

## OFFICIAL PROCEEDINGS

Pursuant to due call and notice thereof, the regularly scheduled meeting of the Spring Lake Park City Council was held on September 17, 2018 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: Public Works Director Randall; Police Chief Ebeltoft; Building Official Brainard; Parks and Recreation Director Rygwall; Engineer Gravel; Attorney Thames; Administrator Buchholtz and Executive Assistant Gooden

Visitors: Karla Stevens, 593 Ione Avenue NE, Spring Lake Park  
Paddy Jones, Ham Lake

### 3. Pledge of Allegiance

### 4. Additions or Corrections to Agenda

Councilmember Goodboe-Bisschoff asked that Discussion From The Floor be added to the agenda. It was added as Item 4A.

Administrator Buchholtz requested that Item 13A., Resolution 18-38 Resolution Approving Purchase Agreement and Authorizing Mayor and Administrator, Clerk/Treasurer To Execute Documents Facilitating The Transfer Of 525 Osborne Road NE From The City Of Spring Lake Park to Interstate LLC, be added to the agenda.

#### 4 A. Discussion From The Floor

Karla Stevens, 593 Ione Avenue NE, thanked the City Council for their approval on Ordinance 447 Amending Zoning Ordinance Relating to Yard; Setbacks. She stated that with the approval of the ordinance her driveway can now be repaired without the need for her to apply for a variance to make it safer and expressed that she feels this will assist many other residents in their driveway concerns.

Ms. Stevens offered a reminder to candidates during election season. She asked that the candidates be polite and ask for permission to leave campaign materials with the residents.

### 5. Consent Agenda:

Mayor Hansen reviewed the following Consent Agenda items:

- A. Approval of Workshop Minutes – August 13, 2018 and September 10, 2018
- B. Approval of Minutes – September 4, 2018
- C. Resolution 18-37 Certifying Delinquent Accounts – Anoka County

- D. Contractor's Licenses
- E. Correspondence

Councilmember Goodboe-Bisschoff requested that a correction be made to the September 4, 2018 minutes regarding the cost of the rain garden referenced on page 3. She stated that it should read \$2,000 not \$200. Staff agreed and will make the correction.

Councilmember Goodboe-Bisschoff stated that the minutes from the August 13, 2018 Workshop are inaccurate account of what occurred at the workshop. She stated that she would like the minutes amended to reflect more accurate information from the August 13, 2018 workshop. Administrator Buchholtz stated that the minutes of workshops are a summary of the meetings and conversations that took place during the workshop that had no relevance to a business item are not included in the minutes.

Mayor Hansen stated that the workshop sessions are a place where ideas and opinions are exchanged. She stated that she does not want participants of the workshop sessions to be afraid of what is said and to continue bring their ideas and recommendation to the workshop sessions.

MOTION BY COUNCILMEMBER GOODBOE-BISSCHOFF TO AMEND AUGUST 13, 2018 WORKSHOP SESSION MINUTES. ROLL CALL VOTE: COUNCILMEMBERS NELSON-NAY; WENDLING-NAY; DELFS-NAY; MAYOR HANSEN-NAY; COUNCILMEMBER GOODBOE-BISSCHOFF – AYE. MOTION FAILED.

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

#### 6. Police Report

Police Chief Ebeltoft reviewed the August 2018 department statistics.

Chief Ebeltoft reported that the Police Department responded to five hundred thirty six calls for service for the month of August 2018 compared to five hundred eighty two calls for service in August 2017.

Chief Ebeltoft reported that Investigator Baker reported handling a caseload of fifty-four cases for the month of August 2018. He stated that Investigator Baker noted that some of the cases that he investigated this month included but were not limited to Domestic Assaults; 1<sup>st</sup>, 3<sup>rd</sup> and 4<sup>th</sup> degree burglaries, terroristic threats and a motor vehicle theft case.

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.

Councilmember Nelson requested that Chief Ebeltoft review the recent reports of burglaries in the city. Chief Ebeltoft reported that there has been an increase in home burglaries. He reminded residents to lock their doors, be sure that garage doors are closed and to leave lights on.

Councilmember Goodboe-Bisschoff inquired if the burglaries are taking place in a specific location. Chief Ebeltoft reported that there is no common geographical area. He stated that the incidents have typically occurred during the overnight hours.

## 7. Parks and Recreation Report

Parks and Recreation Director Rygwall reported that the Parks and Recreation Commission met and discussed their participation with the concession sales at the softball tournaments and the color choices for the new gazebo at Triangle Park.

