

OFFICIAL PROCEEDINGS

Pursuant to due call and notice thereof, the regularly scheduled meeting of the Spring Lake Park City Council was held on July 15, 2019 at the Spring Lake Park Community Center, 1301 81st Avenue N.E., at 7:00 P.M.

1. Call to Order

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

2. Roll Call

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

Members Absent: None

Staff Present: Public Works Director Randall; Police Sergeant Antoine; Engineer Gravel; Parks and Recreation Director Rygwall; Administrator Buchholtz and Executive Assistant Gooden

Visitors: Legends of Spring Lake Park Residents (1066 County Road 10 NE)
Joan Morpew Apt. #145
Jo Reger (unknown)
Tina Baker (unknown)
Mary Andersohn Apt. #321
Karen Westheld Apt. #212
Paddy Jones, Ham Lake
Paige Kieffer, ABC Newspapers
Jeff Baker, Blaine

3. Pledge of Allegiance

4. Additions or Corrections to Agenda - None

5. Discussion From The Floor - None

6. Consent Agenda:

Acting Mayor Nelson reviewed the following Consent Agenda items:

- A. Approval of Minutes – July 1, 2019
- B. Disbursements
 - 1. General Fund Disbursement Claim No. 19-11 -- \$307,600.49
- C. Approval of Right of Way Application – Xcel Energy
- D. Approval of Right of Way Application – Verizon Access Transmission
- E. Approval of MNSPECT Invoice
- F. Contractor's Licenses
- G. Correspondence

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

7. Police Report

Police Sergeant Antoine reviewed the June 2019 department statistics.

Sergeant Antoine reported that the Police Department responded to six hundred fifty one calls for service for the month of June 2019 compared to six hundred twenty one calls for service in June 2018.

Sergeant Antoine reported that Investigator Bennek is into his second month in the Investigator position. He reports to handling a caseload of 44 cases for the month of June 2019. He stated that Investigator Bennek noted having 13 active forfeiture cases. He noted that Investigator Bennek reported that the City as well as other cities across the metro area are seeing an increase in theft from motor vehicles.

Sergeant Antoine reported that School Resource Officer Chlebeck concluded the 2018-2019 school year in June. He stated that the Spring Lake Park Police Department would like to wish the 2018-2019 seniors at Spring Lake Park High School congratulations and wish them good luck in their future endeavors.

Sergeant Antione stated that Officer Chlebeck reported handling five calls for service at the local schools, along with conducting 59 student contacts, 35 escorts and 38 follow up investigations into school related incidents. He reported that Officer Chlebeck noted that this year was his third and final year as a School Resource Officer and that he has thoroughly enjoyed working in the school system with the staff and students.

Sergeant Antoine reported, in addition to addressing the day-to-day operations of the Department, Director of Public Safety/Chief of Police Ebeltoft 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 discussed their Tower Day involvement, the Beyond the Yellow Ribbon assistance with softball tournament concessions and reported on financials.

Ms. Rygwall thanked the Public Works and Police Department staff for their assistance with the Tower Days celebration. She reported that the Tower Days committee met and discussed ideas and contracts for 2020.

Ms. Rygwall reported that the Music in the Park has been very successful at Lakeside Park. She reported that a few Wednesday evening events remain. She provided the monthly program statistics and a recap of the day trips that were offered.

9. Ordinances And/Or Resolutions

A. Ordinance 454 Amending Section 115 of the Spring Lake Park City Code Relating to Amusements (Lawful Gambling)

Administrator Buchholtz reported that the City of Spring Lake Park received a request for the Spring Lake Park Lions to amend Chapter 115 of the Spring Lake Park City Code which limits organizations to conduct lawful gambling at no more than three locations within the City.

Administrator Buchholtz reported that the Spring Lake Park Lions currently conducts lawful gambling at Biffs, Monte's and Sunset Grill. He stated that the Lions have received a request to conduct lawful gambling at Torg Brewery. He stated that this would not be possible without an amendment to the City Code.

Administrator Buchholtz reported that Ordinance 454 amends Section 115.03 of the City Code to strike (C). He stated that this would mean that any organization that qualifies to conduct lawful gambling under the Code can operate at unlimited locations within the City. He stated that the restriction that an organization must maintain an address within the City for three years prior to the application or that it owns a commercial building within the city from which it operates still stands.

