

OFFICIAL PROCEEDINGS

Pursuant to due call and notice thereof, the regularly scheduled meeting of the Spring Lake Park City Council was held on September 5, 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; Building Official Brainard; Planner Carlson; Parks and Recreation Director Rygwall; Administrator Buchholtz and Executive Assistant Gooden

Visitors: Paddy Jones, Ham Lake
Pam Wolf-Sladek, 7743 Lakeview Lane
Matt Hedgers, 7733 Lakeview Lane NE
Jeff Yurich, Kingdom Homes Inc.

3. Pledge of Allegiance

4. Additions or Corrections to Agenda

Administrator Buchholtz asked that a request for replacement of one of Council Chambers video cameras be added to the agenda under Administrator Reports, Item 3.

5. Discussion From The Floor - None

6. Consent Agenda:

Mayor Hansen reviewed the following Consent Agenda items:

- A. Approval of Minutes – August 21, 2017
- B. Mayor's Proclamation – Constitution Week (September 17-23, 2017)
- C. Approval of Right of Way Application – CenturyLink
- D. Approval of Right of Way Application – CenterPoint
- E. Approval of Exempt Gambling Permit – SBM Fire Department
- F. Approval of Temporary 1 Day Liquor License – Prince of Peace Church-October 6, 2017
- G. Approval of Resolution 17-29 Certifying Delinquent Account – Anoka County
- H. Correspondence

MOTION BY COUNCILMEMBER DELFS TO APPROVE THE CONSENT AGENDA. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

7. Public Works Report

Public Works Director Randall reported that the Public Works Department has been collecting trash at the parks, continuing to mow and weed whip the parks; and painting curbs and crosswalks. He reported that new woodchips have been installed at the playgrounds and a new sprinkler has been installed at Lakeside Park near the gazebo. He reported that the sewer-lining project is 90 percent completed and street sweeping of the streets affected by the seal coating project will occur within the next two weeks.

Mr. Randall reported that the summer help for the season is done and thanked them for their hard work. He stated that he attended various meetings throughout the month and attended the groundbreaking ceremony for the Dominion project.

8. Code Enforcement Report

Building Official Brainard reported that he attended the Night to Unite Citywide Celebration on August 1; the City Council meeting on August 7; 2018 Budget Workshop on August 14; the Planning Commission meeting on August 25; and the North Suburban Building Officials meeting on August 29.

Mr. Brainard stated that in August 2017, 56 building permits were issued. He reported that he conducted 147 inspections in the month of July including 74 building, 12 mechanical, nine plumbing and 22 nuisance, three Certificate of Occupancy, 13 rental, seven fire and seven zoning inspections.

Mr. Brainard reported that the August 2017 vacancy listing shows that there are 13 vacant/foreclosed residential properties currently posted and/or soon posted by the Code Enforcement Department, which is up one from last month. There are two vacant/foreclosed commercial property, which is the same as last month; and nine residential properties currently occupied and ready for Sheriff Sale's redemption, which is down one from last month. He reported that he posted one abandoned and/or vacant property notices in month August. He also reported that three Administrative Offense Tickets and 18 violation notices were issued by the Code Enforcement Department.

Mr. Brainard reported that two significant commercial certificate of occupancy were issued. He stated one certificate of occupancy was issued to Kraus-Anderson for the new Spring Lake Park High School Media Center and Science Rooms addition and the other to Amcon Construction for the completion of phase II at Emmanuel Christian Center. He stated that both projects were completed on time and were quite extensive and challenging for those involved.

Mr. Brainard provided a handout on Frequently Asked Questions for the City of Spring Lake Park.

9. Ordinances and/or Resolutions

A. Resolution 17-25 Adopting Proposed 2017 Taxes Collectable in 2018

Administrator Buchholtz reported that the City Council at its August 14, 2017 workshop reviewed the proposed 2018 Administrator's budget proposal. He stated that as the preliminary levy is required to be submitted no later than September 30, 2017, it is necessary for the City Council to take action to set the preliminary levy.

Administrator Buchholtz reported that Resolution 17-25 establishes the proposed 2017, pay 2018, tax levy at \$3,282,441. He reported that this is an increase of 4.67% from the 2016, pay 2017, tax levy. He stated that a portion of this increase is associated with the elimination of the part-time Police Receptionist position and the

creation of a third full-time Police Records Management Technician position. He stated that the remainder of the increase is associated with general inflationary increases in the City budget.

Administrator Buchholtz stated that the Resolution sets the date of the annual Truth-in-Taxation public hearing for Monday, December 4, 2017 at 7:00 PM at City Hall.

