

## OFFICIAL PROCEEDINGS

Pursuant to due call and notice thereof, the regularly scheduled meeting of the Spring Lake Park City Council was held on September 3, 2019 at the Spring Lake Park Community Center, 1301 81st Avenue N.E., at 7:00 P.M.

### 1. Call to Order

Mayor Nelson called the meeting to order at 7:00 P.M.

### 2. Roll Call

Members Present: Councilmembers Wendling, Delfs, Goodboe-Bisschoff and Mayor Nelson

Members Absent: None

Staff Present: Police Chief Ebeltoft; Public Works Director Randall; Building Inspector Baker; Attorney Thames; Parks and Recreation Director Rygwall; Administrator Buchholtz and Executive Assistant Gooden

Visitors: Cliff Fraser, 8301 Sunset Road NE  
Dennis Heinzmann, 8216 Polk Street NE

### 3. Pledge of Allegiance

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

### 5. Discussion From The Floor - None

### 6. Consent Agenda:

Mayor Nelson reviewed the following Consent Agenda items:

- A. Approval of Minutes – August 19, 2019
- B. Resolution 19-28 Approve Minnesota Premises Permit for Lawful Gambling for Spring Lake Park Lions Club Located at Dala Thai Restaurant and Banquet Hall, 8407 Plaza Blvd.
- C. Resolution 19-29 Approve Premises Permit for Lawful Gambling for Spring Lake Park Lions Club Located at Torg Brewery, 8421 University Avenue NE
- D. Resolution 19-30 Transferring Funds From Fund 400, Resolving Construction, to Fund 333, Spring Lake Park Debt Service (Blaine)
- E. Suburban Rate Authority Second Half Assessment
- F. Third Quarter Billing for 2020 Payable 2021 Property Tax Assessment
- G. Contractor's Licenses
- H. Sign Permit
- I. Correspondence

MOTION BY COUNCILMEMBER WENDLING 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 garbage and recycling in the park in the parks on a daily basis. He reported that the Department created a skateboard park at Terrace Park and have been painting the tennis and basketball courts. He reported that the Department has been busy painting stop bars and cross walks and continue to clean out the sewers.

Mr. Randall reported that the seal coating of the street as been completed as well as the striping. He reported that the manhole at 81<sup>st</sup> Avenue and Monroe Street has been replaced. He reported that the Department set up and removed the barricades for Night to Unite. He stated that the part time seasonal employees are done for the season.

Mr. Randall provided a recap the of meetings that he attended in the month of August.

### 8. Code Enforcement Report

Building Inspector Baker stated that in August 2019, 19 building permits, two fire, four zoning, six mechanical and four plumbing permits were issued for a total of 35 permits compared to a total of 49 in 2018. He reported that the Code Enforcement Department conducted 77 inspections in the month of August including 22 rental, four zoning, 50 nuisance and one fire inspection.

Mr. Baker reported construction continues rapidly at the Legends of Spring Lake Park. He stated that the landscaping, sod and sprinkler system is 100% complete. He stated that he continues to conduct final inspections on individual units in both Section A and B, and anticipates completion in late September.

Mr. Baker reported that has been working diligently with the Spring Lake Park Police Department and the SBM Fire department on a couple of nuisance properties, trying to limit the call volume and resources both departments are using.

Mr. Baker reported that the the Hy-Vee building is moving ahead, with outside concrete being poured and the exterior facade getting some final touches. He stated that the Hy-Vee gas station has footings poured and the underground work is complete.

Mr. Baker reported that the Public Storage building is in the final stages and interior will have final inspections soon. He stated that the job superintendent stated that the project will hopefully be turned over to Public Storage at the end of September.

Mr. Baker reported that the August 2019 vacancy listing shows that there are 12 vacant/foreclosed residential properties currently posted and/or soon posted by the Code Enforcement Department. There are two vacant/foreclosed commercial properties and three residential properties currently occupied and ready for Sheriff Sale redemption. He reported that he did post one abandoned and/or vacant property notices in the month of August. He stated that the department issued four administrative offense tickets.