Administrator Buchholtz reported that staff has no objection to the proposed amendment. He stated that it will provide bar owners the freedom to select the organization they wish to work with.

Administrator Buchholtz stated that a premise permit will be submitted to the City Council soon for Torg Brewery.

Acting Mayor Nelson stated that at one time there were so many organizations competing for gambling premises, he feels it is important to remain viable and allow few organizations for charitable gaming.

MOTION MADE BY ACTING MAYOR NELSON TO APPROVE ORDINANCE 454 AMENDING SECTION 115 OF THE SPRING LAKE PARK CITY CODE RELATING TO AMUSEMENTS. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

B. Resolution 19-15 Accepting Resignation of Cindy Hansen and Declaring a Vacancy For The Office of Mayor

Administrator Buchholtz reported that Cindy Hansen submitted her resignation from the office of Mayor effective at 11:59 PM on July 2, 2019. He stated that Councilmember Bob Nelson become Acting Mayor, pursuant to the appointments the City Council made at its annual meeting.

Administrator Buchholtz reported that State law allows the City Council to appoint an individual to fill the vacancy. He stated that however, due to fact that there is more than two years remaining in the unexpired term, the City will need to hold a special election in conjunction with the next City election on November 3, 2020. He stated that the individual appointed to fill the vacancy will serve as Mayor until the winner of that special election is certified and receives his/her "Certificate of Election". He stated that the individual appointed as Mayor is free to stand for election in this special election.

Administrator Buchholtz reported that staff is recommending the City Council begin the process of filling the vacant Mayor position. He presented Resolution 19-15 that declares a vacancy in the Office of Mayor. He reported that in the past, the City Council has appointed one of its members to serve as Mayor and Resolution 19-16 would make that appointment.

Administrator Buchholtz stated that the appointment of a Councilmember to Mayor would leave a City Council vacancy as the offices of Mayor and Councilmember are incompatible offices. He stated that Resolution 19-17 would declare that vacancy and authorize staff to begin the appointment process to fill that vacancy. He stated that the process would be to solicit applications from residents in the community and select candidates to interview. He stated that this process has worked well in the past.

MOTION MADE BY COUNCILMEMBER DELFS TO APPROVE RESOLUTION 19-15 ACCEPTING

RESIGNATION OF CINDY HANSEN AND DECLARING A VACANCY FOR THE OFFICE OF MAYOR. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

C. Resolution 19-16 Appointing A Mayor

Acting Mayor Nelson asked for nominations for appointment of Mayor and the calling for a special election to fill the unexpired portion of term.

Councilmember Wendling nominated Acting Mayor Nelson for the Mayor position.

Councilmember Goodboe-Bisschoff nominated herself for the position of Mayor.

The City Council voted on the nomination of Acting Mayor Nelson first. Acting Mayor Nelson's nomination was approved with Councilmembers Wendling and Delfs voting in favor and Councilmember Goodboe-Bisschoff in opposition. Acting Mayor Nelson abstained. No action was taken on Councilmember Goodboe-Bisschoff's nomination.

Councilmember Goodboe-Bisschoff asked that the resolution be split into two resolutions. She asked that Resolution 19-16 appoint the mayor for the remaining term and Resolution 19-17 be written to call for a special election to fill the unexpired portion of the mayor term.

MOTION MADE BY COUNCILMEMBER WENDLING TO APPROVE RESOLUTION 19-16 APPROVING ROBERT NELSON AS MAYOR. ROLL CALL VOTE: COUNCILMEMBERS WENDLING AND DELFS – AYES; COUNCILMEMBER GOODBOE-BISSCHOFF – NAY. MOTION CARRIED.