Ms. Rygwall reviewed the monthly department statistics and the summer program statistics. She reported that the number of participants remained the same throughout the summer, which has never occurred in previous years. She reported that the softball season that was co-sponsored with Biffs Sports Bar was successful again this year.

Ms. Rygwall reported that the Spring Lake Park School District Community Education will allow for quarterly program fliers to be distributed through the classrooms. She reported that there would not be an online fee for the city to advertise the programs. She reported that classes from the fall brochure are filling fast. She stated that the new light poles have been installed at Triangle Park and will be functioning by next week.

Councilmember Delfs inquired if she had reported that 820 children attended the drop in summer program. She stated that was correct and noted how valuable the program is. She explained that many grandparents use the program for their grandchildren who might be staying in the area during the daytime hours.

## 8. New Business

### A. Approval of Parking Lot Lease

Administrator Buchholtz provided a copy of the Parking Lot Lease between the City of Spring Lake Park and McClure Properties LLC to the Council. He stated that the lease is for 10 years at an annual lease rate of \$650.00 per month.

Administrator Buchholtz stated that the lease calls for the City to maintain the parking lot over the term of the lease, including routine maintenance, snow removal and grass mowing. He stated that McClure Properties LLC will carry the insurance on the parking lot and will indemnify, defend and hold the City harmless from and against any and all claims associated with the use of the parking lot. He stated that in addition, the cost of repair of any extraordinary damage to the parking lot caused as a result of the McClure Properties LLC's use of the property shall be the responsibility of McClure Properties LLC.

Administrator Buchholtz stated that if McClure Properties LLC violates the lease and does not cure the default within 30-day period, the City is able to collect all remaining rent outstanding and all rent scheduled to be due during the remainder of the term of the lease. He stated if the invoice is not paid, the City may assess the tenants property. He stated that this provision provided the City with a security that its investment in the parking lot will be recouped.

Administrator Buchholtz reported that the City will install signs restricting parking in the parking lot to those working or visiting the strip mall and limiting parking hours to 6 AM to 10 PM. He stated that enforcement of those parking restrictions is the responsibility of McClure Properties LLC.

Administrator Buchholtz provided the following budget for the parking lot project:

<u>Revenue</u>	<u>Expenses</u>	
Lease Revenue \$78,000.00	Construction (Perkins)	\$58,281.00
	Construction (City)	\$ 2,500.00
	Engineering (est)	\$ 3,969.00
	Legal (est)	\$ 1,000.00
	Signage	\$ 750.00
	Fence	\$ 2,500.00
	City Maintenance	<u>\$ 9,000.00</u>
<b>TOTAL</b> \$78,000.00		<b>\$78,000.00</b>

Councilmember Goodboe-Bisschoff inquired the length of time before the parking lot would need to be resealed. Mr. Randall stated that the parking lot could be resealed with the next seal coat project in the area within five years. He stated that the parking lot striping would be completed by the City.

Mayor Hansen inquired if the resealing and striping would be included in the City Maintenance portion of the expenses. Administrator Buchholtz confirmed.

**MOTION MADE BY MAYOR HANSEN TO APPROVE APPROVAL OF PARKING LOT LEASE. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.**

B. Triangle Park Gazebo Footing Installation

Parks and Recreation Director Rygwall reported that the gazebo has been ordered and in approximately 10 weeks it should be ready for installation. She stated that when the City first planned to purchase the gazebo, the Public Works Department felt they could do the installation however, with their schedule so full, they do not have the time to add additional projects. She explained that in speaking with Public Works Director Randall, he would prefer to have Game Time install the gazebo footings. She reported that he reviewed their quote of \$5,542.00 for footing installation, which was listed as an option on the installation quote and approved by Council, and felt it was reasonable.

Ms. Rygwall stated that the cost of the footings will need to be added to the cost for Game Time to install. She provided an updated quote to the Council. She stated the updated quoted price for installation from Game Time, including the footings, is \$25,393.00 with the funds to come from the Park Acquisition and Improvement Fund.

Councilmember Nelson inquired if the funds were part of the development project. Administrator Buchholtz stated that the funds are the park dedication funds that will be used for the project.

**MOTION MADE BY MAYOR HANSEN TO APPROVE TRIANGLE PARK GAZEBO FOOTING INSTALLATION. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.**

C. Conditional Approval for Building Permit Issuance Agreement for Public Storage

Administrator Buchholtz reported that on April 2, 2018, the City Council granted conditional site plan approval to Public Storage for the construction of a three story climate controlled storage facility on their property at 7807 Highway 65 NE. He stated that one of the conditions of site plan approval was for Public Storage to submit a formal plat for the property. He reported that the City received a call from Public Storage informing

the City that they will not be able to record the plat in the timeframe that would allow them to begin construction this Fall and have asked the City for some flexibility in this requirement.

