Such written notice of suspension or revocation shall contain the effective date of the suspension or revocation, the nature of the violation constituting the basis of the suspension or revocation, the facts which support the conclusions that a violation has occurred and a statement that if the Owner desires to appeal, the Owner must, within ten business days, exclusive of the day of service, file a request for a hearing.

(c) The hearing request shall be in writing, stating the grounds for appeal and served personally or received by first-class mail by the Administrator, Clerk/Treasurer at City Hall not later than 4:30 p.m. on the tenth business day following notice of suspension or revocation.

(d) Following the receipt of a request for hearing, the City Council shall set a time and place for the hearing. The Administrator, Clerk/Treasurer shall notify the permittee of the time and place of the hearing in the same manner as prescribed in paragraph (b).

(e) The hearing shall be conducted pursuant to the Administrative Procedures Act, M.S. §§ 14.57 to 14.70, as it may be amended from time to time. The City Council may act as the hearing body under that act, or it may contract with the Office of Administrative Hearings for a hearing officer.

(2) In addition to the potential suspension or revocation of the conditional use permit, violations are punishable under § 153.227. The City's enforcement rights are cumulative and no action taken by the City shall prohibit the City from seeking any other remedy under this section or at law.

Section 2. This Ordinance shall have full force and effect upon its passage and publication.

Passed by the City Council of the City of Spring Lake Park, Minnesota, this ____ day of November 2017.

Cindy Hansen, Mayor

ATTEST:

Daniel R. Buchholtz, City Administrator/Clerk

DRAFT PROCEEDINGS

Minutes of the Spring Lake Park Planning Commission special meeting held on October 23, 2017 at the Spring Lake Park Community Center, 1301 81st Avenue N.E., at 7:00 P.M.

1. Call to Order

Chairperson Dircks called the meeting to order at 7:00 P.M.

2. Roll Call

Members Present: Commissioners Smith, Eischens, Bernhagen, Hansen and Dircks

Members Absent: None

Staff Present: Building Official Brainard; Administrator Buchholtz and Executive Assistant Gooden

Visitors: Barbara Goodboe-Bisschoff, 8309 Monroe Street NE
Paddy Jones, Ham Lake
Brad Delfs, 8172 Polk Street NE
Larry and Jean Pederson, 1595 83rd Avenue NE
Ken Wendling, 547 81st Avenue NE

3. Pledge of Allegiance

4. Approval of Minutes – September 25, 2017

MOTION BY COMMISSIONER SMITH, SECONDED BY COMMISSIONER BERNHAGEN, APPROVING THE MINUTES OF SEPTEMBER 25, 2017. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

5. Public Hearing – Ordinance Amending Section 153.202 of the Spring Lake Park City Code relating to Conditional Use Permits

Chairperson Dircks opened the public hearing at 7:03 PM.

Administrator Buchholtz reported that over the past several years, City staff has been working to address the issue of ensuring certain businesses are complying with the conditions of their Conditional Use Permit/Special Use Permit (CUP). He stated that City staff has issued warning letters and, in many cases, Administrative Offense Tickets to businesses who have failed to comply with the conditions of their CUP. He stated that even with the enforcement actions, compliance has been elusive. He reported that in consultation with the City Attorney, an amendment to the CUP ordinance has been drafted that will establish a suspension/revocation process for consistent violators.

Administrator Buchholtz stated that the current ordinance makes violations of a CUP and its conditions a misdemeanor, which must be processed through the Court system. He explained that the proposed ordinance maintains the ability for the City to prosecute ordinance violations through the Court system, but also establishes a process for which violations can be punished through the suspension and/or revocation of the permit.

Administrator Buchholtz stated that if the violation has not been corrected within 10 days of written notice from the Zoning Administrator, the City Council can pursue suspension or revocation utilizing the following procedure:

1. Written notice must be provided to the permittee at least ten business days prior to the permit being suspended or revoked.
2. Notice must be delivered personally or sent by first class mail. The notice will include the effective date of the suspension/revocation, a description of the violations the suspension or revocation is based upon and the facts supporting the conclusion that a violation has occurred. If the Owner desires to appeal, the Owner must, within 10 business days, file a request for a hearing.
3. The hearing request must be in writing, stating the grounds for appeal and served personally or by first class mail to the Zoning Administrator.
4. Following receipt of the request for the hearing, the City Council shall set a time and place for the hearing. The Zoning Administrator shall notify the permittee of the time and place of the hearing in the same manner in which the initial notice was delivered.

Administrator Buchholtz stated that the hearing would be conducted in accordance with the Administrative Procedures Act (M.S. §§14.57 to 14.70, as it may be amended from time to time). He stated this process is the same as what the City utilizes to revoke or suspend liquor licenses.

Commissioner Hansen inquired as to how many CUP's there are in the City and how many violations are issued annually. Administrator Buchholtz reported that there are several hundred however not all are in effect, as many have expired due to non-utilization by the property owner. Building Official Brainard estimated that he receives 20 to 25 complaints a year and noted that many of the violators are the same from year to year.

Commissioner Hansen inquired about who was responsible for covering the cost of holding a hearing. Administrator Buchholtz stated that the City would cover the cost of the hearing as it would be the City Council acting as the hearing board and the City Attorney would be presenting the case. He explained that the City Council has the option to delegate the case to an administrative law judge who would draft a recommendation on the findings.

Commission Hansen suggested that the cost of the hearing and the City bearing the burden of the hearing, judge and the preparation, he suggested that the some of the cost be shared with the violator. Administrator Buchholtz stated that he would discuss this the City Attorney.

Building Official Brainard inquired on the process should an appeal be filed, and if it would be heard before the City Council for an administrative decision. Administrator Buchholtz explained that it would be up to the City Council to vote and make a decision on the revocation of the CUP.

Building Official Brainard inquired on the notification process of the hearing. Administrator Buchholtz stated that it would not be a public hearing for public comment. He stated that the public could comment as part of "Discussion from the Floor" at a City Council meeting or called as a witness if the City or the violator chose to have witnesses. He explained that the administrative hearing would be a very structured procedure and not handled as a public hearing.

Commissioner Smith inquired if the ordinance presented is in the final format. Administrator Buchholtz stated that the City Attorney has reviewed it, prior to the public hearing.

Chairperson Dircks asked for discussion from the floor.

Jean Pederson, 1595 83rd Avenue NE, stated that she feels that there needs to be more enforcement on the CUP's. She noted that complaints are filed and then investigated. She stated that the business is often times in compliance for a short amount of time but then the business will often times revert to not following the conditions set. She inquired as to how the new ordinance will affect which CUP would be revoked when several CUP's are at one location.

Larry Pederson, 1595 83rd Avenue NE, stated that he feels that many of the business who violate their CUP are the same building. He explained that he does not feel it is fair to the residents to be placed with the burdens of the violations such as inoperable vehicles.

Commissioner Smith stated that the new ordinance will allow for improved enforcement.

Building Official Brainard reported that enforcement is done on a complaint basis and the City depends on the residents to report issues. He stated that he responds to over one hundred complaints of violations and they are often times corrected. He noted that the proposed ordinance would give the City another tool to move towards compliance. He stated that the fines and tickets that are issued are often times not enough to incentivize the business to come into compliance.

Building Official Brainard inquired if there is a certain number of complaints that need to be in place before the revocation process begins. Administrator Buchholtz stated that each decision on a revocation action will be on a case-by-case situation. He stated that it will be based on the amount of documented evidence the City has.

Administrator Buchholtz explained that, in the past, CUP's were not reviewed by any outside sources however, the City Planner now reviews the CUP applications. He noted that this change allows for clearer conditions that can be more consistently enforced.

Commissioner Eischens inquired as to how CUP holders will be notified of the ordinance change. Administrator Buchholtz explained that the ordinance will be posted on the City's social media sites, published in the local newspaper. He stated that an article will appear in the City newsletter, which is mailed, to every address in the City.

Barbara Goodboe-Bisschoff, 8309 Monroe Street NE, inquired as to why notification of the ordinance change will not be sent to all current CUP holders. Administrator Buchholtz expressed his opinion that with the notifications posted on social media as well as publishing the change in the local newspaper and City newsletter will be sufficient notice. He added that the violator will be sent several warning letters and compliance date notices before the revocation process begins.

Chairperson Dircks asked for additional public comment. Hearing none, the public hearing was closed at 7:45 PM.

MOTION MADE BY COMMISSIONER EISCHENS; SECONDED BY COMMISSIONER SMITH TO CLOSE THE PUBLIC HEARING. VOICE VOTE. MOTION CARRIED.

MOTION MADE BY COMMISSIONER SMITH; SECONDED BY COMMISSIONER BERNHAGEN TO APPROVE ORDINANCE AMENDING SECTION 153.202 OF THE SPRING LAKE PARK CITY CODE RELATING TO CONDITIONAL USE PERMITS. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

6. Public Hearing- Ordinance Amending Appendix D of the Spring Lake Park Zoning Code relating to Small Cell Wireless Facilities

Chairperson Dircks opened the public hearing at 7:48 PM.

Administrator Buchholtz reported that the Legislature approved an amendment to the right-of-way statute that allows small wireless equipment to be placed on city-owned infrastructure. He stated that small wireless facilities is a broad term for the types of cell sites that support antennas plus other equipment in a network to add data capacity. He stated that the size of each small wireless facility is limited to each antenna being no larger than six cubic feet in volume, with associated wireless equipment not exceeding 28 cubic feet in volume.

Administrator Buchholtz reported that the City Council has taken the first step to address this statutory change by amending its rights-of-way ordinance to permit these types of facilities. He stated the right-of-way ordinance, Chapter 151 of the City Code, was adopted on August 7, 2017.

