

## OFFICIAL PROCEEDINGS

Pursuant to due call and notice thereof, the regularly scheduled meeting of the Spring Lake Park City Council was held on August 6, 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; City Planner Carlson; Attorney Thames; Parks and Recreation Director Rygwall; Administrator Buchholtz and Executive Assistant Gooden

Visitors: Michael Thomas, Thomland Homes  
Eric Ollestad, Value Homes  
Ria Morgan, 342 81<sup>st</sup> Avenue NE  
Paddy Jones, Ham Lake

### 3. Pledge of Allegiance

### 4. Additions or Corrections to Agenda

Administrator Buchholtz asked that Resolution 18-28 Accepting A Donation To The City be added to the Consent Agenda as Item 6E.

Councilmember Goodboe-Bisschoff inquired on how much more is needed to purchase a new chipper. Administrator Buchholtz stated that approximately \$5,000.00 is needed.

### 5. Discussion From The Floor

Michael Thomas, Thomland Homes, provided a summary to the Council of the plans to develop six townhomes on the 8360 Pierce Street NE property. He stated that an association will maintain the townhomes, and that the townhomes will be spacious and affordable for the area. He reported that the plans will allow the mature trees to stay and will provide a natural buffer. He stated that it is unknown if a retention pond will be necessary on the property.

Eric Ollestad, Value Homes, provided the Council with photos of the layout of the proposed townhomes and explained how these townhomes would be a good fit into the existing neighborhood, as the townhomes will be marketed as a high-end affordable townhome with many upgrades and an open plan feeling. He stated that the plan is to sell the townhomes rather than market them as rentals.

Councilmember Nelson stated that he has many concerns on the proposed townhomes. He reported that he had spoken with many of the residents and learned that they are not in favor of the townhomes. He stated that he felt the price point is too high for the community and does not think that the townhomes complement the existing residential homes. He stated he did not think it is a good fit however; he would be in favor of a twin

home project.

#### 6. Consent Agenda:

Mayor Hansen reviewed the following Consent Agenda items:

- A. Approval of Minutes – July 16, 2018
- B. Approval of Right of Way Permit – Mastertec North America, Inc.
- C. Contractor's Licenses
- D. Correspondence
- E. Resolution 16-28 Accepting a Donation To The City

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 in the month of June, the Public Works Department continued to collect the garbage and recycling at the parks and weed whip at City facilities.

Mr. Randall reported that the Department performed maintenance on the softball fields and prepared for the softball tournaments. He reported that woodchips have been added to the playground areas at the parks. He stated that the Department has been painting crosswalks and stop bars as well as striping the city parking lots.

Mr. Randall reported that three new pickup trucks have been put into service. He stated that over half of the city is complete with sewer clean outs. He reported that the replacement water meters has started at the Spring Lake Terrace mobile home park. He stated that the existing meters are over thirty years old.

Mr. Randall reported that volunteers from Substance Church stained all the hockey boards. He stated that they did a nice job and that he appreciated their help.

#### 8. Code Enforcement Report

Building Official Brainard stated that in June 2018, 23 building permits, 12 zoning, 13 mechanical, four plumbing and two sign permits were issued for 54 permits compared to 54 in June 2018. He reported that the Code Enforcement Department conducted 129 inspections in the month of July.

Mr. Brainard reported construction continues rapidly at the Legends of Spring Lake Park. He stated that the outdoor trailer for Eagle Builders was removed and the office has moved inside. He stated that last week a coupling failed on a PEX water line and caused extensive damage to the entry area insulation and drywall. He stated that all damaged insulation and drywall has been removed and replaced.

Mr. Brainard reported that the June 2018 vacancy listing shows that there are 13 vacant/foreclosed residential properties currently posted and/or soon posted by the Code Enforcement Department, which is up one from last month. There are two vacant/foreclosed commercial properties, which remains the same from last month; and one residential properties currently occupied and ready for Sheriff Sale redemption, which is down three from last month. He reported that he did not post any abandoned and/or vacant property notice in the month of July. He stated that the department did not issue any administrative offense tickets.

Mr. Brainard reported that he attended the Council meeting on July 2; a Budget meeting on July 2; the Department Head meeting on July 3 and Planning Commission meeting on July 23.