Administrator Buchholtz explained that the preliminary tax levy establishes the maximum tax levy for 2017, pay 2018. He stated that final tax levy, which will be set on December 18, 2017, can be the same or lower than the preliminary tax levy.

MOTION MADE BY MAYOR HANSEN TO APPROVE RESOLUTION 17-25 ADOPTING PROPOSED 2017 TAXES COLLECTABLE IN 2018. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

B. Resolution 17-26 Cancelling or Reducing Bond Levies – 2017/2018

Administrator Buchholtz reported that State law requires the County Auditor to levy the amount of debt service originally certified unless the City passes a resolution cancelling the levy. He stated that Resolution 17-26 would cancel three debt service levies and reduce a fourth due to the City having funds on-hand to make the debt service payments.

He stated that the following debt service levies would be reduced by the proposed resolution:

<u>Issue</u>	<u>Original</u>	<u>Proposed</u>
2013B GO CIP Bond (Public Works Building)	\$ 80,000	\$ 0
2014A GO Improvement Bond (Street Projects)	\$224,000	\$ 90,000
2016A GO Capital Note (NMTV cable upgrade)	\$ 13,124.16	\$ 0
2017A GO Equipment Certificate (SBM Equipment)	\$249,585	\$ 0

Administrator Buchholtz stated that the following bonds are reduced to a combination of Local Government Aid, Public Utilities funds, Special Assessments, Municipal State Aid funds, and General Fund budget allocations.

MOTION MADE BY COUNCIL MEMBER NELSON TO ACCEPT RESOLUTION 17-26 CANCELLING OR REDUCING BOND LEVIES-2017/2018. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

C. Resolution 17-27 Approving a Variance to Allow Construction of a Deck at 7733 Lakeview Lane NE

Administrator Buchholtz reported that the City received a request for an after the fact variance to permit the construction of a deck within the 8 foot required set back between a principal structure, of which the deck is an extension of, and an accessory structure (the detached garage).

Administrator Buchholtz stated that City staff recommended denial of the variance for a number of reasons outlined within the staff report. He stated that a copy of the staff report to the Planning Commission was included in the Council packet.

Administrator Buchholtz stated that after hearing public comments from Matt and Becky Hedgers, the Planning commission decided to recommend approval of the variance on a 4-1 vote. He stated that the Commission believed that the layout of the house precluded the ability of the Hedgers to shift the deck five feet to the west in order to accommodate the setback as required under Section 153.061(D) of the Zoning Code. He stated that

instead of being able to access the deck from the kitchen, the deck would need to be accessed through a bedroom. He noted that in addition, the Commission also believed the aesthetic appearance of the property would be impacted if the deck was shifted to comply with the Code, as it would extend out from the side of the house by three feet. He stated that the possibility of moving the detached garage back further into the rear yard was also explored, but would likely have resulted in the reconstruction of the garage, which would have been infeasible.

Administrator Buchholtz stated that, in a normal circumstance, the code violation would have been caught during the footing inspection. He noted that due to the contractor using diamond pier footings, a footing inspection was not required and the code violation was not found until the final inspection. He noted that the three-foot separation between the deck and the garage complies with the International Building Code. He stated that in addition, the submitted site plan did not clearly outline the location of the deck in relation to the garage.

City Planner Carlson provided an overview of the variance request from Kingdom Homes on behalf of homeowners Matt and Becky Hedgers for a variance to build a 22 x 20 foot deck within the 8-foot setback of a principal structure to an accessory structure at 7733 Lakeview Lane NE.

Mr. Carlson reported that the applicant is requesting an after-the-fact variance- due to the deck being constructed three feet from the detached garage. He stated that the deck, as an extension of the principal structure, is required to meet the eight-foot setback requirement from an accessory structure. He explained that according to Chapter 153.061 of the Zoning Code “a detached accessory building shall not be closer than eight feet to the principal building.” He noted that the deck is considered part of the principal structure since it is attached to the back of the house and is therefore not complying with this section of the code.

Mr. Carlson stated that the property owner approached City staff about his intention to build the deck and was provided with a handout that explains the setback requirement. He noted that he then built the deck without a permit. The City became aware of the deck’s construction once the property owner came in for a permit and an inspector inspected the newly constructed deck.

Mr. Carlson reported that the deck is 20 feet wide and adjacent to a garage that is approximately 22 feet wide. He stated that the lot itself is 75 feet wide and the garage sits just parallel to the eastern property line. He noted that there is adequate space to move the deck west out of the required setback. He noted that it is the City’s understanding that the deck was built using diamond piers rather than concrete footings and should be easier to move west, which the deck could be moved five feet, without a setback conflict.