Administrator Buchholtz stated the second step is establishing the zoning for such facilities. He stated the new law pre-empts the City's zoning authority. He stated the City is unable to prevent these facilities from being installed in the public rights-of-way. He stated the City, ultimately, has little control over the placement of such facilities, with one exception. He noted that State law allows these facilities located in the right-of-way to be a conditional use in a single family-zoning district and in order to take advantage of this provision, staff has drafted an ordinance for consideration by the Planning Commission.

Administrator Buchholtz reported that the City owns very few streetlights within Spring Lake Park with the vast majority of the street light system being owned by Xcel Energy. He noted that these facilities could be located on existing power lines throughout the city.

Administrator Buchholtz explained that small wireless facilities are not all bad and they are an essential component to the build-out of the new 5G system. He explained that the strategic placement of these facilities will ensure that cell phone users will have strong signal coverage within their homes. He stated that they are not a replacement for macro cell facilities, like those located on the City's water tower. He stated that they are meant to supplement those facilities by providing additional data and voice capacity over the network in busy areas and dead zones.

Building Official Brainard inquired if a Right-of-Way permit application is required. Administrator Buchholtz stated that one is required. He noted that light poles are already in the right-of-way so there could possibly be an antenna on any pole.

Chairperson Dircks inquired if conditions could be placed on the structures in the residential areas. Administrator Buchholtz stated that appearance standards would be easier to address with the ordinance in place.

Commissioner Smith inquired if the ordinance is not adopted, would carriers still be permitted to occupy space and place structures where they feel the need is. Administrator Buchholtz stated that the providers could and possibly take advantage of space. He said by accepting the ordinance it will be the City to place some reasonable conditions on the carriers.

Chairperson Dircks asked for discussion from the floor. Hearing none, the public hearing was closed at 7:55 PM.

MOTION MADE BY COMMISSIONER EISCHENS; SECONDED BY COMMISSIONER SMITH TO CLOSE THE PUBLIC HEARING.

MOTION MADE BY COMMISSIONER SMITH; SECONDED BY EISCHENS TO RECOMMEND ACCEPTING ORDINANCE AMENDING APPENDIX D OF THE SPRING LAKE PARK ZONING CODE RELATING TO SMALL CELL WIRELESS FACILITIES. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

7. Administrator Reports

Administrator Buchholtz reported that the Rice Creek Watershed has reviewed the Hy-Vee application and granted conditional approval. He noted that City staff and representatives from Hy-Vee met with Anoka County on road requirements.

Administrator Buchholtz reported that the Dominion project is making progress and framing on the structure should begin soon.

8. Adjourn

MOTION BY COMMISSIONER SMITH, SECONDED BY COMMISSIONER EISCHENS TO ADJOURN. VOICE VOTE: ALL AYES. MOTION CARRIED.

The meeting adjourned at 8:00 PM.

RESOLUTION NO. 17-34

A RESOLUTION AUTHORIZING SUMMARY PUBLICATION OF ORDINANCE 441, AN ORDINANCE AMENDING CHAPTER 153 OF THE SPRING LAKE PARK CODE OF ORDINANCE RELATING TO CONDITIONAL USE PERMITS

WHEREAS, as authorized by Minnesota Statutes, Section 412.191, subd. 4, the City Council has determined that publication of the title and summary of Ordinance 441 will clearly inform the public of the intent and effect of the Ordinance; and

WHEREAS, a printed copy of the Ordinance is available for inspection during regular office hours in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Spring Lake Park, Minnesota that the following summary of Ordinance No. 441 is approved for publication:

“On November 6, 2017, the Spring Lake Park City Council approved Ordinance No. 441, entitled ‘An Ordinance Amending Chapter 153 of the Spring Lake Park Code of Ordinance Relating to Conditional Use Permits.

The following is a summary of Ordinance No. 441 a copy of which is available in its entirety for review during regular office hours at the City of Spring Lake Park, 1301 81st Avenue NE, Spring Lake Park, MN, or for review on the City’s website, www.slpmn.org.

The Ordinance now states that applications for Conditional Use Permits (CUPs) will be made on a form prescribed by the Zoning Administrator and that the fees for CUPs will be established by ordinance. The Ordinance requires applicants to provide all application materials in electronic format. The Ordinance deems violations of the conditions and safeguards, which are part of the terms of the CUP, as violations of the Zoning Code. The Ordinance grants the City Council discretion to pursue a specific procedure to suspend or revoke a CUP if the violation is not corrected. The Ordinance allows the permittee and owner of record of the affected property to request a hearing before the City Council. The hearing will be conducted in accordance with the Administrative Procedures Act. The Ordinance also states that, in addition to the potential suspension or revocation of the CUP, violations are also punishable under §153.227 of the Spring Lake Park City Code.

The Ordinance is in effect upon its passage and publication.”

The foregoing Resolution was moved for adoption by .

Upon Vote being taken thereon, the following voted in favor thereof: .

And the following voted against the same: None

Whereon the Mayor declared said Resolution duly passed and adopted the 6th day of November, 2017.

APPROVED BY:

Cindy Hansen, Mayor

ATTEST:

Daniel R. Buchholtz, City Administrator

ORDINANCE NO. ____

**AN ORDINANCE AMENDING APPENDIX D TO CHAPTER 153, ZONING, OF THE
SPRING LAKE PARK CODE OF ORDINANCE**

The City Council of the City of Spring Lake Park, Minnesota, ordains as follows:

Section 1. Section (A), Residential Districts, Appendix D, Schedule of Permitted Uses by District, to Chapter 153, Zoning, is hereby amended to add the following use:

	District		
	R-1	R-2	R-3
<u>Small Wireless Facility in Right-of-Way, as regulated in Chapter 151</u>	<u>C</u>	<u>P</u>	<u>P</u>

Section 2. Section (B), Commercial Districts, Appendix D, Schedule of Permitted Uses by District, to Chapter 153, Zoning, is hereby amended to add the following use:

	District		
	C-1	C-2	C-3
<u>Small Wireless Facility in Right-of-Way, as regulated in Chapter 151</u>	<u>P</u>	<u>P</u>	<u>P</u>

Section 3. Section (C), Light Industrial District, Appendix D, Schedule of Permitted Uses by District, to Chapter 153, Zoning, is hereby amended to add the following use:

	District
	I-1
<u>Small Wireless Facility in Right-of-Way, as regulated in Chapter 151</u>	<u>P</u>

Section 4. Effective Date. The ordinance shall become effective upon adoption and publication.

Passed by the City Council of the City of Spring Lake Park, Minnesota, this ____th day of November, 2017.

Cindy Hansen, Mayor

ATTEST:

Daniel R. Buchholtz, Administrator, Clerk/Treasurer



Memorandum

To: Mayor Hansen and Members of the City Council

From: Daniel R. Buchholtz, MMC, Administrator, Clerk/Treasurer

Date: October 31, 2017

Subject: Small Wireless Facility Zoning Ordinance

The Legislature approved an amendment to the right-of-way statute that allows small wireless equipment to be placed on city-owned infrastructure. Small wireless facilities is a broad term for the types of cell sites that support antennas plus other equipment in a network to add data capacity. The size of each small wireless facility is limited to each antenna being no larger than 6 cubic feet in volume, with associated wireless equipment not exceeding 28 cubic feet in volume.

The City Council undertook the first step in regulating the small wireless facilities through the amendment of its right-of-way ordinance. The second step is establishing the zoning for such facilities. The new law pre-empts the City's zoning authority. The City is unable to prevent these facilities from being installed in public rights-of-way. The City, ultimately, has little control over the placement of such facilities, with one exception. State Law allows these facilities located in the right-of-way to be a conditional use in a single family zoning district. In order to take advantage of this provision, staff has drafted the attached ordinance for consideration by the City Council.

The Planning Commission held a public hearing on the proposed ordinance at its October 23, 2017 meeting. After hearing no public feedback on the proposed ordinance, the Commission unanimously recommended approval.

If you have any questions regarding the proposed ordinance, please don't hesitate to contact me at 763-784-6491.



INFORMATION MEMO

Cell Towers, Small Cell Technologies & Distributed Antenna Systems

Learn about large and small cell tower deployment and siting requests for small cell, small wireless and distributed antenna systems (DAS) technology. Better understand the trend of the addition of DAS, small wireless or small cell equipment on existing utility equipment. Be aware of common gaps in city zoning, impact of federal and state law, reasons for collocation agreements and some best practices for dealing with large and small cell towers, small wireless facilities and DAS.

RELEVANT LINKS:

[47 U.S.C. § 253](#) (commonly known as Section 253 of Telecommunications Act).

[47 U.S.C. § 332](#) (commonly known as Section 332 of Telecommunications Act).

[FCC Website](#).



[47 U.S.C. § 253](#) (commonly known as Section 253 of Telecommunications Act).

[47 U.S.C. § 332](#) (commonly known as Section 332 of Telecommunications Act).

I. Deployment of large cell towers or antennas

A cell site or cell tower creates a “cell” in a cellular network and typically supports antennas plus other equipment, such as one or more sets of transceivers, digital signal processors, control electronics, GPS equipment, primary and backup electrical power and sheltering. Only a finite number of calls or data can go through these facilities at once and the working range of the cell site varies based on any number of factors, including height of the antenna. The Federal Communications Commission (FCC) has stated that cellular or personal communications services (PCS) towers typically range anywhere from 50 to 200 feet high.

The emergence of personal communications services, the increased number of cell providers, and the growing demand for better coverage have spurred requests for new cell towers, small cell equipment, and distributed antenna systems (DAS) nationwide. Thus, some cellular carriers, telecommunications wholesalers or tower companies, have attempted to quickly deploy telecommunications systems or personal wireless service facilities, and, in doing so, often claim federal law requires cities to allow construction or placement of towers, equipment, or antennas in rights of way. Such claims generally have no basis. Although not completely unfettered, cities can feel assured that, in general, federal law preserves local zoning and land use authority.