## 9. Ordinances and Resolutions

### A. Resolution 18-25 Approving A Variance To Allow A Driveway Variance at 7783 Tyler Street NE

Administrator Buchholtz reported that the City received an application for a variance at 7783 Tyler Street NE to allow for the replacement of his driveway along the north edge of the property, on the property line, within the required five-foot side-yard setback. He reported that normally, such driveway replacements would not come before the Planning Commission. He reported that there is no record that a variance was obtained for the driveway's current placement and therefore, an after-the fact variance is required prior to the driveway improvement. He reported that the property is an 11,970 square-foot residential site, along Tyler Street NE. He stated that currently the site includes a single-family home, shed and driveway. He stated the property is zoned R-1 Single Family Residential and guided Low Density Residential in the 2030 Future Land Use Plan.

Administrator Buchholtz reported that the site is standard length and width and does not include any unique conditions such as steep slopes or wetlands that could be considered a practical difficulty for construction of the driveway extension elsewhere on the property. He noted that a previous property owner located the driveway in its current location. He stated that the applicant wishes to replace the existing driveway that has been in place for many years.

Administrator Buchholtz stated that the one potential difficulty is that the applicant is requesting a variance to locate the driveway within the required five-foot setback from the northern property line. He stated that the existing driveway is located in the five-foot setback and is thus a preexisting feature on the site. He stated the current placement of the driveway was established by the previous property owner and is not a hardship created by the applicant. He stated that the applicant simply wishes to reconstruct the existing driveway on his property.

Administrator Buchholtz stated that there is no existing screening along the driveway. He stated that the Commission could recommend the requirement of screening along the north property line, which could address concerns from the neighbor to the north.

Administrator Buchholtz stated that the applicant's neighbor to the north has submitted a letter objecting to the continued placement of the driveway in its current location.

Administrator Buchholtz stated that staff recommended that the Planning Commission recommend to the City Council approval of the application for a variance to allow a driveway extension with the following conditions:

1. Additional information about drainage and snow storage be submitted to the Public Works Director for review prior to construction.

He reported that after a lengthy discussion the Planning Commission was not able to recommend approval due to differing opinions. Mayor Hansen stated that there had be a considerable amount of debate on the request by the Planning Commission and agreed that the opinions were too far apart to reach a recommendation.

Councilmember Nelson stated that he has noticed that there are many driveways that exist this like this request and was in agreement with the conditions of snow and ice removal.

Councilmember Goodboe-Bisschoff inquired as to why a permit was not applied for before the work was started. She read a portion of the letter of objection to the driveway variance from the neighboring property.

Councilmember Delfs stated that he is has a mixed opinion on the request. He stated that the curb cut could be put back to the original and it would not look out of place.

Mayor Hansen suggested that a fence be placed between the properties with a two and half foot setback. She stated that it would prevent a situation where the applicant would get out of a vehicle and be on this neighbor's property.

MOTION MADE BY COUNCILMEMBER GOODBOE-BISSCHOFF TO APPROVE RESOLUTION 18-25 APPROVING A VARIANCE TO ALLOW A DRIVEWAY VARIANCE AT 7793 TYLER STREET WITH THE FOLLOWING CONDITIONS: 1.) APPLICANT SHALL PLACE DRIVEWAY NO CLOSER THAN TWO AND ONE HALF (2.5) FEET FROM THE PROPERTY LINE AND PROVIDE A SURVEY DEMONSTRATING COMPLIANCE; 2.) APPLICANT SHALL PROVIDE A PROPOSED DRAINAGE AND SNOW STORAGE PLAN TO THE PUBLIC WORKS DIRECTOR FOR REVIEW AND APPROVAL PRIOR TO CONSTRUCTION; 3.) APPLICANT SHALL CONSTRUCT A FENCE ALONG THE DRIVEWAY NO CLOSER THAN SIX (6) INCHES FROM THE PROPERTY LINE; 4.) APPLICANT SHALL CONSTRUCT A CURB (ASPHALT OR CONCRETE) ALONG THE NORTH EDGE OF THE DRIVEWAY TO DIRECT WATER AWAY FROM THE NEIGHBORING PROPERTY; 5.) APPLICANT SHALL REDIRECT DISCHARGE OF WATER FROM EXISTING ROOF GUTTERS AWAY FROM THE NORTH PROPERTY LINE. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

B. Resolution 18-26 Approving A Conditional Use Permit For A Dog Kennel License at 342 81<sup>st</sup> Avenue NE

Planner Carlson reported the city received an application from Ria Morgan requesting a Conditional Use Permit (CUP) for her property located at 342 81<sup>st</sup> Avenue NE to increase the number of dogs in her single-family home from four to five. He stated that the definition of a Kennel-Private in the ordinance that is triggering the CUP.

Mr. Carlson stated that the property is in a residential neighborhood near the intersection of University Avenue and 81<sup>st</sup> Avenue NE. He stated the property is guided Low Density Residential in the 2030 Comprehensive Plan Update and is guided for Single Family Residential in the 2040 Update.