Mr. Carlson reported that the property is guided Low Density Residential in the 2030 Comprehensive Plan. He reviewed with the Commission the criteria for considering variances as stated in the zoning code, in Section 153.224.

Mr. Carlson stated that staff recommended that the Planning Commission deny the deck variance with the following findings:

1. Requiring the deck to comply with established setbacks does not cause practical difficulties unique to the individual property.
2. The property owner was adequately informed of the eight-foot setback principal building setback from an accessory building prior to construction beginning on the deck.
3. The deck could be moved to the west without compromising the west side yard setback and is therefore not in harmony with the general purposes and intent of the code.
4. Chapter 153.222 of the Zoning Code requires a permit prior to proceeding with any construction,

- alternation, repair, enlargement, demolition, or removal of any building.
5. The property can reasonably be used without a variance.
 6. There are no unique circumstances on this property that require the deck to be built within the setback.
 7. The use of the property as a single-family home is consistent with the comprehensive plan.

Mayor Hansen stated variances need to be applied for before a project starts as codes are set for safety and aesthetic reasons. She reported that she does not want to set a precedence by issuing variance requests after the fact. She stated she understands the difficulty with older homes and placement of garages for the addition of decks but expressed the importance of working with homeowners before the project begins.

Councilmember Nelson stated that the contractor did follow the three-foot setback required by the State but he should have done his homework to see what was required by the City. He stated that if the deck were to be moved, the deck would still be usable however, it would be more visible to the neighbors. He inquired if the barbeque on the end of the deck would cause a fire hazard with it being too close to the garage. Mr. Brainard stated that it would not be a fire hazard.

Mr. Brainard stated that the eight-foot setback was standard established to allow for more green space. He stated that the three-foot setback is required by state guidelines. He stated that he measured the property and found that if the deck were to be moved over five feet, there would be a two-foot overhang visible from the street.

Mayor Hansen inquired if the deck is easier to move when diamond pier footings are used. Mr. Brainard responded affirmatively. He stated that bolts can be moved on the ledger attached to the house but would cause more work to be done on the house.

Mr. Hedgers stated that shifting the deck will cause components and contents of the deck to be more visible which he would prefer were not visible from the street. He stated that was one of the reasons for the planter wall on the deck.

Councilmember Goodboe-Bisschoff inquired if the homeowner considered a privacy fence around the yard to avoid seeing the deck. Mr. Hedgers stated that he did consider a fence around the yard, however; the cost to have the yard surveyed was too high.

Mr. Hedgers stated that he has researched other cities and there are not many other cities that require any additional setback other than the three-foot state requirement.

Councilmember Nelson stated that he understands the reason for the eight-foot setback however; he stated that the deck does meet the state requirement. He expressed that it was a communication problem and a learning experience.

Councilmember Delfs inquired if the construction was started before the application was submitted and if the drawings clearly showed the details of the project. Mr. Brainard reviewed the dates applications were submitted and the communications that were exchanged for additional information that was needed. He stated that at final inspection it was determined that the eight-foot setback was not met.

Councilmember Goodboe-Bisschoff suggested that the Council table the variance request until a workshop with the Planning Commission could take place to discuss the variance. Administrator Buchholtz stated that with a variance request, there is a 60-day rule that a decision must be made within that time or the applicant could have the application approved without an agreement from the Council should the 60 days from

application date occur.

Mr. Carlson noted that the Planning Commission did recommend approval of the variance with a 4:1 vote. He stated that the deck does meet state requirements and a decision cannot be based on previous variance that have been issued unless the facts and circumstances are identical. He stated that the eight-foot setback is not unique to Spring Lake Park.

Mayor Hansen inquired as to why the site plan was not submitted on graph paper and the application was allowed to proceed further if information was missing. Mr. Brainard explained that the setbacks were missing and when additional information was requested, what was received was not clear. He stated that when an application is submitted, a certain amount of trust is placed on the homeowners and contractors that it is as complete as possible to provide accurate information.

Councilmember Delfs inquired if Mr. Hedgers had work done previously with contractors and asked if he felt it was odd there was no permit for the deck posted. Mr. Hedgers stated that he assumed the contractor had taken care of it. He noted that he had not read or was aware of the deck handout stating the setback requirements until the final inspection.

MOTION MADE BY COUNCILMEMBER NELSON TO APPROVE RESOLUTION 17-27 APPROVING A VARIANCE TO ALLOW CONSTRUCTION OF A DECK AT 7733 LAKEVIEW LANE NE. ROLL CALL VOTE: COUNCILMEMBERS NELSON, DELFS AND WENDLING – AYES; COUNCILMEMBER GOODBOE-BISSCHOFF AND MAYOR HANSEN – NAYS. MOTION CARRIED.