Mr. Baker reported that he attended the Council meetings on August 5 and 19; a Department Head meeting on August 6; a new construction meeting on August 7; a Council 2019 Budget Workshop on August 12 and a MNSPECT status meeting on August 13

Councilmember Goodboe-Bisschoff inquired on the number of nuisance calls and what the calls were for.

Mr. Baker explained that they were complaints that were either written complaints or called into the city by residents regarding junk on a property, parking violations or long grass.

### 9. Ordinances And/Or Resolutions

#### A. Resolution 19-25, A Resolution Adopting Proposed 2019 Taxes Collectable in 2020

Administrator Buchholtz reported that the City Council, at its August 12, 2019, workshop, reviewed the proposed 2020 budget proposal. He stated that the preliminary levy is required to be submitted no later than September 30, 2019.

Administrator Buchholtz reported that Resolution 19-25 establishes the proposed 2019, pay 2020, tax levy at \$3,553,246. He reported that the increase is due to a number of factors including employee salary and benefits, increased IT expenditures, increased capital expenditures for the Spring Lake Park Blaine Mounds View Fire Department, and a statutory increase in the City's contribution to the PERA Police and Pension fund.

Administrator Buchholtz stated that the City has received preliminary tax capacity numbers from Anoka and Ramsey Counties. He stated that based on those preliminary numbers, staff is estimating the tax rate for 2020 property taxes to be 45.75%, a significant decrease from the 2019 property tax rate of 48.81%. He stated that the decline is due to a combination of the City's growing tax base and the City Council's and staff's fiscal prudence.

Administrator Buchholtz stated that the Resolution sets the date of the annual Truth-in-Taxation (TNT) public hearing for Monday, December 2, 2019 at 7 PM at City Hall.

Administrator Buchholtz stated that the preliminary tax levy establishes the maximum tax levy for 2019, pay 2020. He stated that the final tax levy, which will be set on December 16, 2019, can be the same or lower than the preliminary tax levy.

MOTION MADE BY COUNCILMEMBER DELFS TO APPROVE RESOLUTION 19-25, A RESOLUTION ADOPTING PROPOSED 2019 TAXES COLLECTABLE IN 2020. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

#### B. Resolution 19-26, A Resolution Cancelling or Reducing Bond Levies 2019/2020

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 19-26 would cancel three debt service levies and reduce a fourth due to the City having funds on-hand to make the debt service payment.

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

<b>Issue</b>	<b>Original</b>	<b>Proposed</b>
2013B GO CIP Bond (Public Works Building)	\$ 81,000.00	\$0
2014A GO Improvement Bond (Street Projects)	\$ 230,000.00	\$90,000
2016A GO Capital Note (NMTV cable upgrade)	\$ 13,275.36	\$0
2017A GO Equipment Certificate (SBM Equipment)	\$ 252,262.50	\$0

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

MOTION MADE BY MAYOR NELSON TO APPROVE RESOLUTION 19-26 CANCELLING BOND LEVIES 2019-2020. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

C. Resolution 19-27, A Resolution Appointing a Council Member

Mayor Nelson reported that Council interviewed four candidates for the vacant Council seat. He reported that the consensus of the Council was to appoint Lisa Dircks to fill the vacant Council seat.

Administrator Buchholtz reported that Ms. Dircks could be sworn in before the next Council meeting in the event that a special meeting would need to be called.

Councilmember Delfs noted that with the appointment of Ms. Dircks, there will be a vacancy on the Planning Commission.