Mr. Carlson reported that the applicant is requesting a CUP for the housing of one additional dog on the residential property. He stated that the building is a single-family dwelling and the entire back and side yards are completely fenced in. He stated that the application states, "dogs are primarily indoors with some playtime outside", so nuisance is not an issue. He reported that the dog has been sterilized and the application states "no intention to breed." He stated that the dog has been vaccinated for rabies with documentation provided.

Mr. Carlson stated that Chapter 92 of the Code of Ordinances requires kennels to be licensed. He stated that this applies to any person who owns more than three dogs over the age of six months. He noted that additionally, each individual dog is required to be licensed and registered in the City.

Mr. Carlson stated that if the owner maintains compliance with their license for a private kennel, no additional traffic is anticipated. He stated that as a private kennel, no customers should be driving to and parking at the site. He stated that the owner shall take appropriate steps to clean up the yard at regular intervals through the entire year to eliminate the smell for adjacent neighbors. He stated that the issuance of a license for a private kennel will require the number of dogs be maintained at the number (five) proposed in this CUP.

Mr. Carlson reported that the Planning Commission recommended to the City Council approval of the application for a Conditional Use Permit to allow a Kennel-Private in the R-1 Single Family Residential district with the following conditions:

1. The owner shall keep up-to-date licenses for the Kennel and individual dogs.
2. The owner shall take appropriate steps to clean up the yard at regular intervals through the entire year to eliminate smell for adjacent neighbors.
3. The dogs shall be contained within the fenced yard.
4. All actions necessary shall be taken to reduce incessant dog barking outside.

Councilmember Delfs inquired if there was a condition for the number of animals allowed. Building Official Brainard stated that there is no specific number listed in the City Code and five was the suggested number for enforcement purposes.

MOTION MADE BY COUNCILMEMBER NELSON TO APPROVE RESOLUTION 18-26 APPROVING A CONDITIONAL USE PERMIT FOR A DOG KENNEL LICENSE AT 342 81<sup>ST</sup> AVENUE NE. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

C. Resolution 18-27 Approving A Comprehensive Plan Amendment to Amend the Future Land Use Map for 8360 Pierce Street NE

Planner Carlson reported that the property at 8360 Pierce Street is a large single-family lot that has been the subject of previous planning and zoning requests. He stated that an application in 2016 sought to plat the property into three new lots – two new single-family residential lots and an outlot for future commercial development. He stated that the existing house and garage were to be removed to make way to build two houses. He stated that surrounding uses are residential on three sides, commercial to the north, and semi-public (church) northeast. He stated the new plat was to be called Pride Rock. He stated that the current vacant single-family lot is the parcel the commission is reviewing.

Mr. Carlson reported that the request is to re-guide the property from Single Family to Medium Density Residential and rezone it from R-1 to R-2 to allow construction of a six-unit townhouse project. He stated the property was guided Commercial in the City's 2030 Lane Use Plan, but this has been changed to Single Family in the approved 2040 Land Use Plan and the property is zoned R-1 Single Family Residential.

Mr. Carlson stated that the existing parcel is approximately 180' x 180' to the centerline of Pierce Street; taking out 30' for Pierce Street right-of-way, the lot is 150' x 180', or 0.62 acres. He stated that the request is to change the land use designation to Medium Density Residential and rezone to the R-2 District to allow construction of a six-unit townhouse structure. Six units on 0.62 acres = 9.6 units/acre.

Mr. Carlson stated that the applicant asserts the economics of the property will not allow construction of single-family homes, which makes sense with the understanding of current real estate economics. He concurred that the price of the land and the Spring Lake Park market would not allow for profitable construction of new single-family homes in this area of the City.

Mr. Carlson stated that in the Comprehensive Plan, Medium Density is defined as three-six units/acre; High Density is 6-25 units/acre.

Mr. Carlson reported that the R-2 zoning calculates density based on a certain lot area per unit tied to the number of bedrooms, which comes out to about 11-13 units/acre. He stated that R-2 zoning would permit the proposed townhouses but guiding the property Medium Density would not allow the proposed project, since the proposed density is higher than the maximum six units/acre stipulated in the Comprehensive Plan.

Mr. Carlson reported that guiding the property High Density Residential, however, and rezoning to R-2 would allow the project as proposed. He stated that while the Medium Density designation generally corresponds to R-2 zoning and the High Density designation to R-3 zoning, they do not need be in lock step. He stated that a designation of High Density at 6-26 units/acres and R-2 zoning at 9.6 units/acre are consistent, which is what is looked for in planning and zoning patterns.