D. Resolution 17-28 Approving a Conditional Use Permit for a Boarding School at 1628 Highway 10 NE

City Planner Carlson provided an overview of an application for a Conditional Use Permit from Pam Wolf Sladek to expand the opportunity to more students by providing a dormitory for students in their existing school space at Life Prep Academy. Mr. Carlson reported that previously such a dormitory use was not allowed in the City's zoning ordinance, but a Conditional Use Permit in the C-1 District amended the ordinance on August 7, 2017 to allow this use. He noted that the City Council approved five performance standards in Section 153.120 for boarding schools and dormitories as part of the ordinance amendment.

Mr. Carlson reported that the applicant is proposing to expand school attendance, and therefore dormitory use, to 20 teens eventually. He stated that space within their existing building would be remodeled to create the dormitory space. He stated that students would be supervised throughout the day and evening. She reported that the floor plan shows classrooms on the first floor and dormitory functions on the second floor with two to six students per room. He stated that dorm parents would have their own residential suite on the second floor.

Mr. Carlson reported that the property is adjacent to Arthur Street NE, running parallel to Highway 10 NE near Pleasant View Drive NE. The site is comprised of six parcels with a total size of 67,500 square feet, about 1.5 acres. He explained that the front portion of the building where the use is proposed is a two-story structure with approximately 10,000 square feet of gross floor area – the school is already functioning on the ground floor. This L-shaped building shares a surface parking lot with a similar one-story building facing it on the opposite side of the lot that included a salon and a used car dealership.

Mr. Carlson reported that the property is guided Commercial in the City's 2030 Land Use Plan and zoning on the site is C-1 Shopping Center Commercial.

Mr. Carlson stated that staff recommended the Planning Commission approve the Conditional Use Permit for the Life Prep Academy located at 1628 Highway 10 NW with the following conditions:

1. Up to six students shall be permitted without a CUP permit
2. The operator shall comply with the International Building Code and apply for any necessary permits.
3. The operator shall comply with five performance standards for boarding houses and dormitories as approved by the City Council.
4. The exterior property shall be cleaned up of litter on a weekly basis.
5. The operator shall dedicate a secure indoor bicycle parking location for at least six bicycles.
6. The operator will submit a clearly delineated and advertised policy that defines resident responsibilities and behavioral expectations as well as response to policy infractions to City staff to review and approval. The approved policy will be posted in the building, provided to all dormitory residents, and provided to City Police.

Mr. Carlson reported that the Planning Commission concurred and recommended approval of the Conditional Use Permit.

Councilmember Wendling inquired as to why the original request was for 20 students. Ms. Wolf Sladek stated that the ultimate goal of her facility is to have 20 students. She stated she feels six is a comfortable number to start with.

Administrator Buchholtz stated that the Planning Commission recommended approval of the six students initially as it would provide a trial to see if the use negatively impacted city services. He stated that the CUP can be amended to allow for additional students.

Mr. Brainard reported that if Ms. Wolf Sladek keeps the number of students under sixteen, the building code classifies the building as an R-2 occupancy however, over 16 students would classify the building as an Institutional use and costly improvements would, need to be made to the building to bring the building into conformance with the Building Code. He noted that boilers and the mechanical structure would need to be updated if it were classified as Institutional.

Councilmember Nelson inquired if the Academy can handle 16 students. Ms. Wolf Sladek stated that her facility is donation based and it may show over time that 12 students are too much to handle. She stated that if improvement costs are too high for the Academy, it might be better to house the students in rented homes.

Councilmember Nelson inquired as to what a fair length of time was to evaluate with the Police Department for calls or situations that the department would offer assistance. Chief Ebeltoft stated that there is no length of time set for an evaluation. He stated that the dormitory would be considered a rental property under the City's "Housing and Occupancy Code." (§§150.077 – 150.094).

Councilmember Goodboe-Bisschoff inquired as to the type of training that will be provided to the security officers and staff. Ms. Wolf Sladek stated that she does not have a specific program in place but assured that there would be an adult awake at night.

Councilmember Goodboe-Bisschoff inquired as to what the oldest student would be that she would accept into her facility. Ms. Wolf Sladek stated that she would not accept an 18 year old who does not have any school credits or is not motivated.

Councilmember Goodboe-Bisschoff inquired if a condition be added that the number of students was increased to eight for a set length of time with no problems or excessive calls, the additional eight students could be added, one at a time, after six months of the CUP issuance. Ms. Wolf Sladek stated that a condition such as that would be fair and reasonable.