MOTION MADE BY COUNCILMEMBER WENDLING TO AMEND RESOLUTION 19-27 TO INSERT LISA DIRCKS' NAME AND APPROVE RESOLUTION 19-27, A RESOLUTION APPOINTING A COUNCIL MEMBER, AS AMENDED. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

D. Resolution 19-31, A Resolution Approving a Variance to Allow Construction of a Garage Addition of 8216 Polk Street NE

Administrator Buchholtz reported that the City received an application from Dennis Heinzmann, 8216 Polk Street NE, for a variance from the side and rear yard setbacks and maximum lot coverage standard for a garage addition to the property. He stated that the Planning Commission held a public hearing on the request.

Administrator Buchholtz reported that the applicant is seeking a variance from the 10-foot side yard setback requirement and a variance from the 40-foot rear yard setback requirement, as set forth in Appendix E of the Spring Lake Park City Code.

Administrator Buchholtz reported that the site is located on the 8200 block of Polk Street NE. He stated that the property is guided for low density residential in the 2040 Comprehensive Plan. He stated that the property is zoned R-1, Single Family Residential – allowed uses include single-family homes and duplexes. He stated the property records show that the house on the property was constructed in 1983.

Administrator Buchholtz reported that Section §153.043 (B) limits buildings or part of buildings used for garages, sheds and agricultural buildings to 1,200 square feet in area or one story in height.

Administrator Buchholtz reported that an attached garage to a single-family dwelling is part of the single-family dwelling and thus is subject to the 10-foot side yard setback. He stated the existing attached garage is legal non-conforming use as it is located within the 10-foot side-yard setback. He stated that there is no record of a variance on file for the existing structure.

Administrator Buchholtz reported that Section 153.061 of the City of Spring Lake Park's zoning code governs accessory building and uses.

Administrator Buchholtz stated that the applicant previously received a variance in 2014 from the rear yard setback to accommodate a deck on the south end of the house.

He stated that the Planning Commission recommended that the City Council approve the variance request with the following conditions:

1. Addition must architecturally match the existing structure in terms of height, roof pitch, siding materials, roofing materials and window placement.
2. Applicant must apply for all building permits as required.

Councilmember Goodboe-Bischoff inquired if there has been any drainage issued on the property or on the lot. Administrator Buchholtz stated that he was not aware of any issues.

Mayor Nelson stated that he had driven past the property and felt that the garage would be a good addition to the property and neighborhood as he is in support of residents having a place to store additional recreational items.

Councilmember Delfs stated that this property is in his neighborhood and he supports the addition. He stated that there has been no flooding or drainage issues in the neighborhood.

MOTION MADE BY COUNCILMEMBER DELFS TO APPROVE RESOLUTION 19-32 APPROVING A VARIANCE TO ALLOW CONSTRUCTION OF A GARAGE ADDITION AT 8216 POLK STREET NE. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

E. Resolution 19-32, A Resolution Approving a Variance to Allow Construction of a Building and Parking Lot Addition at 8301 Sunset Road NE

Administrator Buchholtz reported that the City received an application from Cliff Fraser, Sunset Management, requesting a variance from the side yard setback of his property to allow a 44 foot by 112-foot expansion of the building to accommodate an expanding business that currently leases space in the building.

Administrator Buchholtz reported that property is along County Road 10 and Sunset Road NE and is 85,000 square feet, or 1.95 acres. He stated that directly to the east are single-family homes, to the north is a plastics manufacturer and to the south, Hy-Way House Motel is located across the highway. He stated that there is currently a 44-foot green space on the north side between the building and the north property line.

Administrator Buchholtz reported that the L-shaped one-story 17,500 square foot multi-tenanted building with a surface parking lot of approximately 43 parking spaces. He stated that there is a mix of tenants including office/warehouse, industrial, auto repair and assembly.

Administrator Buchholtz reported that the property has had a long history of code/SUP violations, primarily violations of businesses working after-hours, inoperable vehicles parked onsite, outdoor storage, handicap parking violation, and overnight parking of vehicle restrictions. He stated that Mr. Fraser applied for an amendment to the SUP in 2017 to seek flexibility on the previous SUP standards, but that request was denied by the City Council. He reported that complaints in regards to this site have decreased significantly since that action in 2017.