Mr. Carlson suggested that the City Council should consider the immediate impact of this proposal. He stated that the six-unit townhouse would be across the street from existing single-family homes that are guided for Commercial use. He stated that the proposed townhouses abut an existing commercial use to the north and single-family homes to the south-a better transition than single-family directly abutting commercial. He stated that two-story townhomes are a better fit with the neighbors than a taller more massive apartment building, which a reason the R-2 zoning is better than R-3 in this location.

Mr. Carlson reported that before this project could proceed, another required step is to plat the property into one lot, should this application be approved, or multiple lots for individually owned townhouse pads in a condominium agreement.

Mr. Carlson stated that City Zoning Code standards do not require site plan or design approval for medium density dwellings like this townhouse structure, so the information on the actual design and appearance of the structure is helpful, but he noted that the Planning Commission and City Council do not have authority to review and approve it. He stated that it must meet setbacks, height limit and building code.

Mr. Carlson recommended approval of a Comprehensive Plan amendment from Single family to High Density Residential and a rezoning from R-1 to R-2 for the lot at 8260 Pierce Street, with the following conditions:

1. Before a building permit is issued the lot must be platted, with appropriate new easements dedicated and old ones vacated per City Engineer's recommendation.
2. If the units to be sold individually the plat must reflect individual ownership of unit pads and homeowner's association documents must be submitted for review by the City.
3. Before building permits are approved for the project:
  - a. Details on site drainage need to be reviewed. Site grading shall be completed so that no additional runoff is diverted to any adjacent property.
  - b. Details on the driveway, sewer and water service connections, and street patching needs to

reviewed and approved by the City Engineer.

Planner Carlson reported that the Planning Commission voted three to one for approval of the Comprehensive Plan Amendment.

Councilmember Wendling stated that he likes the premium quality of the proposed townhomes. He stated that two other townhome projects that took place in previous years were of not as much of high quality and they have now turned into rental units. He stated that he is concerned with the density of the site and the traffic on the dead end street.

Councilmember Delfs stated that he has reservations on whether Spring Lake Park will support a higher end townhome in the particular neighborhood. He stated that he supports the builders and is impressed with their concept. He stated that he knows that the long-term residents are against a development such as what is being proposed.

Mayor Hansen stated that there is a lot of debate on this property especially of the neighbors in the area and long time residents. She assured the residents that their concerns are being heard.

Councilmember Goodboe-Bisschoff stated that she feels that the rezoning the property into R-2 defeats the intent and desire of the market and neighboring citizens. She stated that she understands the need for more housing in the area and suggested that two-family or twin homes be built instead of the proposed townhome plan.

Councilmember Goodboe-Bisschoff suggested that the Council deny the Comprehensive Plan amendment and rezoning and encourage the developer to seek a Planned Unit Development to accommodate two, two-family dwelling units.

MOTION MADE BY COUNCILMEMBER GOODBOE-BISSCHOFF TO DENY RESOLUTION 18-27 APPROVING A COMPREHENSIVE PLAN AMENDMENT TO AMEND THE FUTURE LAND USE MAP FOR 8360 PIERCE STREET NE DUE 1) THE PROPOSED SIX UNIT TOWNHOME DEVELOPMENT WOULD NOT BE AN APPROPRIATE FIT TO A PREDOMINATELY SINGLE FAMILY NEIGHBORHOOD ALONG THE NORTH END OF PIERCE STREET; 2) THE PROXIMITY AND PLACEMENT OF THE DRIVEWAYS FOR THE PROPOSED TOWNHOME DEVELOPMENT WOULD RESULT IN TRAFFIC CONGESTION AND PUBLIC SAFETY CONCERNS DUE TO THE HIGH NUMBER OF VEHICLES BACKING ONTO PIERCE STREET; 3) THE EXISTING LAND USE DESIGNATION AND ZONING OF THE PROPERTY IS REASONABLE AS THERE ARE SINGLE AND TWO FAMILY HOMES TO THE SOUTH AND WEST OF THE SUBJECT PROPERTY, FORMING AN ESTABLISHED NEIGHBORHOOD. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

D. Ordinance 447 Amending the Official Zoning Map of the City of Spring Lake Park

Item was removed due to denial of Resolution 18-27.

10. New Business

A. Construction Contract Change Order No. 1 – 2018 Sanitary Sewer Lining Project

Administrator Buchholtz reported that the Public Works Director has identified four sanitary sewer segments

with poor pipe conditions that he would like to have added to the 2018 sewer-lining project. He stated that at this time, the City is requesting approval to add the four additional sewer segments to the project in the form of formal approval of Construction Contract Change Order No. 1.

