

## OFFICIAL PROCEEDINGS

Pursuant to due call and notice thereof, the regularly scheduled meeting of the Spring Lake Park City Council was held on October 2, 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 Wendling, Delfs, Goodboe-Bisschoff and Mayor Hansen

Members Absent: Councilmember Nelson

Staff Present: Police Chief Ebeltoft; Public Works Director Randall; Building Official Brainard; Attorney Thames; Engineer Gravel; City Planner Elliott; Parks and Recreation Director Rygwall; Administrator Buchholtz and Executive Assistant Gooden

Visitors: Paddy Jones, Ham Lake  
Larry and Jean Pederson, 1545 83<sup>rd</sup> Avenue NE  
Sue Davis, AFS Representative  
Romina Montti Zapata (Chile) and Cedric Leuenberger (Switzerland), AFS Students

### 3. Pledge of Allegiance

### 4. Additions or Corrections to Agenda

Administrator Buchholtz requested that Item 6F, Termination of Probationary Employee at Central Park Liquor Store, be added to the agenda.

### 5. Discussion From The Floor - None

### 6. Consent Agenda:

Mayor Hansen reviewed the following Consent Agenda items:

- A. Approval of Minutes – September 18, 2017
- B. Approval of Public Right of Way Applications – Xcel Energy
- C. City Administrator Performance Evaluation Public Statement
- D. Contractor's Licenses
- E. Correspondence
- F. Termination of Probationary Employee at Central Park Liquor Store

Councilmember Goodboe-Bisschoff inquired who would be responsible for the cost of the DNR aeration and the herbicide permits that were referenced in the September 18, 2017 minutes. Parks and Recreation Rygwall reported that the aeration permit fee is split with the City of Mounds View and the herbicide permit is undecided at this time, and it will be reviewed in the spring.

Administrator Buchholtz reported that the south side of the lake, previously owned by the City of Fridley, was annexed to the City of Spring Lake Park a few years ago therefore; Spring Lake Park and Mounds View own Lakeside Park.

Mayor Hansen read the City Administrator's Performance Evaluation statement.

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

#### 7. Presentation

##### A. Mayor's Proclamation – Foreign Exchange Student Week – Honorary Citizens

Mayor Hansen presented proclamations proclaiming the week of October 2, 2017 as American Field Service Week and proclaiming that Romina Montti Zapata and Cedric Leuenberger be named honorary citizens for the City of Spring Lake Park for the duration of their stay.

#### 8. 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 has completed painting curbs and crosswalks. He reported that all the parks have been seeded and aerated for the season. He stated that the sewer-lining project is almost completed and the contractor is replacing some of the lining on Tyler Street.

Mr. Randall reported that all the water meters were read in the City with only one needing repair. He stated that the Public Works Department dragged and lined the ball fields for an end of the year softball tournament, assisted with the set up and take down for the Spring Lake Park 5K Run. He reported that he attended various meetings and a water works conference this past month.

#### 9. Code Enforcement Report

Building Official Brainard reported that he attended the City Council meetings on September 5 and September 18; the Planning Commission meeting on September 25; and the North Suburban Building Officials meetings on September 26.

Mr. Brainard stated that in September 2017, 24 building permits were issued. He reported that he conducted 100 inspections in the month of September including 48 building, 17 mechanical, two plumbing, six nuisance, four Certificate of Occupancy, 16 rental, three fire and four zoning inspections.

Mr. Brainard reported that the September 2017 vacancy listing shows that there are 18 vacant/foreclosed residential properties currently posted and/or soon posted by the Code Enforcement Department, which is up five from last month. There are two vacant/foreclosed commercial property, which is the same as last month; and six residential properties currently occupied and ready for Sheriff Sale's redemption, which is down three from last month. He reported that he did not post any abandoned and/or vacant property notices in month of September. He also reported that one Administrative Offense Ticket, and 10 violation notices were issued by the Code Enforcement Department.