A. The Telecommunications Act and the FCC

The Telecommunications Act of 1996 (TCA) represented America’s first successful attempt to reform regulations on telecommunications in more than 60 years, and was the first piece of legislation to address internet access. Congress enacted the TCA to promote competition and higher quality in American telecommunications services and to encourage rapid deployment of new telecommunications technologies.

This material is provided as general information and is not a substitute for legal advice. Consult your attorney for advice concerning specific situations.

RELEVANT LINKS:

[FCC website interpreting Telecommunications Act of 1996.](#)

[47 U.S.C. § 253 \(Section 253 of Telecommunications Act\).](#)

[47 U.S.C. § 332\(c\)\(7\).](#)

[FCC 09-99, Declaratory Ruling \(Nov. 18, 2009\).](#)

[47 U.S.C. § 253\(c\)\(e\) \(Section 253 of Telecommunications Act\).](#)

[47 U.S.C. § 332\(c\)\(7\).](#)

[FCC 09-99, Declaratory Ruling \(Nov. 18, 2009\).](#)

[Sprint Spectrum v. Mills, 283 F.3d 404 \(2nd Cir. 2002\).](#)

[USCOC of Greater Missouri v. Vill. Of Marlborough, 618 F.Supp.2d 1055 \(E.D. Mo. 2009\).](#)

[FCC 09-99, Declaratory Ruling \(Nov. 18, 2009\).](#)

The FCC is the federal agency charged with creating rules and policies under the TCA and other telecommunications laws.

The FCC also manages and licenses commercial users (like cell providers and tower companies), as well as non-commercial users (like local governments). As a result, both the TCA and FCC rulings impact interactions between the cell industry and local government.

The significant changes in the wireless industry and its related shared wireless infrastructures, along with consumer demand for fast and reliable service on mobile devices, have fueled a frenzy of requests for large and small cell/DAS site development and/or deployment. As a part of this, cities find themselves facing cell industry arguments that federal law requires cities to approve tower siting requests.

Companies making these claims most often cite Section 253 or Section 332 of the TCA as support. Section 253 states “no state or local statute or regulation may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service.” Section 332 has a similar provision ensuring the entry of commercial mobile services into desired geographic markets to establish personal wireless service facilities.

These provisions should not, however, be read out of context. When reviewing the relevant sections in their entirety, it becomes clear that federal law does not pre-empt local municipal regulations and land use controls. Specifically, the law states “[n]othing in this section affects the authority of a state or local government to manage the public rights of way or to require fair and reasonable compensation from telecommunications providers, on a competitively neutral and nondiscriminatory basis, for use of public rights of way ...” and that “nothing in this chapter shall limit or affect the authority of ... local government ... over decisions regarding the placement, construction, and modification of personal wireless service facilities”.

Courts consistently have agreed that local governments retain their regulatory authority and, when faced with making decisions on placement of towers, antenna or *new* telecommunication service equipment on city facilities, they generally have the same rights that private individuals have to deny or permit placement of a cellular tower on their property. This means cities can regulate and permit placement of towers and other personal wireless service facilities, including, in most situations (though some state law restrictions exist regarding regulations of small wireless support structures), controlling height, exterior materials, accessory buildings, and even location. Cities should be careful to make sure that local regulations don't have the effect of completely banning all cell towers or personal wireless service facilities. Such regulation could run afoul of federal law (not to mention state law as well).

RELEVANT LINKS:

[Vertical Broadcasting v. Town of Southampton](#), 84 F. Supp.2d 379 (E.D.N.Y. 2000).

[Paging v. Bd. of Zoning Appeals for Montgomery Cty.](#), 957 F.Supp. 805 (W.D. Va. 1997).

[Letter from Minnesota Department of Commerce to Mobilitie.](#)

[Minn. Stat. § 237.162](#)
[Minn. Stat. § 237.163](#)
Chapter 94, Art. 9, 2017 Regular Session.

[Minnesota Public Utilities Commission, Meeting Agenda \(Nov. 3, 2016\).](#)

[Minn. Stat. § 237.162.](#)
[Minn. Stat. § 237.163](#)
Chapter 94, Art. 9, 2017 Regular Session.

Some cellular companies try to gain unfettered access to city right of way by claiming they are utilities. The basis for such a claim usually follows one of two themes—either that, as a utility, federal law entitles them to entry; or, in the alternative, under the city’s ordinances, they get the same treatment as other utilities. Courts have rejected the first argument of entitlement, citing to the specific directive that local municipalities retain traditional zoning discretion.

B. State law

In the alternative, the argument that a city’s local ordinances include towers as a utility has, on occasion and in different states, carried more weight with a court. To counter such arguments, cities may consider specifically excluding towers, antenna, small cell, and DAS equipment from their ordinance’s definition of utilities. The Minnesota Department of Commerce, in a letter to a wireless infrastructure provider, cautioned one infrastructure company that its certificate of authority to provide a local niche service did not authorize it to claim an exemption from local zoning. The Minnesota Department of Commerce additionally requested that the offending company cease from making those assertions.

In Minnesota, to clear up confusion about whether wireless providers represent telecommunications right-of-way users under state law and to address concerns about deployment of small wireless technology, the Legislature amended Minnesota’s Right-of-Way User statutes, or Minnesota ROW Law, in the 2017 legislative session to specifically address small wireless facilities and the support structures on which those facilities may attach.

Because of these amendments, effective May 31, 2017 additional specific state statutory provisions apply when cities, through an ordinance, manage their rights of way, recover their right-of-way management costs (subject to certain restrictions), and charge rent for attaching to city-owned structures in public rights of way. Rent, however, is capped for collocation of small wireless facilities. State law defines “collocate” or “collocation” as a means to install, mount, maintain, modify, operate, or replace a small wireless facility on, under, within, or adjacent to an existing wireless support structure that is owned privately or by a local government unit.

The Minnesota ROW Law allows cities to require telecommunications right-of-way users to get a permit for use of the right of way; however, it creates a separate permitting structure for the siting of small wireless facilities.

RELEVANT LINKS:

[USCOC of Greater Missouri v. Vill. Of Marlborough](#), 618 F.Supp.2d 1055 (E.D. Mo. 2009).

[Minnesota Towers Inc. v. City of Duluth](#), 474 F.3d 1052 (8th Cir. 2007).

[NE Colorado Cellular, Inc. v. City of North Platte](#), 764 F.3d 929 (8th Cir. 2014) (denial of CUP for tower must be “in writing” but need not be a separate finding from the reasons in the denial).

[Smith Comm. V. Washington Cty, Ark.](#), 785 F.3d 1253 (8th Cir. 2015) (substantial evidence' analysis involves whether the local zoning authority's decision is consistent with the applicable local zoning requirements and can include aesthetic reasons).

[FCC 09-99, Declaratory Ruling](#), Nov. 18, 2009.

[Tower and Antenna Siting FAQ sheet from FCC.](#)

[T-Mobile West V. Crow](#), No. CV08-1337 (D. AZ. Dec. 16, 2009).

Because of the recent significant changes in the state law and the specific requirements for deployment of small wireless facilities that do not apply to other telecommunications right-of-way users, cities should work with their city attorneys to review and update their ordinances.

C. Limitations on cities' authority

1. Federal law

Although federal law expressly preserves local governmental regulatory authority, it does place several substantive and procedural limits on that authority. Specifically, a city:

- Cannot unreasonably discriminate among providers of functionally equivalent services.
- Cannot regulate those providers in a manner that prohibits or has the effect of prohibiting the provision of telecommunications services or personal wireless services.
- Must act on applications within a reasonable time.
- Must document denial of an application in writing supported by “substantial evidence.”

Proof that the local zoning authority's decision furthers the applicable local zoning requirements or ordinances satisfies the substantial evidence test. Municipalities cannot cite environmental concerns as a reason for denial, however, when the antennas comply with FCC rules on radio emissions. In the alternative, cities can request proof of compliance with the FCC rules.

Bringing an action in federal court represents the recourse available to the cellular industry if challenging the denial of a siting request under federal law. Based on the limitations set forth in the federal law on local land use and zoning authority, most often, when cities deny siting requests, the challenges to those denials claim one of the following:

- The municipal action has the effect of “prohibiting the provision of personal wireless service.”
- The municipal action unreasonably discriminates among providers of functionally equivalent services (i.e., cell providers claiming to be a type of utility so they can get the same treatment as a utility under city ordinance).

RELEVANT LINKS:

[Minn. Stat. § 237.162](#)
[Minn. Stat. § 237.163](#)
[Chapter 94, Art. 9, 2017](#)
Regular Session.

See further discussion of
state law restrictions in
Section II-A, below

[Minnesota Towers Inc. v. City of Duluth](#), 474 F.3d 1052 (8th Cir. 2007). [Smith Comm. V. Washington Cty, Ark.](#), 785 F.3d 1253 (8th Cir. 2015).

[Voicestream PCSII Corp. v. City of St. Louis](#), No. 4:04CV732 (E.D.Mo. August 3, 2005) (city interpretation of city ordinance treats communication facility as a utility).

[USCOC of Greater Missouri v. Vill. Of Marlborough](#), 618 F.Supp2d 1055, 1064 (E.D. Mo. 2009) (TCA explicitly contemplates some discrimination amount providers of functionally equivalent services).

2. State law

In addition to mirroring some of the federal law requirements, such as the requirement of equal treatment of all like providers, state law permits cities, by ordinance, to further regulate “telecommunications right-of-way users.”