Administrator Buchholtz reported that the property is guided Commercial/Industrial in the 2030 Comprehensive Plan and zoning is I-1, Light Industrial. He stated that permitted uses include, but at not limited to, auto repair, light manufacturing, retail, offices and storage and warehousing.

Administrator Buchholtz stated that the building expansion will encroach into the required side yard setback by 15 feet, leaving a 10-foot setback between the proposed building and the property line. He stated that this 10-foot setback is the same as the setback between the building to the north of the site and the property line. He stated that staff feels a 25-foot side yard setback in the I-1 zoning district is excessive and can be reduced to 10 feet. He stated that the proposed 10-space parking lot will encroach into the 25-foot front yard parking/loading facilities setback by 10 feet, leaving 15 feet between the parking lot and front property line.

Administrator Buchholtz stated that the building expansion will increase the impervious surface of the property from 47,231 square feet (55.6% of the site) to 55,835 square feet (65.7% of the site). He stated that maximum amount of impervious surface allowed for this site is under the zoning code.

Administrator Buchholtz reported that the site currently has 43 parking spaces located in a located in a parking lot in front of the building. He stated that the proposed project would add 13 parking spaces to the parking lot of a total of 56 parking spaces. He stated that the proposed use of the classroom, showroom and storage would require 15 parking spaces. This, added to the existing parking requirement of 47 spaces, equals 62 spaces. He stated that the applicant is proposing 56 parking spaces and this a deficit of 6 parking spaces. He stated that the City's experience is that the parking lot is heavily used by the auto repair businesses to store vehicles waiting to be repaired. He stated that some of these vehicles are prohibited by Section 153.120 of the Zoning Code, which prohibits outdoor storage of automobile parts or storage of inoperable or salvage vehicles. He stated that it is the responsibility of the property owner to manage these businesses shared interests.

Administrator Buchholtz provided the City Council with the following Findings of Fact/Recommendations for the request for a variance at 8301 Sunset Road NE:

1. The property owner is utilizing the property in a way that is consistent with the Industrial uses contemplated by the Comprehensive Plan and authorized under the Zoning Code.
2. The addition of a building and parking lot of similar design and construction to the existing building and with a similar setback as adjacent building will not alter essential character of the locality, which is an industrial park.
3. The proposed use will not alter the essential character of the neighborhood as the property is surrounded to the west and north by industrial uses. A new parking lot and a building addition are reasonable uses in an industrial zoning district.
4. The side yard setback requirement for the I-1 district for side yards not abutting residential is excessive in this instance. Requiring the full 25-foot setback to the adjacent use is not reasonable and make it difficult to reasonably use the property while meeting the code standards. The property is adjacent to another industrial use with a 10-foot side yard setback.
5. The proposed use meets the test of not being granted on economic considerations alone. The applicant has no reasonable way to add the desired area to the building and meet the zoning code, no matter if there is

additional expense. The issue is the required large setback, not economics.

Administrator Buchholtz reported that the Planning Commission recommended approval of the variance and stated that the following conditions should be included in with the variance:

- Applicant shall construct the building in a manner consistent with the elevations shown in Sheet A-201, dated 7/24/19 by HPA Architecture.
- The building addition shall be painted gray to match the exterior of the existing building.
- Applicant shall comply with and enforce the parking restrictions as outlined in the SUPs issued on October 1, 2007, July 6, 2010 and October 18, 2010.
- Any new lighting on the addition or new parking lot shall comply with City standards-downcast cutoff fixtures so as not to spill light onto neighboring properties or street right-of-way.
- Building and parking lot will follow any recommendations of the City Engineer on grading and stormwater management.
- Applicant shall obtain all necessary building permits and must obtain a certificate of occupancy prior to occupancy of the building.

Councilmember Goodboe-Bischoff inquired if the number of complaints against this property have declined. Administrator Buchholtz stated that the number of complaints has declined and the nearby resident has been in contact with Mr. Fraser regarding late night noise coming from one of the businesses.