D. Resolution- 19- 17 Calling for a Special Election to Fill Unexpired Portion of Term

MOTION MADE BY COUNCILMEMBER WENDLING TO APPROVE RESOLUTION 19-17 CALLING FOR A SPECIAL ELECTION ON NOVEMBER 3, 2020 TO FILL UNEXPIRED PORTION OF MAYOR TERM. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

E. Resolution 19-18 Accepting Resignation of Councilmember Robert Nelson and Declaring A Vacancy For Office Of Councilmember

MOTION MADE BY MAYOR NELSON TO ACCEPT RESIGNATION OF COUNCILMEMBER ROBERT NELSON AND DECLARE A VACANCY FOR THE OFFICE OF COUNCILMEMBER. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

F. Resolution 19-19 Conditionally Granting Site Plan Approval for Construction of Utility Shed at 1001 County Road 10 NE

Administrator Buchholtz reported that the City has received an application for site plan review from Cinmar LLC (Quick Lube). He stated that they are proposing to build a 14 foot (wide) by 14 foot (long) by nine-foot tall utility shed on their property. He stated that the proposed building will be built near the existing dumpster enclosure. He stated that the shed will be used to store a bobcat, which is used in the winter for snow removal, along with a lawn mower and snow blower.

Administrator Buchholtz stated that staff has reviewed the proposed improvements and recommends approval

of the site plan with the following conditions:

1. Applicant shall obtain all necessary building permits prior to construction and occupancy of proposed improvements.

MOTION MADE BY COUNCILMEMBER DELFS TO APPROVE RESOLUTION 19-19 CONDITIONALLY GRANTING SITE PLAN APPROVAL FOR CONSTRUCTION OF UTILITY SHED AT 1001 COUNTY ROAD 10 NE. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

G. Resolution 19-20 Authorizing Summary Publication of Ordinance 454

MOTION MADE BY ACTING MAYOR NELSON TO APPROVE RESOLUTION 19-20 AUTHORIZING PUBLICATION OF TITLE AND SUMMARY OF ORDINANCE 454, AN ORDINANCE AMENDING CHAPTER 115 OF THE SPRING LAKE PARK CITY CODE RELATING TO AMUSEMENTS. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

10. New Business

A. Amendment to Personnel Policy Regarding Cellphone Use

Administrator Buchholtz reported that staff is seeking authority to amend the City's Cellular Phone Use Policy due to the changes in the State Law requiring the hands-free use of cellular phones while driving.

Administrator Buchholtz provided the changes to the City Council. He stated that a Department Head may authorize an employee to use his/her own personal phone for city business and be reimbursed by the city for those calls. He stated that an employee will not be reimbursed for business-related calls without prior authorization from his/her supervisor. He stated that Supervisors may also prohibit employees from carrying their own personal cell phones during working hours if it interferes with the performance of their job duties.

Administrator Buchholtz reported that use of public resources by city employees for personal gain and/or private use including, but not limited to, outside employment or political campaign purposes, is prohibited and subject to disciplinary action which may include termination and/or criminal prosecution, depending on the circumstances. He stated that incidental and occasional personal use may be permitted with the consent of the supervisor.

Administrator Buchholtz reported that all personal calls made by employees on a City-provided cellular phone which exceed the minimum month charge for that phone must be paid for by the employee through reimbursement to the City based on actual cost listed on the City's phone bill.

Mayor Nelson inquired if the Bluetooth technology will be available in the new vehicles that are being purchased for Public Works. Mr. Randall stated that all the new trucks do have the hands-free technology.

Administrator Buchholtz stated that the new vehicle that will be purchased for the Building Inspector will have hands free technology as well.

Councilmember Goodboe-Bisschoff inquired as to how many vehicles are not equipped with Bluetooth technology currently. Mr., Randall stated that three city vehicles are not equipped.

MOTION MADE BY COUNCILMEMBER WENDLING TO APPROVE AMENDMENT TO

PERSONNEL POLICY REGARDING CELL PHONE USE. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

B. Authorization to Conditionally Hire Building Inspector – Jeff Baker

Administrator Buchholtz reported that City staff is seeking authority from the City Council to make a conditional job offer to Jeff Baker for the Building Inspector position.

Administrator Buchholtz reported that the City advertised the Building Inspector position on May 22, 2019, and applications were due on June 11, 2019. He reported that nine applications were received and Executive Assistant Gooden and himself reviewed and scored each application. He stated that based on the application scoring, six applicants were selected for interviews. He reported that interviews were held on June 24, 2019 with the interview panel consisting of Executive Assistant Gooden, Public Works Director Randall and himself.