MOTION MADE BY COUNCILMEMBER GOODBOE-BISSCHOFF TO APPROVE RESOLUTION 17-28 APPROVING A CONDITIONAL USE PERMIT FOR A BOARDING SCHOOL AT 1628 COUNTY HIGHWAY 10 NE WITH THE FOLLOWING CONDITIONS: 1) UPON RECEIPT OF THE CERTIFICATE OF OCCUPANCY, UP TO EIGHT STUDENTS SHALL BE PERMITTED. SIX MONTHS AFTER ISSUANCE OF THE CERTIFICATE OF OCCUPANCY, NO MORE THAN SIXTEEN STUDENTS SHALL BE PERMITTED WITHOUT A CUP AMENDMENT; 2) THE OPERATOR SHALL COMPLY WITH THE INTERNATIONAL BUILDING CODE AND SHALL APPLY FOR ANY NECESSARY PERMITS; 3) THE OPERATOR SHALL COMPLY WITH THE FIVE PERFORMANCE STANDARDS FOR BOARDING HOUSES AND DORMITORIES AS OUTLINED IN THE CITY'S ZONING CODE; 4) THE EXTERIOR PROPERTY SHALL BE CLEANED UP OF LITTER ON A WEEKLY BASIS; 5) THE OPERATOR SHALL DEDICATE A SECURE INDOOR BICYCLE PARKING LOCATION FOR AT LEAST SIX BICYCLES; 6) THE OPERATOR WILL SUBMIT A CLEARLY DELINEATED AND ADVERTISED POLICY THAT DEFINES RESIDENT RESPONSIBILITIES AND BEHAVIORAL EXPECTATIONS AS WELL AS RESPONSE TO POLICY INFRACTIONS TO CITY STAFF FOR REVIEW AND APPROVAL. THE APPROVAL POLICY WILL BE POSTED IN THE BUILDING, PROVIDED TO ALL RESIDENTS OF THE DORMITORY, AND PROVIDED TO CITY POLICY; 7) THE DORMITORY IS CONSIDERED A RENTAL PROPERTY UNDER CITY'S "HOUSING MAINTENANCE AND OCCUPANCY" CODE (§§150.077 – 150.094 INCLUSIVE) AND SHALL COMPLY WITH SAID CODE. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

10. Engineer's Report - None

11. Attorney's Report – None

12. Reports

A. Beyond the Yellow Ribbon Report

Councilmember Nelson reported the monthly pork chop dinner has been profitable and attendance keeps growing. He thanked the volunteers who have been helping make the dinners a success.

13. Other

Councilmember Goodboe-Bisschoff inquired if there were any new developments with the Hy-Vee project. Administrator Buchholtz reported that MnDOT had accepted the recommendations that were suggested and a meeting would be taking place with MnDOT, Anoka County and the City on September 8, 2017. He stated that the comments from the Watershed District have not been received as their review continues.

A. Administrator Reports

1. Performance Evaluation Process

Administrator Buchholtz reported that September will be his five-year work anniversary with the City. He stated that the Councilmembers have received a performance evaluation form to complete and he asked that

the Council go into a closed session at the September 18, 2017, Council meeting to conduct the performance evaluation.

2. Schedule Council Work Session

Administrator Buchholtz requested that a Council Workshop session be held at 6:00 PM on September 18, 2017 to discuss the Equipment Certificate request.

Mayor Hansen stated that she would like to review the process of the notification for future seal coating projects and the acceptance process for future permit applications.

Administrator Buchholtz reported that there was some confusion on location and streets with the seal coat contractor and staff will be making sure that notices in the future are communicated more efficiently. He noted that he has discussed the permit application process with Mr. Brainard and he hopes the permit process will be clearer with the requirements at the time of the application.

3. Authorize Purchase of New Video Camera for Council Chambers

Administrator Buchholtz reported that one of the Council Chamber video cameras has been malfunctioning. He stated that after reviewing the issues that have been occurring with it, it was determined that it is nearing the end of its useful life. He stated that the video equipment is becoming outdated and has a life span of approximately eight years. He noted that the camera system is five years old. He stated that the best option would be to purchase a new camera and replace the other cameras as they wear out. He reported to repair the existing camera the cost would be \$3,500.00 and the cost for a new camera with new technology and improved features would be \$6,395.00.

MOTION MADE BY MAYOR HANSEN TO APPROVE VIDEO CAMERA PURCHASE IN THE AMOUNT OF \$6,395.00. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

17. Adjourn

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

The meeting was adjourned at 8:55 PM.

Cindy Hansen, Mayor

Attest:

Daniel R. Buchholtz, Administrator, Clerk/Treasurer