

OFFICIAL PROCEEDINGS

Pursuant to due call and notice thereof, the regularly scheduled meeting of the Spring Lake Park City Council was held on April 2, 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: Police Chief Ebeltoft; Public Works Director Randall; Building Official Brainard; Engineer Gravel; Attorney Thames; Parks and Recreation Director Rygwall; Administrator Buchholtz and Executive Assistant Gooden

Visitors: Paddy Jones, Ham Lake, MN
Robert and Dianne Griffith, Gary, South Dakota
Dan Matula, Public Storage
Jeff Weeder, Galloway and Company
Olivia Alveshere, ABC Newspaper

3. Pledge of Allegiance

4. Additions or Corrections to Agenda

Councilmember Wendling inquired on the submission of the City Council meeting minutes from the March 19, 2018 Council meeting. Administrator Buchholtz reported that the minutes will be submitted for approval at the April 16, 2018 meeting.

5. Discussion From The Floor- None

6. Consent Agenda:

Mayor Hansen reviewed the following Consent Agenda items:

- A. Approval of Temporary Liquor License for Spring Lake Park Lions Club
- B. Approval of Resolution 18-12 Denying Therapeutic Massage Individual License
- C. Sign Permit
- D. Contractor's License
- E. Correspondence

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

7. Public Hearing

A. Hearing on Proposed Reassessment for 2015 Arthur Street Improvements

Mayor Hansen opened the Public Hearing at 7:03 PM.

Administrator Buchholtz reported that the hearing is not technically a public hearing but rather an opportunity for the property owner of the Spring Lake Terrace mobile home park to address the City Council on the proposed reassessment.

Administrator Buchholtz reported that the City received appeal from GJW Group alleging that the assessment against its property exceed any special benefit it received from the 2014-2015 Street Improvement Project. He stated that mediation was not successful and the case was heard before a judge, which resulted in a 20-page ruling. He reported that after reviewing the evidence and testimony presented at trial, the Court set aside the City's original assessment of \$50,912.05, ordered the City to perform a reassessment of the special benefit to GJW Group's property in a manner consistent with the Court's opinion and Minn. Stat. 429.081 and 429.017, subd.2, and established the special benefit created by the 2014-2015 Street Improvement Project not to exceed \$43,000.

Administrator Buchholtz reported that staff is proposing a reassessment of \$43,000, consistent with the District Court ruling of special benefit for the Spring Lake Terrace property as result of the Arthur Street improvements.

Bob Griffith, GJW Group, stated that he opposes the reassessment. He stated that he does not feel that the improvements add any value to the property and either with or without the improvement; the property is of equal value.

Hearing no further discussion, Mayor Hansen closed the public hearing at 7:08 PM.

Attorney Thames stated that the judge in the trial found the appraisal submitted by GJW Group was not credible and stated that the City's submittal of an appraisal was credible and requested the City to establish a reassessment value not to exceed \$43,000.

Councilmember Goodboe-Bisschoff inquired who would be responsible for the difference of original assessed amount and the reassessed amount.

Administrator Buchholtz explained that a contingency fund was included in the project budget to help incorporate cost such as these. He explained that all special assessments are locked in at approved amounts and uncovered costs exceeding the contingency budget are levied assessed against other property owners over a period of the assessment.

Councilmember Nelson stated that he feels that the judge order is a fair and feels that if the Council were to assess less than the suggested \$43,000, it would be unfair to the other residents in the City who have paid their assessments. The consensus of the Council was that they agreed with the judge ruling.

8. Public Works Report

Public Works Director Randall reported that in the month of March, the Public Works Department continued to collect the garbage and recycling at the parks and started building the planter boxes for the

community garden. He reported that 18 planter boxes have been completed and the plan is to build 40. He stated that there was one water main break in the month of April.

Mr. Randall reported that the Department plowed and salted three times in the month of March. He reported that the Department has started patching potholes with hot mix; continued to trim boulevard trees and began cleaning out sewer and grease trap lines.

Mr. Randall stated that all the water meters have been read and 40-50 meters were unable to be read due to bad radios. He reported that the bad radios or meters have been replaced and only seven remain on the repair list.

Councilmember Nelson inquired if inspection of the grease trap lines is regulated by entity and if an annual clean out is required by the restaurant owners. Mr. Randall stated that he is not aware of any entity department or organization does not regulate it. He stated that he does not have time to inspect each trap individually. He stated that he and Mr. Brainard could research other cities to see if there is requirement or a special ordinance that has been adopted to assure the grease trap lines are cleaned annually.

Mayor Hansen and Councilmember Nelson both agreed it is a good idea to research what can be done to monitor the issue.

9. Code Enforcement Report

Building Official Brainard reported that he attended the Council meetings on March 5 and March 19; a Department Head meeting on March 6; the North Suburban Code Official meeting on March 13; and the North Suburban Building Officials meeting on March 27.