Administrator Buchholtz reported that at the conclusion of the interviews, the interview panel agreed that one candidate rose to the top based on experience – Jeff Baker. He reported that that Mr. Baker graduated from Spring Lake Park, has served as a Fire Inspector II/Firefighter for the City of Blaine for six years and is currently a Fire Inspector II for the City of St. Paul. He stated that in these Fire Inspector roles, Mr. Baker has conducted fire inspections on commercial properties, conducted plan reviews for renovations and construction projects, conducted residential rental housing inspections, and responded to citizen housing and code enforcement complaints. He noted that Mr. Baker also serves as a volunteer firefighter on the SBM Fire Department for over 14 years currently ranked as Lieutenant.

Administrator Buchholtz reported that Mr. Baker has qualified to take the Limited Certified Building Official Exam in October, which would allow him to do building inspections on one and two-family residential structures. He stated that he anticipates earning his full Certified Building Official license by October 2020. He stated that he will be able to immediately begin work on rental housing inspections and annual fire inspections.

Administrator Buchholtz stated that staff is recommending the City Council offer the Building Inspection position to Jeff Baker, conditioned on passing a drug test. He stated that staff recommends starting Mr. Baker at \$27.59/hour (\$57,387.20/year). He stated that staff is also recommending that Mr. Baker be allowed the ability to immediately have access to his vacation accrual. He stated his start date would be August 5, 2019.

Councilmember Wendling inquired on how long it would take Mr. Baker to get his limited license. Mr. Baker stated that he currently has enough points to take the test at the end of October this year. He stated that once he has the limited license, he will be eligible to take the Building Official test.

Councilmember Goodboe-Bisschoff inquired as to why the City Council did not review the applications.

Administrator Buchholtz stated that the City Council has delegated authority to him to hire employees. He stated that the state law requires formal approval of the City Council for new employees. He stated that independent contractors such as Engineering or Attorney would be actively reviewed by the City Council. He stated that employment is different and staff reviews the applications and presents the candidate for formal consideration.

MOTION MADE BY COUNCILMEMBER DELFS TO AUTHORIZE CONDITIONAL OFFER TO HIRE JEFF BAKER AS BUILDING INSPECTOR. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

C. Authorization to Purchase 2020 Dump Truck

Public Works Director Randall reported that he was seeking authorization to purchase a new 2020 Mack Dump truck. He stated that the truck that it will replace is a 1998 Ford. He reported that it has become very hard to find parts for the Ford and it is used heavily in the winter for plowing and sanding as well as on water main breaks. He stated that the truck has 41,000 miles on it and 4,800 hours.

Mr. Randall reported that the truck that he would like approval for is a 2020 Mack Truck and it is on the state contract and does include motor vehicle sales tax. He stated that the new dump truck proposal does not include the box, plow, sander or under belly-plow as those items will need to be purchased from another vendor.

Mr. Randall stated that he was requesting that the truck be purchased from Nuss Truck and Equipment in amount of \$99,533.84 with funds from the 2018 Equipment Replacement Certificate. He stated that the truck would be built in November with anticipated delivery in January 2020.

Councilmember Nelson inquired if the vehicle accessories would be similar to those on the existing trucks and installed with a local vendor. Mr. Randall stated that it would-be stainless-steel boxes and a quote for the accessory items would be forwarded to the Council at the next City Council meeting.

Councilmember Goodboe-Bisschoff inquired how much the completed vehicle would cost and if there was funding available for the accessories. Mr. Randall stated that he estimated the cost to be \$210,000 for the completed vehicle and there is over \$100,000 remaining in the Equipment Certificate for accessories.

MOTION MADE BY COUNCILMEMBER WENDLING TO PURCHASE 2020 MACK DUMP TRUCK IN THE AMOUNT OF \$99,533.84 FROM NUSS TRUCK AND EQUIPMENT. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

11. Engineer's Report

Engineer Gravel reported that the 2019 Street Seal Coat and Crack Fill Project is scheduled to begin. He reported that crack repair construction is scheduled for the week July 23, 2019, and seal coat work is scheduled for the week of July 31, 2019, depending on the weather. He stated that information will be posted on the City website.

12. Attorney's Report – None13. ReportsA. Administrator Reports - None14. Other

Mayor Nelson reported the Beyond the Yellow Ribbon car show was a success. He reported that 28 vehicles were on display for the car show and concession sales were successful.

15. Adjourn

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

The meeting was adjourned at 7:55 PM.

Robert Nelson, Mayor

Attest:

Daniel R. Buchholtz, Administrator, Clerk/Treasurer