Minnesota’s Telecom ROW Law expressly includes wireless service providers as telecommunications right-of-way users, making the law applicable to the siting of both large and small, wire-lined or wireless telecommunications equipment and facilities, in the rights of way.

State law places additional restrictions on the permitting and regulating of small wireless facilities and wireless support structure placement. Accordingly, cities should work with city attorneys when drafting, adopting, or amending their ordinance. The Telecom ROW Law still expressly protects local control, allowing cities to deny permits for reasonable public health, welfare, and safety reasons, with no definitions of or limitations on what qualifies as health, welfare, and safety reasons.

D. Court decisions

The 8th U.S. Circuit Court of Appeals (controlling law for Minnesota) recognizes that cities do indeed retain local authority over decisions regarding the placement and construction of towers and personal wireless service facilities.

The 8th Circuit also has heard cases where a carrier or other telecommunications company argued they are a utility and should be treated as such under local ordinances. Absent a local ordinance that includes this type of equipment within its definition of utilities, courts do not necessarily deem cell towers or other personal communications services equipment functionally equivalent to utilities.

Additionally, courts have found that the federal law anticipates some disparate application of the law, even among those deemed functionally equivalent. For example, courts determined it reasonable to consider the location of a cell tower when deciding whether to approve tower construction (finding it okay to treat different locations differently), so long as cities do not allow one company to build a tower at a specific location at the exclusion of other providers.

RELEVANT LINKS:

For regulation of telecommunications right-of-way users, see Appendix A, Sample Ordinances and Agreements.

[Minn. Stat. 237.163, Subd. 2 \(f\), Chapter 94, Art. 9, 2017 Regular Session.](#)



E. City approaches

Regulation of placement of cell towers and personal wireless services can occur through an ordinance. The Minnesota ROW Law provides cities with comprehensive authority to manage their rights of way. With the unique application of federal law to telecommunications and the recent changes to state law, along with siting requests for locations both in and out of rights of way, many cities find having a separate telecommunications right-of-way user ordinance (in addition to a right-of-way ordinance) allows cities to better regulate towers and other telecommunications equipment, as well as collocation of small wireless facilities and support structures.

Some cities also have modified the definitions in their ordinances to exclude cell towers, telecommunications, wireless systems, DAS, small cell equipment, and more from utilities to counter the cell industry's requests for equal treatment or more lenient zoning under the city's zoning ordinances.

In addition to adopting specific regulations, many city zoning ordinances recognize structures as conditional uses requiring a permit (or many of these regulations include a provision for variances, if needed). While cities may require special permits or variances to their zoning for siting of large cell facilities, under state law, small wireless facilities and wireless support structures accommodating those small wireless facilities are deemed a permitted use. The only exception to the presumed, permitted use for small wireless is that a city may require a special or conditional land use permit to install a new wireless support structure in a residentially zoned or historic district. Cities will want to review their zoning to make sure it complies with the Minnesota ROW Law.

II. Deployment of small cell technologies and DAS

Small cell equipment and DAS both transmit wireless signals to and from a defined area to a larger cell tower. They are often installed at sites that support cell coverage either within a large cell area that has high coverage needs or at sites within large geographic areas that have poor cell coverage overall.

RELEVANT LINKS:



[Minn. Stat. § 237.162.](#)
[Minn. Stat. § 237.163.](#)
[Chapter 94, Art. 9, 2017 Regular Session.](#)
See Appendix A, Sample Ordinances and Agreements.

See League [FAQ on Minnesota 2017 Telecommunication Right of Way User Amendments](#) (July 2017).

See Appendix A, Sample Ordinances and Agreements

Situational needs dictate when cell providers use small cell towers, as opposed to DAS technology. Generally, cell providers install small cell towers when they need to target specific indoor or outdoor areas like stadiums, hospitals, or shopping malls. DAS technology, alternatively, uses a small radio unit and an antenna (that directly link to an existing large cell tower via fiber optics). Installation of a DAS often involves cell providers using the fiber within existing utility structures to link to its larger cell tower. Cities sometimes are asked to provide the power needed for the radios, which the city can negotiate into the leasing agreement with the cell provider.

A. Additional zoning and permitting needs under state law

Historically, many cities’ ordinances address large cell sites, but not small cell towers or DAS. With the recent changes to state law, cities should work with their city attorney to review their ordinances in consideration of the new statutory permit process for the siting of small wireless facilities.

Cities can charge rent (up to a cap for small wireless siting) under the statute for placement of cell technology or DAS on existing or newly installed support structures, like poles or water towers; and, also, can enter into a separate agreement to address issues not covered by state law or ordinance. Cities should work with their city attorney to get assistance with drafting these agreements and any additional documents, like a bill of sale (for transfer of pole from carrier to city), if necessary.

The terms and conditions of these agreements, called collocation agreements, for siting of small wireless facilities, most likely will mirror agreements formerly referred to as master licensing agreements, often including provisions such as:

- Definitions of scope of permitted uses.
- Establishment of right-of-way rental fee (note statutory limitations).
- Protection of city resources.
- Provision of contract term (note statutory limitations).
- Statement of general provisions.
- Maintenance and repair terms.
- Indemnity provisions.
- Insurance and casualty.
- Limitation of liability provision.
- Terms for removal.

RELEVANT LINKS:

[Minn. Stat. § 237.162](#)
[Minn. Stat. § 237.163](#)
Chapter 94, Art. 9, 2017
Regular Session.

See League [FAQ on Minnesota 2017 Telecommunication Right of Way User Amendments](#) (July 2017).

State law does not require a separate agreement, and some cities have chosen to put these provisions in their ordinance or permit instead. For cities that choose to have a separate agreement in place, they must develop and make that agreement publicly available no later than November 31, 2017 (six months after the effective date of this act) or three months after receiving a small wireless facility permit application from a wireless service provider. The agreement must be made available in a substantially complete form; however, the parties to the small wireless facility collocation agreement can incorporate additional mutually agreed upon terms and conditions. The law classifies any small wireless facility collocation agreement between a local government unit and a wireless service provider as public data, not on individuals, making those agreements accessible to the public under Minnesota's Data Practices Law.

Additionally, the new amendments to Minnesota's Telecom ROW Law set forth other requirements that apply only to small cell wireless facility deployment. The 2017 amendments changed Minnesota's ROW Law significantly, the details, of which, can be found in the League's [FAQ on Minnesota 2017 Telecommunication Right of Way User Amendments](#) (July 2017). However, after the amendments, the law now generally provides:

- A presumption of permitted use in all zoning districts, except in districts zoned residential or historical districts.
- The requirement that cities issue or deny small wireless facility requests within 90 days, with a tolling period allowed upon written notice to the applicant, within 30 days of receipt of the application.
- An allowance to batch applications (simultaneously submit a group of applications), with the limitation to not exceed 15 small wireless requests for substantially similar equipment on similar types of wireless support structures within a two-mile radius.
- Rent not to exceed \$150 per year with option of an additional \$25 for maintenance and allowances for electricity, if cities do not require separate metering.
- The limitation that cities cannot ask for information already provided by the same applicant in another small cell wireless facility application, as identified by the applicant, by reference number to those other applications.
- A restriction that the height of wireless support structures cannot exceed 50 feet, unless the city agrees otherwise.
- A restriction that wireless facilities constructed in the right of way may not extend more than 10 feet above an existing wireless support structure in place.

RELEVANT LINKS:

[47 U.S.C. § 332](#) (commonly known as Section 332 of Telecommunications Act).

[FCC 09-99, Declaratory Ruling](#) (Nov. 18, 2009).

[FCC 14-153, Report & Order](#) (October 21, 2014).

[Minn. Stat. § 237.163, Subd. 3a\(f\), Chapter 94, Art. 9](#), 2017 Regular Session.

See Appendix A, Sample Ordinances and Agreements.

- A prohibition on moratoriums with respect to filing, receiving, or processing applications for right-of-way or small wireless facility permits; or issuing or approving right-of-way or small wireless facility permits. For cities that did not have a right-of-way ordinance in place on or before May 18, 2017, the prohibition on moratoria does not take effect until January 1, 2018, giving those cities an opportunity to enact an ordinance regulating its public rights-of-way.

NOTE: These additional state law requirements do NOT apply to collocation on structures owned, operated maintained or served by municipal utilities. Also, the small wireless statutory requirements do not invalidate agreements in place at the time of enactment of the 2017 amendments (May 31, 2017).

The siting of DAS or new small cell technologies also must comply with the same restrictions under federal law that apply to large cell sitings. Specifically, a city:

- May not unreasonably discriminate among providers of functionally equivalent services.
- May not regulate in a manner that prohibits or has the effect of prohibiting the provision of personal wireless services.
- Must act on applications within a reasonable time.
- Must make any denial of an application in writing supported by substantial evidence in a written record.

Because of the complexities in the state law and the overlay of federal regulations, some cities have found it a best practice to adopt or amend a telecommunications right-of-way ordinance separate from their general right-of-way management ordinance. Cities that do not choose to adopt separate ordinances, at a minimum, should work with their attorney to review and amend their existing right-of-way ordinances, if necessary, to accommodate for telecommunications right-of-way users and the recent state law amendments for small wireless facilities. For example, since state law now recognizes small wireless facilities as a permitted use, zoning ordinances that require conditional use permits for these facilities likely will need amending.

Since wireless providers seek to attach their small cell and DAS equipment to city-owned structures, many cities choose to have a separate agreement in place to address terms and conditions not included in ordinances or permits. If the city chooses to do so, the law requires the city to have these agreements available in a substantial form so applicants can anticipate the terms and conditions. Again, cities should work with the city attorney to draft a template agreement governing attachment of wireless facilities to municipally owned structures in the right of way.