Mr. Brainard stated that in March 2018, 13 building permits were issued compared to 13 in 2017. He reported that 11 mechanical permits were issued in March, compared to nine in 2017. He reported that eight plumbing permits were issued and one fire permit was issued in March.

Mr. Brainard reported construction on the School District #16 Early Childhood Addition and Renovations at 1100 81st Avenue has recently commenced. He reported that a permit was issued to Torg Brewery, located at 8421 University Avenue NE, for the remodeling of the existing interior of the building to include a taproom, touring and sampling areas.

Mr. Brainard reported that construction continues on the Legends of Spring Lake Park. He stated that the project continues ahead of schedule. He reported that there is discussion of opening a model apartment unit on the first floor starting in mid-summer for potential customers to view and better visualize the finished project.

Mr. Brainard stated that he posted the position of a part time Code Enforcement Inspector with a closing date of April 16, 2018 and has received seven applications. He reported that he hopes to have the position start on May 8, 2018 and continue through 2018.

Mr. Brainard reported that the March 2018 vacancy listing shows that there are 16 vacant/foreclosed residential properties currently posted and/or soon posted by the Code Enforcement Department, which is the same from last month. There are two vacant/foreclosed commercial property, which is remains the same from last month; and five residential properties currently occupied and ready for Sheriff Sale redemption, which is the same as last month. He reported that he posted one abandoned and/or vacant property notice in month of March.

Mr. Brainard provided the Council a public information handout on Disaster Response. He stated that the handout is intended to inform all Spring Lake Park property homeowners of what their Building Inspection Department would do at the time of disaster to help make damaged homes and businesses functional again.

10. Ordinances and/or Resolutions

A. Resolution 18-10 Conditionally Granting Site Plan Approval for Construction of a New Indoor Climate Controlled Storage Facility at 7807 Highway 65 NE

Administrator Buchholtz reported that the City received a request from Public Storage at 7807 Highway 65 NE to complete renovations to modernize the facility. He stated that Public Storage has been operating since the 1980's, with an expansion in 2000. He reported that the proposed renovations will create a new indoor-climate controlled storage facility.

Administrator Buchholtz reported that in the spring of 2000, Public Storage submitted a special use permit application to construct a mini storage facility. He stated that after review by staff and the Planning Commission, the application was approved by the City Council. He reported that concerns were raised in the initial application including stormwater runoff, ponding, flood damage, and emergency water outlets. He stated that the special use permit was approved with conditions.

Administrator Buchholtz stated that questions were addressed to Public Storage regarding the stormwater issues and noted that there has been no significant pond maintenance since 2000. He stated that an added condition would be that the pond be restored back to its original contour, which would add to its capacity.

Administrator Buchholtz reported that the submitted plans have met the requirements with a formal plat and all easements have been marked. He stated that several permits will be required and comments are still pending from the Rice Creek Watershed District. He reviewed the staff comments and noted that several conditions have been added to the proposed resolution.

Engineer Gravel reported that the stormwater comments are still in the review process and he will not provide additional comments until he has reviewed the Rice Creek Watershed comments. He stated that the proposed improved conditions will help with the drainage of the stormwater and is confident that the new pond will be constructed correctly.

Mr. Gravel stated that Central Rental has concerns with the flooding of their property with stormwater. He stated that since Central Rental sits lower than the storage facility and is subject to flooding, he feels that the stormwater management plan will help solve some of the flooding issues.

Jeff Weeder, Public Storage, stated that the new building will allow customers to load and unload inside the building rather than outside of the building and on the sidewalks. He stated that the new building will be three floors with two elevators for the ease of moving items. He stated that he is confident that the conditions proposed for the project can be met

Mr. Weeder explained that the concept of an underground detention pond. He explained that the stormwater would be held underground and releases overtime, he stated that since the stormwater is stored underground it allow the option to have a paved surface above for RV storage parking. Mr. Gravel noted that this concept is being used in the Legends of Spring Lake Park project and was proposed for the 525 Osborne Road project.

Councilmember Nelson stated that he likes the concept of the proposed project and is in favor of the underground stormwater storage. He reported that he likes how the plans look and feels it will be a welcomed addition.