Mr. Brainard provided a handout of recreational fires/open burning requirements for the City. He reminded everyone that October 8-14, 2017 is Fire Prevention Week.

10. Ordinances and/or ResolutionsA. Resolution 17-31 Denying Amendment to Conditional Use Permits at 8301 Sunset Road NE in Regards to Overnight Parking

Planner Elliott provided an overview of the request from Cliff Fraser at 8301 Sunset Road to amend his conditional use permit to expand the amount of outdoor overnight parking spaces in the parking lot. She noted that his current Special Use/Conditional Use Permit allows up to nine cars to be parked in the lot overnight and she stated he is proposing the increase that to 16 spaces.

Ms. Elliott reported that this Special Use/Conditional Use Permit Amendment request was a continued item from the August 28, 2017 Planning Commission meeting. She noted that the item was tabled at the August 28, 2017 meeting to allow staff additional time to review the function, needs, and regulations for the building's users in relation to the parking lot. She stated that while the original Special Use Permit (SUP) from 2010 limited the number of cars that can be parked overnight in the lot, the zoning code has no current provision that regulated overnight parking for the other uses.

Ms. Elliott reported that the Planning Commission recommended approval of modifying the original SUP with the following conditions:

1. Remove the limitation on the number of overnight parking spaces from the SUP.
2. Adhere to the prohibition of inoperable vehicles stored in the parking lot in the SUP.
3. For the convenience of automotive business customers, designate and visibly sign a drop-off zone in the parking lot of nine spaces.

Mayor Hansen stated that she is hesitant to approve the changes to the SUP since there have been so many ongoing issues with this property. She noted that the owner and some of the businesses have not followed the existing conditions of the SUP. She stated that she does not feel the automotive business should have free reign of the parking lot as requested.

Building Official Brainard stated that he has met with the individuals of the businesses on numerous times and the business owners follow the rules for a short period of time but then revert to the same practices.

Councilmember Wendling inquired as to how many vehicles can be parked inside of each of the automotive businesses. Mr. Brainard stated that he estimated that each business could hold five or six vehicles. He noted that vehicles are dropped off in the middle of the night and many of these vehicles are inoperable or vehicles from auto auctions.

Councilmember Goodboe-Bisschoff stated that staff have been working on a new ordinance that will explore the option of revoking SUP/CUP's if conditions are not being met. She inquired as to how long businesses will have to comply. Administrator Buchholtz explained that the ordinance will be introduced at the next Planning Commission meeting and explained that the ordinance will allow the City to take the steps needed to revoke a CUP, while providing the owners with a hearing before the City Council, if the business owners are violating their conditions set in their CUP.

Councilmember Delfs inquired if enforcement by City staff would be easier if the SUP was amended to allow nine more spaces. Ms. Elliott stated that enforcement of inoperable vehicles would be easier if there were designated spaces.

Councilmember Delfs expressed his opinion that designated spaces would make enforcement easier and he did note that there is always street parking taking place especially since there is assembly usage in the building with the mosque and dance studio. He stated he feels the nine designated spaces would give the Code Enforcement and the Police Department more leverage in seeking out the inoperable vehicles.

Administrator Buchholtz stated that the recommendation from the Planning Commission will make enforcement easier and with the ordinance coming forward for the revocation of CUP. He stated that his opinion that the Commission sent a strong message to Mr. Fraser informing him that inoperable and wrecked vehicles in the parking lot will not be tolerated. He stated that the vehicles must have current registration and display current tabs.

Mayor Hansen inquired if the condition of removing the number of overnight spaces were eliminated as one of the new conditions. Administrator Buchholtz stated that there are no other restrictions in the City Code for other businesses regarding overnight parking. He stated that it would be very hard to differentiate the vehicles and which business they belong.

Mr. Brainard stated that if each of the three automotive businesses were allowed three designated spaces it would allow for easier enforcement; and if a vehicle were parked in the space longer than 24 hours, investigation by the Police Department would be easier. He stated that he is aware of which vehicles belong to the construction company and does not see an issue with parking of their vehicles.