RELEVANT LINKS:

[Section 6409\(a\) of the Middle Class Tax Relief and Joe Creation Act of 2012, codified at 47 U.S.C. § 1455.](#)

[FCC Public Notice AD 12-2047](#) (January 25, 2013).

[FCC 14-153, Report & Order](#) (October 21, 2014).

[FCC Public Notice AD 12-2047](#) (January 25, 2013).

[FCC Public Notice AD 12-2047](#) (January 25, 2013).

[City of Arlington Texas, et. al. V. FCC, et. al.](#), 133 S.Ct. 1863, 1867 (2013) (90 days to process collocation application and 150 days to process all other applications, relying on §332(c)(7)(B)(ii)).

This model ordinance and other information can be found at [National Association of Counties Website](#).

With the nationwide trend encouraging deployment of these new technologies, if a city denies an application, it must do so in writing and provide detailed reasonable findings that document the health, welfare, and safety reasons for the denial. With the unique circumstances of each community often raising concerns about sitings, cities may benefit from proactively working with providers.

B. Modifications of existing telecommunication structures

If a siting request proposes *modifications to and/or collocations of wireless transmission equipment on existing FCC-regulated towers or base stations*, then federal law further limits local municipal control. Specifically, federal law requires cities to grant requests for modifications or collocation to existing *FCC-regulated structures* when that modification would not “substantially change” the physical dimensions of the tower or base station.

The FCC has established guidelines on what “substantially change the physical dimensions” means and what constitutes a “wireless tower or base station.”

Once small cell equipment or antennas gets placed on that pole, then the pole becomes a telecommunication structure subject to federal law and FCC regulations. Accordingly, after allowing collocation once, the city then must comply with the more restrictive federal laws that allow modifications to these structures that do not substantially change the physical dimensions of the pole, like having equipment from the other cell carriers.

Under this law, it appears cities cannot ask an applicant who is requesting modification for documentation information other than how the modification impacts the physical dimensions of the structure. Accordingly, documentation illustrating the need for such wireless facilities or justifying the business decision likely cannot be requested. Of course, as with the other siting requests, state and local zoning authorities must take prompt action on these siting applications for wireless facilities (60-day shot clock rule).

Two wireless industry associations, the WIA (formerly known as the PCIA) and CTIA, collaborated with the National League of Cities, the National Association of Counties, and the National Association of Telecommunications Officers and Advisors to: (1) develop a model ordinance and application for reviewing eligible small cell/DAS facilities requests under federal law; (2) discuss and distribute wireless siting best practices; (3) create a checklist that local government officials can use to help streamline the review process; and (4) hold webinars regarding the application process.

RELEVANT LINKS:

[Minn. Stat. § 237.163, Subd. 2\(d\), Chapter 94, Art. 9, 2017 Regular Session.](#)

III. Moratoriums

The cellular industry often challenges moratoriums used to stall placement of cell towers, as well as small cell/DAS technology, until cities can address regulation of these structures. Generally, these providers argue that these moratoriums do one of the following:

- Prohibit or have the effect of prohibiting the provision of personal wireless services.
- Violate federal law by failing to act on an application within a reasonable time.

State law now prohibits moratoriums with respect to: (1) filing, receiving, or processing applications for right-of-way or small wireless facility permits; or (2) issuing or approving right-of-way or small wireless facility permits. For cities that did not have an ordinance enabling it to manage its right-of-way on or before May 18, 2017, the prohibition on moratoria does not take effect until January 1, 2018, giving those cities an opportunity to enact an ordinance regulating its public rights-of-way.

IV. Conclusion

With the greater use of calls and data associated with mobile technology, cities likely will see more new cell towers, as well as small cell technology/DAS requests. Consequently, it would make sense to proactively review city regulations to ensure consistency with federal and state law, while still retaining control over the deployment of structures and the use of rights of way.

Appendix A: Sample Ordinances and Sample Agreements

Many cities address cell towers in their ordinances already. For informational purposes only, the links below reference some telecommunications facilities ordinances in Minnesota. PLEASE NOTE, these ordinances reflect each city's unique circumstances and may pre-date the 2017 Legislative Session which, then, would not have considered the amendments to Minn. Stat. §§ 237.162, 237.163 when drafted.

Sample Telecommunications Ordinances

[Revised Model Right-of-Way Ordinance](#)

City of Edina (predates 2017 amendments)

Ordinance: ([Chapter 34: Telecommunications](#))

City of Brainerd

Memo to Planning Commission from City Planner, July 13, 2017 Re: [Draft Ordinance: Section 35: Antennas and Towers](#)

City of Minneapolis

[Ordinance: \(Amendment to Ordinance to accommodate Small Cell/DAS equipment\)](#)
[CPED Staff Report, City of Minneapolis regarding Amendment](#)

City of Bloomington

Ordinance: (Part II City Code, [Chapter 17: Streets and Rights-of-Way](#))

Ordinance: ([No. 2017-16, Amending Section 14.03 of the City Code Concerning the Permit Fee](#))

Permit: [Small Cell Permit](#)

Sample Collocation Agreement for DAS/Small Cell

[Texas City Attorney Association](#)

Addendum to Local Gov. Code, Chapter 283

[San Antonio, Texas](#)

[Boston, Massachusetts](#)

[San Francisco, California](#)

DRAFT PROCEEDINGS

Minutes of the Spring Lake Park Planning Commission special meeting held on October 23, 2017 at the Spring Lake Park Community Center, 1301 81st Avenue N.E., at 7:00 P.M.

1. Call to Order

Chairperson Dircks called the meeting to order at 7:00 P.M.

2. Roll Call

Members Present: Commissioners Smith, Eischens, Bernhagen, Hansen and Dircks

Members Absent: None

Staff Present: Building Official Brainard; Administrator Buchholtz and Executive Assistant Gooden

Visitors: Barbara Goodboe-Bisschoff, 8309 Monroe Street NE
Paddy Jones, Ham Lake
Brad Delfs, 8172 Polk Street NE
Larry and Jean Pederson, 1595 83rd Avenue NE
Ken Wendling, 547 81st Avenue NE

3. Pledge of Allegiance

4. Approval of Minutes – September 25, 2017

MOTION BY COMMISSIONER SMITH, SECONDED BY COMMISSIONER BERNHAGEN, APPROVING THE MINUTES OF SEPTEMBER 25, 2017. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

5. Public Hearing – Ordinance Amending Section 153.202 of the Spring Lake Park City Code relating to Conditional Use Permits

Chairperson Dircks opened the public hearing at 7:03 PM.

Administrator Buchholtz reported that over the past several years, City staff has been working to address the issue of ensuring certain businesses are complying with the conditions of their Conditional Use Permit/Special Use Permit (CUP). He stated that City staff has issued warning letters and, in many cases, Administrative Offense Tickets to businesses who have failed to comply with the conditions of their CUP. He stated that even with the enforcement actions, compliance has been elusive. He reported that in consultation with the City Attorney, an amendment to the CUP ordinance has been drafted that will establish a suspension/revocation process for consistent violators.

Administrator Buchholtz stated that the current ordinance makes violations of a CUP and its conditions a misdemeanor, which must be processed through the Court system. He explained that the proposed ordinance maintains the ability for the City to prosecute ordinance violations through the Court system, but also establishes a process for which violations can be punished through the suspension and/or revocation of the permit.

Administrator Buchholtz stated that if the violation has not been corrected within 10 days of written notice from the Zoning Administrator, the City Council can pursue suspension or revocation utilizing the following procedure:

1. Written notice must be provided to the permittee at least ten business days prior to the permit being suspended or revoked.
2. Notice must be delivered personally or sent by first class mail. The notice will include the effective date of the suspension/revocation, a description of the violations the suspension or revocation is based upon and the facts supporting the conclusion that a violation has occurred. If the Owner desires to appeal, the Owner must, within 10 business days, file a request for a hearing.
3. The hearing request must be in writing, stating the grounds for appeal and served personally or by first class mail to the Zoning Administrator.
4. Following receipt of the request for the hearing, the City Council shall set a time and place for the hearing. The Zoning Administrator shall notify the permittee of the time and place of the hearing in the same manner in which the initial notice was delivered.

Administrator Buchholtz stated that the hearing would be conducted in accordance with the Administrative Procedures Act (M.S. §§14.57 to 14.70, as it may be amended from time to time). He stated this process is the same as what the City utilizes to revoke or suspend liquor licenses.

Commissioner Hansen inquired as to how many CUP's there are in the City and how many violations are issued annually. Administrator Buchholtz reported that there are several hundred however not all are in effect, as many have expired due to non-utilization by the property owner. Building Official Brainard estimated that he receives 20 to 25 complaints a year and noted that many of the violators are the same from year to year.

Commissioner Hansen inquired about who was responsible for covering the cost of holding a hearing. Administrator Buchholtz stated that the City would cover the cost of the hearing as it would be the City Council acting as the hearing board and the City Attorney would be presenting the case. He explained that the City Council has the option to delegate the case to an administrative law judge who would draft a recommendation on the findings.

Commission Hansen suggested that the cost of the hearing and the City bearing the burden of the hearing, judge and the preparation, he suggested that the some of the cost be shared with the violator. Administrator Buchholtz stated that he would discuss this the City Attorney.

Building Official Brainard inquired on the process should an appeal be filed, and if it would be heard before the City Council for an administrative decision. Administrator Buchholtz explained that it would be up to the City Council to vote and make a decision on the revocation of the CUP.

Building Official Brainard inquired on the notification process of the hearing. Administrator Buchholtz stated that it would not be a public hearing for public comment. He stated that the public could comment as part of "Discussion from the Floor" at a City Council meeting or called as a witness if the City or the violator chose to have witnesses. He explained that the administrative hearing would be a very structured procedure and not handled as a public hearing.