MOTION MADE BY COUNCILMEMBER NELSON TO APPROVE RESOLUTION 18-10 CONDITIONALLY GRANTING SITE PLAN APPROVAL FOR CONSTRUCTION OF A NEW INDOOR CLIMATE CONTROLLED STORAGE FACILITY AT 7807 HIGHWAY 65 NE WITH THE FOLLOWING CONDITIONS: 1) THE APPLICANT WILL SUBMIT A FORMAL PLAT FOR THE PROPERTY AS PART OF THE DEVELOPMENT APPROVAL PROCESS; THE PLAT SHALL INCLUDE ALL EXISTING EASEMENTS AS WELL AS NEW DRAINAGE AND UTILITY EASEMENTS OVER THE ONSITE STORM WATER PONDING AREA AND WATER MAIN; 2) THE APPLICANT WILL WORK WITH THE FIRE CHIEF TO DETERMINE THE LOCATION OF FIRE HYDRANTS ON THE SITE, THE LOCATION OF OVERHEAD POWER LINES ON THE SITE AND THE WIDTH OF THE DRIVEWAY ACCESS AND GATE AREA; 3) THE APPLICANT WILL WORK WITH THE POLICE CHIEF TO PROVIDE ADEQUATE EMERGENCY SERVICES TO THE FACILITY, DEVELOP A SECURITY VIDEO SYSTEM AND PROVIDE AMPLE EXTERIOR AND INTERIOR LIGHTING; 4) THE APPLICANT SHALL PROVIDE AN ACCESS KEY OR ACCESS CODE FOR THE PUBLIC WORKS DIRECTOR TO HAVE ACCESS TO THE SITE; 5) THE APPLICANT WILL UPDATE THE GRADING PLAN WITH A NOTE ADVISING THE CONTRACTOR OF THE LOCATION OF THE EXISTING IN-PLACE SANITARY SEWER AND CALLING FOR PROTECTING THE IN-PLACE PIPING AND STRUCTURES; 6) THE APPLICANT WILL OPERATE AND MAINTAIN THE STORM WATER POND AS PRIVATE PROPERTY; 7) THE APPLICANT WILL OBTAIN ALL NECESSARY PERMITS FROM THE MINNESOTA DEPARTMENT OF HEALTH, THE MINNESOTA POLLUTION CONTROL AGENCY, AND THE RICE CREEK WATERSHED DISTRICT; 8) FINAL SITE CONSTRUCTION PLANS SHALL BE APPROVED BY THE CITY ENGINEER AND THE PUBLIC WORKS DIRECTOR; 9) THE APPLICANT WILL ADHERE TO ALL CITY CODES AND ORDINANCES, AS WELL AS THE COMMENTS IDENTIFIED IN THE STANTEC STAFF MEMORANDUM DATED MARCH 13, 2018. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

B. Resolution 18-11 Adopting Reassessment for Spring Lake Park Terrace Property for the 2014-2015 Street Improvement Project

Administrator Buchholtz reported after holding the public hearing earlier in the meeting, staff is proposing a reassessment of \$43,000, consistent with the District Court ruling of special benefit for the Spring Lake Terrace property as a result of the Arthur Street improvements.

Administrator Buchholtz stated that payments have been made towards the original principal amount and will be applied towards the reassessed amount. He noted that the amount due is \$32,188.25. He stated that the remaining amount will be submitted to the County for the 2019 taxes since the deadline for the 2018 property taxes has already passed.

MOTION MADE BY COUNCILMEMBER NELSON TO APPROVE RESOLUTION 18-11 ADOPTING REASSESSMENT OF SPRING LAKE TERRACE PROPERTY FOR THE 2014-2015 STREET IMPROVEMENT PROJECT. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

11. Engineer's Report

Engineer Gravel reported that he is preparing construction plans for the the 2018 Sanitary Sewer Lining Project and will solicit bids late this spring. He offered his praise to the Public Works Department for their dedication

and timeliness when a water main break occurs. He stated that the Department is good about staying on top of current situations to assure a quick response in fixing the break.

12. Attorney's Report

Attorney Thames reported that he has been working on a new cellular tower lease. He stated the lease is moving forward and will be ready for the Council to review at a future meeting.

13. Reports

A. Beyond the Yellow Ribbon Report

Councilmember Nelson reported that 41 meals were served at the March pork chop dinner. He reported that a car show will be taking place on May 19, 2018 from 11:00 AM – 3:00 PM at Lakeside Park. He stated that there will activities throughout the day.

Councilmember Nelson thanked Councilmember Wendling for the donation of embroidered aprons for the Beyond the Yellow Ribbon kitchen staff. He stated that hats will be available for purchase in the future. He noted that former Councilmember Nash created the logo that is being used on the hats and aprons.

14. Other

Mayor Hansen congratulated ABC Newspaper reporter Olivia Alveshere on the announcement of her baby girl arriving this summer.

A. Administrator Reports

Administrator Buchholtz reported that the Comprehensive Open House will be held on Tuesday, April 24, 2018 from 6:00 -8:00 PM. He stated that there will be brief presentation and encouraged residents to take the survey that has been created for residents to submit their comments on future development or improvements for the City. The meeting will take place the same evening as the Tower Days Committee meeting.

Administrator Buchholtz reported that Torg Brewery has submitted a site plan review for an addition to a deck in the front of their building. He stated that the plans will be forwarded to the Council at the April 16, 2018 meeting.

Administrator Buchholtz reported that a letter with the City's intent regarding the 525 Osborne Road property was sent to the North Suburban Hospital District and the letter will be forwarded to their Board members.

Administrator Buchholtz noted that he and Executive Gooden attended the MCFOA Annual Conference on March 20 – 23, 2018.

15. Adjourn

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

The meeting was adjourned at 8:04 P.M.

Cindy Hansen, Mayor

Attest:

Daniel R. Buchholtz, Administrator, Clerk/Treasurer