Councilmember Goodboe-Bisschoff inquired if the 60-day rule would allow for the application to be deployed to allow the new ordinance to take effect. Administrator Buchholtz noted that the 60 days rule has been extended and with the possibility that the approval process of the ordinance could take longer, the 60 days could expire before the new ordinance took effect and the SUP amendments would automatically be approved.

Ms. Elliott reminded the Council that the original SUP required that designated signage be installed for the businesses and those signs were never put up.

Mayor Hansen inquired about findings of fact to support the denial of the application. Ms. Elliott reviewed the following findings of fact to support denial of the SUP amendment:

1. The property owner has consistently violated the terms of the original Special Use Permit in relation to the number of overnight parking spaces.
2. The property owner has a history of allowing inoperable and unlicensed vehicles to use parking lots spaces for extended periods of time.
3. The proposed amendment is likely to exacerbate existing parking problems on the property.
4. The property includes space to the north of the building that could be adequately screened and used for short-term overnight storage of vehicles for the auto repair businesses.

Mayor Hansen inquired as to where the fenced area is on the property and how the area would be fenced in. Ms. Elliott explained that the area is to the north of the property adjacent to the industrial use. She stated that the area would need to be fenced. Administrator Buchholtz stated that there is a 75% impervious area limit on the lot.

MOTION MADE BY MAYOR HANSEN TO APPROVE RESOLUTION 17-31 DENYING AMENDMENT TO CONDITIONAL USE PERMITS AT 8301 SUNSET ROAD NE IN REGARDS TO OVERNIGHT PARKING. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

11. New BusinessA. Records Management Technician Appointment

Police Chief Ebeltoft reported that the Police Records Management Technician full time position testing process has been completed with 16 applicants submitting applications. He stated that scores from the interview, typing test, and Veteran's Preference and experience points were combined to achieve the final ranking.

Chief Ebeltoft recommended that the top scoring applicant be appointed to the position of Records Management Technician. He reported that the top the highest scoring applicant was Lisa Murphy. He stated that he is seeking authorization from the Mayor and City Council to confirm his recommendation with an effective date of October 16, 2017 at Step 4 of the current pay scale for the Records Management Technician position, pending a Criminal Background Check and drug test.

Councilmember Goodboe-Bisschoff inquired on the length of the probationary period and for an overview of the application process. Chief Ebeltoft stated the probationary period can be established at either six months or one year. He reported that the applications were scored and the top two candidates were invited for an interview. He stated the interview panel consisted of Sergeant Long, Records Management Technician Brahs and Executive Assistant Gooden. He stated that Records Management Technician Larson administered the typing test. He explained that the top scoring candidate, after the interview and typing scores were totaled, was invited for an interview with him.

MOTION MADE BY MAYOR HANSEN TO APPOINT LISA MURPHY TO THE POSITION OF RECORDS MANAGEMENT TECHNICIAN. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

12. Engineer's Report

Engineer Gravel had no new items to review.

13. Attorney's Report – None14. ReportsA. Beyond the Yellow Ribbon Report

Councilmember Wendling reported that attendance is remaining steady at the monthly pork chop dinner. He noted that there is the possibility that two units, soon to be deployed, will be adopted from the proceeds raised.

15. OtherA. Administrator Reports

Administrator Buchholtz stated that the Equipment Certificate recommendation has been sent to Northland Securities and the certificate will be sold at the December 5, 2017 Council meeting.

Administrator Buchholtz reported that the City has received a few calls regarding the McKinley vacant lots for individual use. The consensus of the Council was to continue to hold onto the lots for future development.

17. Adjourn

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

The meeting was adjourned at 8:10 PM.

Attest:

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Cindy Hansen, Mayor

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Daniel R. Buchholtz, Administrator, Clerk/Treasurer