Commissioner Smith inquired if the ordinance presented is in the final format. Administrator Buchholtz stated that the City Attorney has reviewed it, prior to the public hearing.

Chairperson Dircks asked for discussion from the floor.

Jean Pederson, 1595 83rd Avenue NE, stated that she feels that there needs to be more enforcement on the CUP's. She noted that complaints are filed and then investigated. She stated that the business is often times in compliance for a short amount of time but then the business will often times revert to not following the conditions set. She inquired as to how the new ordinance will affect which CUP would be revoked when several CUP's are at one location.

Larry Pederson, 1595 83rd Avenue NE, stated that he feels that many of the business who violate their CUP are the same building. He explained that he does not feel it is fair to the residents to be placed with the burdens of the violations such as inoperable vehicles.

Commissioner Smith stated that the new ordinance will allow for improved enforcement.

Building Official Brainard reported that enforcement is done on a complaint basis and the City depends on the residents to report issues. He stated that he responds to over one hundred complaints of violations and they are often times corrected. He noted that the proposed ordinance would give the City another tool to move towards compliance. He stated that the fines and tickets that are issued are often times not enough to incentivize the business to come into compliance.

Building Official Brainard inquired if there is a certain number of complaints that need to be in place before the revocation process begins. Administrator Buchholtz stated that each decision on a revocation action will be on a case-by-case situation. He stated that it will be based on the amount of documented evidence the City has.

Administrator Buchholtz explained that, in the past, CUP's were not reviewed by any outside sources however, the City Planner now reviews the CUP applications. He noted that this change allows for clearer conditions that can be more consistently enforced.

Commissioner Eischens inquired as to how CUP holders will be notified of the ordinance change. Administrator Buchholtz explained that the ordinance will be posted on the City's social media sites, published in the local newspaper. He stated that an article will appear in the City newsletter, which is mailed, to every address in the City.

Barbara Goodboe-Bisschoff, 8309 Monroe Street NE, inquired as to why notification of the ordinance change will not be sent to all current CUP holders. Administrator Buchholtz expressed his opinion that with the notifications posted on social media as well as publishing the change in the local newspaper and City newsletter will be sufficient notice. He added that the violator will be sent several warning letters and compliance date notices before the revocation process begins.

Chairperson Dircks asked for additional public comment. Hearing none, the public hearing was closed at 7:45 PM.

MOTION MADE BY COMMISSIONER EISCHENS; SECONDED BY COMMISSIONER SMITH TO CLOSE THE PUBLIC HEARING. VOICE VOTE. MOTION CARRIED.

MOTION MADE BY COMMISSIONER SMITH; SECONDED BY COMMISSIONER BERNHAGEN TO APPROVE ORDINANCE AMENDING SECTION 153.202 OF THE SPRING LAKE PARK CITY CODE RELATING TO CONDITIONAL USE PERMITS. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

6. Public Hearing- Ordinance Amending Appendix D of the Spring Lake Park Zoning Code relating to Small Cell Wireless Facilities

Chairperson Dircks opened the public hearing at 7:48 PM.

Administrator Buchholtz reported that the Legislature approved an amendment to the right-of-way statute that allows small wireless equipment to be placed on city-owned infrastructure. He stated that small wireless facilities is a broad term for the types of cell sites that support antennas plus other equipment in a network to add data capacity. He stated that the size of each small wireless facility is limited to each antenna being no larger than six cubic feet in volume, with associated wireless equipment not exceeding 28 cubic feet in volume.

Administrator Buchholtz reported that the City Council has taken the first step to address this statutory change by amending its rights-of-way ordinance to permit these types of facilities. He stated the right-of-way ordinance, Chapter 151 of the City Code, was adopted on August 7, 2017.

Administrator Buchholtz stated the second step is establishing the zoning for such facilities. He stated the new law pre-empts the City's zoning authority. He stated the City is unable to prevent these facilities from being installed in the public rights-of-way. He stated the City, ultimately, has little control over the placement of such facilities, with one exception. He noted that State law allows these facilities located in the right-of-way to be a conditional use in a single family-zoning district and in order to take advantage of this provision, staff has drafted an ordinance for consideration by the Planning Commission.

Administrator Buchholtz reported that the City owns very few streetlights within Spring Lake Park with the vast majority of the street light system being owned by Xcel Energy. He noted that these facilities could be located on existing power lines throughout the city.

Administrator Buchholtz explained that small wireless facilities are not all bad and they are an essential component to the build-out of the new 5G system. He explained that the strategic placement of these facilities will ensure that cell phone users will have strong signal coverage within their homes. He stated that they are not a replacement for macro cell facilities, like those located on the City's water tower. He stated that they are meant to supplement those facilities by providing additional data and voice capacity over the network in busy areas and dead zones.

Building Official Brainard inquired if a Right-of-Way permit application is required. Administrator Buchholtz stated that one is required. He noted that light poles are already in the right-of-way so there could possibly be an antenna on any pole.

Chairperson Dircks inquired if conditions could be placed on the structures in the residential areas. Administrator Buchholtz stated that appearance standards would be easier to address with the ordinance in place.

Commissioner Smith inquired if the ordinance is not adopted, would carriers still be permitted to occupy space and place structures where they feel the need is. Administrator Buchholtz stated that the providers could and possibly take advantage of space. He said by accepting the ordinance it will be the City to place some reasonable conditions on the carriers.

Chairperson Dircks asked for discussion from the floor. Hearing none, the public hearing was closed at 7:55 PM.

MOTION MADE BY COMMISSIONER EISCHENS; SECONDED BY COMMISSIONER SMITH TO CLOSE THE PUBLIC HEARING.

MOTION MADE BY COMMISSIONER SMITH; SECONDED BY EISCHENS TO RECOMMEND ACCEPTING ORDINANCE AMENDING APPENDIX D OF THE SPRING LAKE PARK ZONING CODE RELATING TO SMALL CELL WIRELESS FACILITIES. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

7. Administrator Reports

Administrator Buchholtz reported that the Rice Creek Watershed has reviewed the Hy-Vee application and granted conditional approval. He noted that City staff and representatives from Hy-Vee met with Anoka County on road requirements.

Administrator Buchholtz reported that the Dominion project is making progress and framing on the structure should begin soon.

8. Adjourn

MOTION BY COMMISSIONER SMITH, SECONDED BY COMMISSIONER EISCHENS TO ADJOURN. VOICE VOTE: ALL AYES. MOTION CARRIED.

The meeting adjourned at 8:00 PM.

RESOLUTION NO. 17-35

RESOLUTION AMENDING 2017 GENERAL FUND BUDGET

WHEREAS, due to significant building projects, the City needs to extend the employment of its temporary employee; and

WHEREAS, a budget adjustment is needed to cover the additional cost of this extended employment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Spring Lake Park that the City Council does hereby approve the following budget adjustment:

1. Adjust revenue account
 101-32230 Building Permit Revenue \$60,000 \$64,000
2. Adjust expenditure account
 101-42300-1030 Temporary Employee \$14,560 \$18,560

The foregoing resolution was moved for adoption by .

Upon roll call, the following voted aye:

And the following voted nay:

Whereupon the Mayor declared said resolution duly passed and adopted this 6th day of November, 2017.

Cindy Hansen, Mayor

ATTEST:

Daniel R. Buchholtz, Administrator



Memorandum

To: Mayor Hansen and Members of the City Council
From: Daniel R. Buchholtz, MMC, Administrator, Clerk/Treasurer
Date: November 1, 2017
Subject: Budget Adjustment – Code Enforcement

Building Official Brainard has been working on a number of inspection projects due to the construction of the addition to the Spring Lake Park High School and construction of the Legends of Spring Lake Park. The City Council, to help manage his workload during last year's inspection season, authorized the hiring of a temporary employee to assist with code enforcement and rental housing inspections. The temporary assignment is to expire on December 1, 2017.

Mr. Brainard is requesting that the temporary assignment be extended into 2018. Funds have been included in the 2018 General Fund budget to cover a portion of this request. However, a budget adjustment to the 2017 budget would be needed to cover the extension of the assignment from December 1, 2017 through December 31, 2017. The cost to the City would be approximately \$3,300.

The City has received significant building permit revenue this year as a result of the significant projects mentioned above. If this request is acceptable to the City Council, Staff would request the following budget adjustments to the 2017 General Fund budget:

Revenue			
101-00000-32230	Building Permit Revenue	\$60,000	\$64,000
Expenditure			
101-42300-01030	Temporary Employees	\$14,560	\$18,560

This budget adjustment will not impact the City's ability to transfer funds from the General Fund to supplement the 2018 Equipment Certificate.

If you have any questions, please don't hesitate to contact me at 763-784-6491.



City of Spring Lake Park
1301 Eighty First Avenue Northeast
Spring Lake Park, Minnesota 55432
(763) 784-6491 Fax: (763) 792-7257

MEMORANDUM

TO: Spring Lake Park City Council
FROM: Barry L. Brainard, Code Enforcement Director
RE: Temporary Code Enforcement Inspector Employment
DATE: November 1, 2017

On July 10th the temporary full-time employment of Johnny Vang commenced. Mr. Vang is conducting both rental and nuisance inspection services.

The approved 2017 budget for Mr. Vang employment has him working for 20 weeks (December 1, 2017). I am requesting to extend the Temporary Code Enforcement Inspector position for Mr. Vang as building construction for 2018 which includes; Hy Vee, High School renovations, School District addition and renovations, Public Storage new building, and continuing Legends of SLP inspections will certainly take all my time and attention for 2018.