Administrator Buchholtz reported that to accommodate this request, staff has developed an Agreement for Conditional Approval of Building Permit. He stated that under this agreement, staff would be able to grant the building permit. He stated that if Public Storage does not file the plat within 180 days, the City has the right to withhold the "Certificate of Occupancy" for the property, meaning the property owner cannot use the property until the plat is filed. He stated that Public Storage can request one 90-day extension of this requirement, but the City has sole discretion on whether to grant the extension.

Administrator Buchholtz reported that staff believes that this is a reasonable accommodation to keep the project on track while protecting the City's interests.

MOTION MADE BY COUNCILMEMBER NELSON TO APPROVE BUILDING PERMIT ISSUANCE AGREEMENT WITH CONDITIONS FOR PUBLIC STORAGE. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

#### 9. Engineer's Report

Engineer Gravel reported that the Bituminous Trail Maintenance has started and will be completed by end of the week of September 24, 2018. He reported that a preconstruction conference was held on September 17, 2018 for the Wells 4 and 5 construction project.

#### 10. Attorney's Report

Attorney Thames reported that he has been working on closing documents for properties located at 525 Osborne Road and 8059 Highway 65 NE. He reported that he has reviewed the parking lot lease and well maintenance contracts as well.

#### 12. Administrator Reports

Administrator Buchholtz reported that the temporary certificate of occupancy for the Legends of Spring Lake Park has been issued. He stated that this will allow for the Legends staff to move into their office in the building.

Administrator Buchholtz reported that Hy-Vee has submitted their building permit application for the shell of the building. He stated that staff and Hy-Vee is working with MnDOT on the access from 81<sup>st</sup> Avenue and Highway 65.

Administrator Buchholtz stated that staff has been working on citizen complaints regarding a property on Monroe Street NE. He stated that garbage, debris has been collecting on the property, and the executor of the estate is seeking help in cleaning up the property. He stated that staff feels that the City can assist with the cleanup if the property owner inquires. He stated the cost associated with this could be assessed to the property.

Councilmember Wendling inquired if the property is vacant. Administrator Buchholtz stated that it is.

Councilmember Nelson noted that there is a huge amount of back taxes on the property and inquired if the City would be protected so that payment would be made to the City for the clean up. Administrator Buchholtz stated that he is confident that the City is protected and payment would be received.

Mayor Hansen stated that she is concerned for the health of the neighborhood and feels that the City should provide assistance for the cleanup if asked.

Councilmember Goodboe-Bisschoff inquired if there is a bank or mortgage company involved with the property. Administrator Buchholtz stated that there are liens on the property so the payment could take longer for payment because of those reasons.

Councilmember Goodboe-Bisschoff inquired if the house could be removed or demolished. Administrator Buchholtz stated that would be determined by the owner and could possibly be sold.

Councilmember Goodboe-Bisschoff inquired if the property were to be demolished, would the area be a good location for a stormwater retention pond. Engineer Gravel stated that it is a site that could be looked at, but noted the site is not directly tied into the system that drains at 83<sup>rd</sup> Avenue NE and Monroe Street NE.

The consensus of the Council was to assist with cleanup efforts and assess the amount to the property, should assistance be requested.

### 13. Other

#### A. Closed Session – Potential Sale of 525 Osborne Road NE

MOTION MADE BY MAYOR HANSEN TO CLOSE REGULAR CITY COUNCIL MEETING TO DISCUSS APPROVAL OF PURCHASE AGREEMENT FOR 525 OSBORNE ROAD NE. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

Mayor Hansen recessed the meeting at 7:50 PM.

Mayor Hansen opened the regular meeting at 8:16 PM.

Attorney Thames reported that the City Council discussed and is prepared to take a vote on the potential sale of 525 Osborne Road NE. He reported that the City Council discussed the purchase agreement terms and approved the the Purchase Agreement and price. He stated that the Council authorized the mayor and staff to execute the documents.

MOTION MADE BY MAYOR HANSEN TO APPROVE RESOLUTION 18-38 APPROVING PURCHASE AGREEMENT AND AUTHORIZING MAYOR AND ADMINISTRATOR, CLERK/TREASURER TO EXECUTE DOCUMENTS FACILITATING THE TRANSFER OF 525 OSBORNE ROAD NE FROM THE CITY OF SPRING LAKE PARK TO INTERSTATE LLC. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

### 15. Adjourn

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

The meeting was adjourned at 8:18 PM.

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Cindy Hansen, Mayor

Attest:

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Daniel R. Buchholtz, Administrator, Clerk/Treasurer