Councilmember Goodboe-Bischoff inquired if the church that is located within the building is considered non-profit and therefore not subject to taxes. Administrator Buchholtz reported that the space that is occupied by the church is less than 13,000 square feet and the entire building is on the tax roll for the county.

Councilmember Goodboe-Bischoff inquired if the proposed business (quilt shop) should not be profitable and able to remain in the space, she was inquiring if the church would expand and occupy more space. Mr. Fraser stated that the proposed quilting business is very profitable and very well established. He stated that does not see a problem with the quilt business. He reported that space that the business currently leases from him is not enough and the new addition will only help the business.

Administrator Buchholtz reported that there had been parking issued in the past but Mr. Fraser has installed new parking signs and designated areas for each business. He reported that a parking lot expansion plan was proposed after the variance was requested. He stated that in the future the parking lot expansion could be explored as an additional variance to the property.

MOTION MADE BY COUNCILMEMBER WENDLING TO APPROVE RESOLUTION 19-32 APPROVING A VARIANCE TO ALLOW CONSTRUCTION OF A BUILDING AND PARKING LOT ADDITION AT 8301 SUNSET ROAD NE. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

10. New BusinessA. Police Officer Candidate Tentative Job Offer

Police Chief Ebeltoft reported that Police staff has successfully completed the interview process and background investigations on the top three qualified candidates for the vacant Police Officer position.

Chief Ebeltoft reported that the candidates that the following candidates had a background investigation done on them were: Dustin Lemke, Joseph Hill and Andrew Olson. He reported that it was with great pleasure that he would like to present candidate Dustin Lemke as the selected candidate for the position of Patrol Officer for the City of Spring Lake Park.

Chief Ebeltoft reported that he is seeking the Council's final approval for a tentative job offer to Dustin Lemke, pending passing a psychological, medical and drug exam. He stated that tentative start date would be September 23, 2019 or before.

**MOTION MADE BY MAYOR NELSON APPROVING TENTATIVE JOB OFFER TO DUSTIN LEMKE AS POLICE OFFICER FOR THE CITY OF SPRING LAKE PARK. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.**

10. Engineer's Report -None11. Attorney's Report - None12. ReportsA. Beyond the Yellow Ribbon Report

Mayor Nelson reported that the Beyond the Yellow Ribbon Committee assisted with concession sales at the Music In the Park series and the softball tournaments this summer. He stated that the events were successful. He reported that the monthly porkchop dinner has been very successful and will continue.

Mayor Nelson stated that a business meeting for the Beyond the Yellow Ribbon committee will be held on Wednesday, September 11, 2019, and stated that anyone can attend. He encouraged residents to volunteer with the committee and assist with many of the events that the committee hosts.

13. OtherA. Administrator Reports

Administrator Buchholtz reported that he attended a meeting with Hy-Vee and Park Construction regarding the work to be done on Highway 65 and the lane closures. He stated that during the next few days traffic will be backed up on Highway 65 but by September 13, 2019, the east bound traffic should be back to the pre-construction state, weather permitting.

Administrator Buchholtz reported that the exterior work on Hy-Vee is being finalized. He reported that he approved a minor PUD request. He stated that the gas station will now have a separate coffee shop building added to the site rather than having the coffee shop inside the convenience as one.



Administrator Buchholtz reported that he attended the Cable Commission meeting and discussion on the franchising fees and the kind of services and function of North Metro Cable that provides local cable programming to the surrounding communities.

Administrator Buchholtz reported that Recreation Programmer John Angell had submitted his letter of resignation on September 3, 2019. He stated that staff has accepted the letter of resignation and that Mr. Angell's last day will be September 17, 2019.

14. Adjourn

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

The meeting was adjourned at 7:54 P.M.

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Robert Nelson, Mayor

Attest:

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Daniel R. Buchholtz, Administrator, Clerk/Treasurer