With Mr. Vang now approaching 20 weeks of employment, I would like to retain his newly acquired skills as a Code Enforcement Inspector throughout 2018 and possibly into 2019 to keep rental and nuisance inspection services running at a sustainable performance during the anticipated high demand construction.

If any of you have questions regarding my request, please contact me bbrainard@slpmn.org or by phone at 763-792-7212.



Memorandum

To: Mayor Hansen and Members of the City Council
From: Daniel R. Buchholtz, MMC, Administrator, Clerk/Treasurer
Date: November 1, 2017
Subject: December Work Session

Staff is requesting the City Council hold a work session on Monday, December 11 to discuss the following items:

1. SBM Fire Capital Improvement Plan (Chief Smith)
2. 2018 Public Utilities Budget (Buchholtz, Randall)
3. Administrator Reports

Staff reserves the right to amend the work session agenda to add additional items should the need exist.

If you have any questions, please don't hesitate to contact me at 763-784-6491.



City of Spring Lake Park
Engineer's Project Status Report

To: Council Members and Staff

Re: **Status Report for 11.06.17 Meeting**

From: Phil Gravel

File No.: R-18GEN

Note: Updated information is shown in *italics*.

MS4 Permit (193802936).

Continuing to work with the Public Works Director and the Administrator on implementing the work plan for 2017 MS4 items. *We will be working on staff training with the Public Works Department later this month.*

Surface Water Management Plan (193803949).

We continue doing research (including compiling old plans) as part of the background research for updating the local surface water management plan including stormwater modeling.

2017 Sanitary Sewer Lining Project (193803782).

This project includes sanitary sewer lining in the neighborhood east of Able Street and north of 81st Avenue. *The Contractor, Visu-Sewer, has completed the lining work. Remaining service grout work will be completed over the next few weeks. Terry Randall is coordinating.*

2017-2018 Street Seal Coat Project (193803783).

This 2-year project will include street maintenance in the neighborhood north of 81st Ave. and west of Monroe St. (2017) and in the neighborhood east of Monroe St., south of 81st St. and west of TH 65 (2018). The Contractor, Astech, has completed the 2017 seal coat work and pavement markings. Terry Randall is coordinating.

Other issues/projects.

Continue to work with Coon Creek Watershed District (CCWD) Technical Advisory Committee (TAC).

We continue working with the Public Works Director to get final approval on the Water Supply Plan (DNR requirement) and on implementing the city's Wellhead Protection Plan.

Working with agents for Verizon and AT&T regarding possible facilities on the Arthur Street water tower.

Continue working with Dan, Terry, Phil Carlson, and the developer regarding the potential Hy-Vee development. The County permit is the most pressing current issue.

Working on site plan construction issues for the Dominion project. Terry Randall is monitoring day-to-day issues on the project.

Feel free to contact Harlan Olson, Phil Carlson, Jim Engfer, Mark Rolfs, Tim Grinstead, Peter Allen, or me if you have any questions or require any additional information.



2401 Highway 10 • Mounds View, MN 55112-1499
Phone: 763.717.4000 • Fax: 763.717.4019

November 1, 2017

Dan Buchholtz
City Administrator
City of Spring Lake Park
1301 81ST AVE. N.E.
Spring Lake Park, MN 55432

dbuchholtz@slpmn.org

RE: Closure of median crossover east of Mounds View Blvd & Spring Lake Rd

Dear Dan,

MWF Properties has submitted applications for; (1) a Preliminary Plat of "Boulevard", and (2) a Development Review for a 60-unit apartment building. The project is located at the NW corner of Mounds View Blvd and Groveland Rd.

Ramsey County has agreed to allow a right-in/right-out access onto Mounds View Blvd, if the access is to be shared with any future redevelopment of that block, and if MWF pays the cost of closing the crossover median in front of Spring Park Auto (former SBM Fire Station). Half of this median is within the City of Spring Lake Park. This closure would be a condition of Mounds View's approval of the Preliminary Plat and/or Development Review.

The developer is in the process of revising the Development Review plans. It is not known when this will be reviewed by the City Council, but will likely occur on December 11th or December 26th.

This letter serves as notice to the City of Spring Lake Park and affected businesses, of the City of Mounds View's intent to consent to the closing of the median crossover. If the project is approved, the crossover would likely be closed during the 2018 construction season.

If you have questions, please call me at **(763) 717-4022**.

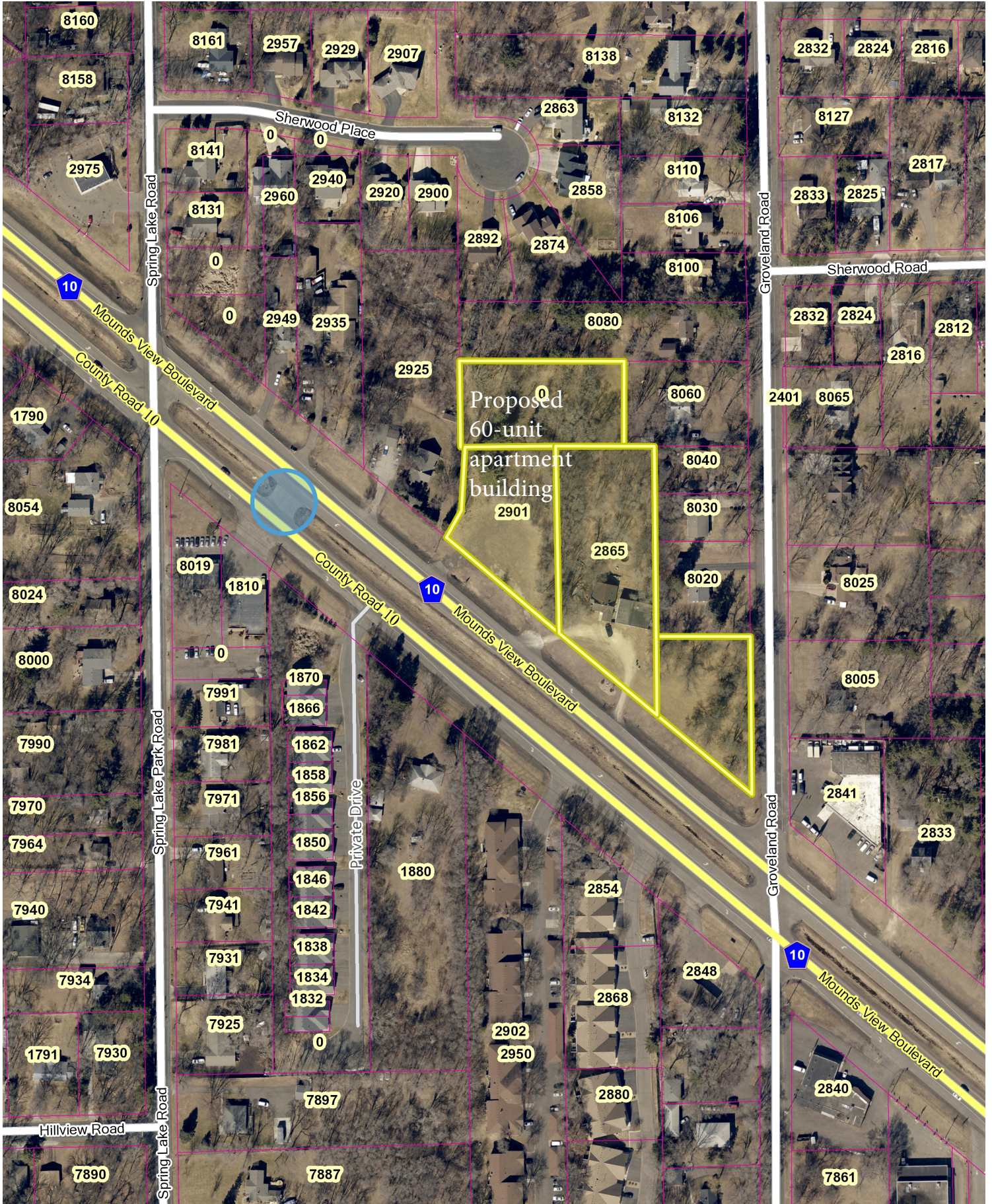
Respectfully,

Jon Sevald, AICP
City Planner / Supervisor

CC: Spring Lake Park Auto, 8035 Spring Lake Rd, Spring Lake Park, MN 55432
Jon Skon LLC, 10242 Mississippi Blvd NW Coon Rapids MN 55433-4519
Clara J Gallagher Trustee, 26785 Fremont Dr Zimmerman MN 55398-9328
Servpro of NE Ramsey County 1810 County Hwy 10, Minneapolis, MN 55432
Nyle Zikmund, Interim City Administrator nyle.zikmund@ci.mounds-view.mn.us
Erin Laberee, Ramsey County Traffic Engineer Erin.Laberee@CO.RAMSEY.MN.US
Chris Stokka, MWF Properties ChrisStokka@mwfproperties.com

ATTACHED:

Aerial map



CORRESPONDENCE

October 31, 2017

Terry Randall
Public Works Director
City of Spring Lake Park
1301 81st Ave. NE
Spring Lake Park, MN 55432

RE: Ongoing Inflow/Infiltration (I/I) Program
Peak Hourly Discharge Goals

Dear Mr. Randall:

This letter provides information specific to your community for the Metropolitan Council Environmental Services (MCES) Ongoing Inflow and Infiltration (I/I) Program and does not require any action or response. Wastewater flows during 2018 will be compared to the I/I Goal(s) below to determine if your community discharges excessive I/I to the regional wastewater system.

The I/I Goal is the maximum allowable peak hourly discharge from each metershed to the regional wastewater system. Using community-specific wastewater flow and population growth data, the average adjusted daily flow is calculated for each metershed. The I/I Goal is equal to the adjusted average daily flow multiplied by the peak hourly flow factor, as shown below in million gallons per day (mgd):

Monitoring Period: Jan 1 – Dec 31, 2018			
Metershed	Adjusted Average Daily Flow (mgd)	Peak Hourly Flow Factor	I/I Goal (mgd)
M214	0.63	3.90	2.45

All communities, including yours, that discharge wastewater to the metropolitan disposal system, will continue to be notified annually of I/I Goal(s), and monthly if measured peak wastewater flows are greater than 80% of an I/I Goal. Wastewater flow discharged from a metershed that exceeds 100% of an I/I Goal may result in a work plan assignment, which is the estimated investment to mitigate excessive I/I. Please see the table below for key dates of the Ongoing I/I Program related to the I/I Goal(s) above:

MCES communicates work plan assignments, if applicable	Communities submit work plans	MCES responds to work plan submittals	Communities implement mitigation projects
03/01/19	09/30/19	11/30/19	2020 – 2023

Thank you and your community for continued efforts to mitigate excessive I/I. More information on the Ongoing I/I Program is located at metro council.org/Wastewater-Water/Planning/Wastewater/Inflow-and-Infiltration.aspx. Please email I.I@metc.state.mn.us or contact me at 651-602-1166 or Marcus.Bush@metc.state.mn.us with your questions or comments.

Sincerely,



Marcus Bush, PE
Principal Engineer, Environmental Services Community Programs

cc: Daniel Buchholtz, City Administrator, City of Spring Lake Park
Lona Schreiber, Metropolitan Council Member, District 2
Jeannine Clancy, Assistant General Manager, Technical Services

North Metro Telecommunications Commission Meeting Talking Points

October 18, 2017

- ▶ With the installation of new studio sets, the North Metro TV HD upgrade is complete.
- ▶ The new sets were used during the recording of the Lino Lakes and Circle Pines City Council and Mayoral Candidate Forums, along with School Board forums. The forums and candidate profiles can be found on the Local Decision page on the North Metro TV website. All election related programming is being played on applicable City Channels.
- ▶ The City channel Carousel Unit upgrade has been completed. The original bid for the Carousel upgrade was \$60,485. The final cost was \$51,880. The savings were the result of the timely release of a newer, cheaper version of the Carousel Units, and the ability of North Metro TV staff to forego training on the equipment. The project was paid for with franchise fees paid in 2016 that exceeded the estimated amount. Remaining franchise fees, from that pool, totaling \$65,508, will be returned to the Cities.
- ▶ CenturyLink sent a response regarding the Notice of Franchise Violation that the Commission sent to them regarding consumer fraud and deceptive trade practices. The company requested that the Commission and Cities wait for a resolution of the Attorney General's Complaint before deciding how to proceed. That is already what the Commission stated, in its notice, that they planned to do.
- ▶ Commission Legal Counsel, Mike Bradley, distributed a memo reviewing the new Minnesota law regarding the permitting process for small cell antennas in the public right of way, and an invitation to sign up with a group of Cities interested in having him create a model small cell ordinance. While some Cities have already incorporated a right of way amendment to technically comply with the new law, Mike will be creating a stand-alone small cell ordinance that specifically addresses small cell applications in a way that would make a City more attractive to telecommunications companies. This would be done through a more rapid approval system that encourages use that is acceptable to Cities and the wireless carrier. It will be a chance for Cities to get back some of the control the state took away in drafting the law. The benefit of the stand alone ordinance is that it will accelerate the process for companies, which in turn will make them want to invest in infrastructure in Cities, which is an investment that citizens will be interested in having access to as soon as possible. If Cities are interested in signing up for the ordinance, at a flat rate of \$750, they should contact Mike as soon as possible.

PLEASE encourage your council members to call me if they have any questions you can't answer. I would be happy to answer any questions they may have. Heidi Arnson at NMTV. Direct line is 763-231-2801. Email is harnson@northmetrotv.com.



2016-2017 SAC TASK FORCE RECOMMENDATIONS



WHO is the SAC Task Force?

The 2016-2017 SAC Task Force has 14 representatives from MCES customer communities and small business groups throughout the region, advising the Metropolitan Council on how to improve the SAC process. We anticipate the recommendations below to be rolled out in the second half of 2018. Visit metro council.org/SACprogram for more information.

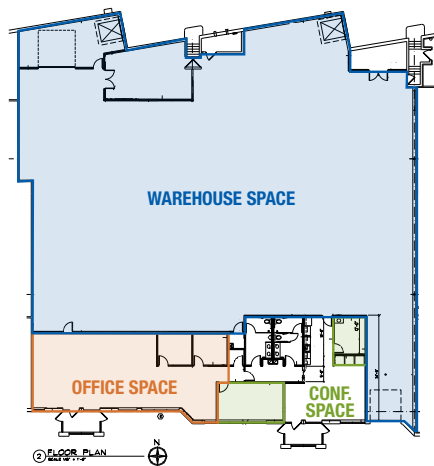
WHAT are the recommendations?

Keep outdoor seating policy, but increase free seats

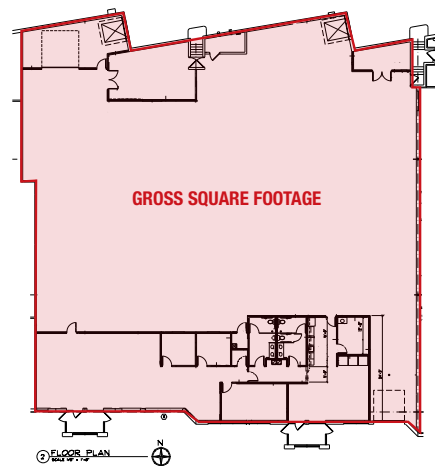
Outdoor seating at restaurants currently receives a 75% discount. The task force agreed the current policy is appropriate. However, in simplifying how SAC is determined, restaurants will receive twice the amount of “free” outdoor capacity—up to 593 gross square feet (typically around 39 seats)—a real benefit to small businesses.

Change the SAC determination process

Currently, we make determinations by usage or category (for example, restaurant or warehouse). This will continue, but the task force recommends utilizing **gross square feet** of tenant space versus net square feet of individual uses for calculating SAC.



Current Determination Process



Proposed Determination Process

This change would primarily impact categories that are currently based on square-foot criteria. For example, an office space that previously had a “meeting area” square-foot rate and an “office area” square-foot rate would instead have one new gross-square-foot rate. This would typically result in the same SAC unit determination but would not require detailed usage information.

In addition, some categories would be combined (e.g., school/learn centers; vehicle services; salons; food and drink establishments). Additional details about these categories can be requested from the SAC Team.

1 SAC Unit (old system) ≈ 1 SAC Unit (new system)



Eliminate SAC for remodels with no change of use

The task force also recommended eliminating SAC collection for remodels that result in no change of use unless the size of the floorplan grows. While MCEs will need to verify that no change of use occurred, no collection will be required for a same-size business remodel, which should make renovations easier to move forward.



Update the SAC credit process

The task force also recommended updating our SAC credit process by changing the “grandparent date” from Jan. 1, 1973 to Jan. 1, 2009. What’s the result? If a business requests a determination and there is no record of a prior SAC determination, the business will only need to provide proof of usage as of Jan. 1, 2009, to receive SAC credits.



Continue grants for manufactured homes

As manufactured homes convert from local septic systems to the metro sewer system, each home is required to pay a SAC unit, which can be a financial burden for low-income households. The task force agreed the Council should continue monitoring this situation and provide grants to mitigate financial burden, rather than changing policy to provide a discount.

WHY are we doing this?

Our SAC customers asked for changes. The task force’s recommendations will make SAC determinations easier to complete, more understandable for the applicant and customer community, and result in a faster turnaround for you.

HOW does this impact you?

- Determinations will be easier, faster, and more straightforward under the new gross-square-foot process.
- SAC determinations on remodels with no change of use will have fewer “surprise” charges.
- The credit process will be simpler for applicants, businesses, and customer communities.
- This change has minimal impact on SAC revenue. SAC rates should not go up in response to this change.

WHEN does this take effect?

Anticipated rollout is the **second half of 2018**, after reviewing feedback and outreach to businesses and our customer communities.



Questions?

If you have questions about this program, or would like additional information, please contact MCEs Finance Director Ned Smith (ned.smith@metc.state.mn.us), or the SAC Team (SACprogram@metc.state.mn.us). Additional information can also be found at metro council.org/SACprogram.



Correspondence

1700 East County Road E
White Bear Lake, MN 55110

October 17, 2017

Mr. Daniel Buchholtz
City Administrator
City of Spring Lake Park
1301 – 81st Avenue NE
Spring Lake Park, MN 55432

SUBJECT: Franchise Agreement Compliance

Dear Dan:

Xcel Energy is committed to meeting our customer expectations and fulfilling our commitments to those we serve. Customer feedback is important to us and can make us aware of issues we haven't yet recognized. To that end, I am writing to solicit your feedback on our performance in fulfilling our commitments in the franchise agreement between Xcel Energy and your city.

The franchise agreement between Xcel Energy and your city helps identify and clarify the responsibilities and roles of Xcel Energy as we construct, operate and maintain our energy transmission and delivery systems. Specified obligations relating to Xcel Energy's activities include tree trimming, right-of-way restoration and relocation of company facilities for city improvement projects. I trust that we are in compliance with these and other franchise obligations. If this is not the case, please do not hesitate to contact me at 651/779-3105 or colette.c.jurek@xcelenergy.com.

Xcel Energy appreciates the opportunity to serve our customers – your residents and business owners – with reliable, affordable energy now and into the future.

Sincerely,

Colette Jurek
Manager – Community, Local Government Relations & Economic Development