Administrator Buchholtz reported that the four segments to add are show to include:

Sanburnol Drive MH59 to MH60

Rosedale Road MH 109 to MH 110

Buchanan Street MH 294 to MH 295. Buchanan Street MH 295 to MH 296.

He reported that the Contractor for the project is Insituform Technologies USA, LLC. He provided the pricing for the project as follows:

<b>Description</b>	<b>Quantity</b>	<b>Unit Price</b>	<b>Extended Price</b>
Lining	1054 LF	\$21.90	\$23,082.60
Traffic Control	1 LS	\$660.00	\$660.00
Mobilization	1 LS	\$1,100.00	<u>\$1,100.00</u>
Total Change Order			\$24,842.60

Administrator Buchholtz reported that the original bid amount was \$326,758.40. He stated that with this Change Order of \$24,842.60, the revised project Contract amount will be \$351,601.00.

Mayor Hansen inquired if it would be more beneficial to complete the entire lengths of Buchanan Street, Terrace Road and Rosedale Road. Mr. Randall stated that it would be a good decision to add the entire streets to the Change Order.

Mr. Randall stated that the Change Order cost with the added lengths would be \$49,348.70. He stated that the funds would come from the Renewal and Replacement fund.

**MOTION MADE BY MAYOR HANSEN TO APPROVE CONTRACT CHANGE ORDER NO. 1 – 2018 SANITARY SEWER LINING PROJECT WITH THE ADDITION OF COMPLETING BUCHANAN STREET, TERRACE ROAD AND ROSEDALE ROAD IN THE AMOUNT OF \$400,949.70. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.**

B. Set Date/Time for August Work Session – August 13, 2018 at 5:30 PM

Mayor Hansen requested that the Council meet on August 13, 2018 at 5:30 PM for an August Work session. She reported that the 2019 Budget would be discussed along with Administrator reports.

The consensus of the Council was to schedule a Work Session.

11. Engineer's Report

Engineer Gravel was not present for the meeting. There were no new items to report.

12. Attorney's Report

Attorney Thames reported that he has reviewed the Purchase Agreement for 525 Osborne Road and the Slurry Seal contract has been reviewed and signed.

13. ReportsA. Beyond the Yellow Ribbon Report

Councilmember Nelson reported that the Committee held their business meeting and discussed the car show event for next year, a polar plunge and the possibility of holding a second grill night at the VFW. He stated that volunteers are welcomed.

B. Other Reports

Councilmember Goodboe-Bisschoff reported that she attended the Minne-soda Festival at Blue Sun Soda Shop and noted that it was well organized and attended.

14. OtherA. Special Use Permit Review for Used Car Dealership Licenses

Building Official Brainard reported that the Code Enforcement Department conducts reviews on all used car dealership properties for compliance to their existing special use permit. He stated the inspections by the Code Enforcement Department on dealership compliance to their special use permit are conducted several times a year, helping to bring a more consistent conformity throughout the year.

Mr. Brainard reported that nine business were inspected and two were not in compliance. He stated that the businesses were sent notices for compliance by July 20, 2018.

B. Closed Session to Discuss Possible Sale of 8059 Highway 65 NE

MOTION MADE BY MAYOR HANSEN TO CLOSE REGULAR CITY COUNCIL MEETING TO DISCUSS POTENTIAL SALE OF PROPERTY IDENTIFIED AS 8059 HIGHWAY 65 NE. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

Mayor Hansen recessed the meeting at 8:55 PM.

Mayor Hansen opened the regular meeting at 9:11 PM,

Attorney Thames reported that the City Council discussed a possible sale of the property at 8059 Highway 65 NE. He stated that staff was directed to approve the draft Purchase Agreement by approval of Resolution 18-29 Authorizing Mayor And Administrator, Clerk/Treasurer To Sign Deed For Property Locally Described As 8059 Highway 65 NE.

MOTION MADE BY COUNCILMEMBER DELFS TO APPROVE RESOLUTION 18-29 AUTHORIZING MAYOR AND ADMINISTRATOR, CLERK/TREASURER TO SIGN DEED FOR PROPERTY LOCALLY DESCRIBED AS 8059 HIGHWAY 65 NE. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

C. Administrator Reports

Administrator Buchholtz reported that the Hy-Vee construction trailer has been moved onto the site and the demolition permit has been submitted. He stated that the grading permit will be issued in the near future.

Administrator Buchholtz reminded residents that Night To Unite is August 7, 2018.

15. Adjourn

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

The meeting was adjourned at 9:15 P.M.

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Cindy Hansen, Mayor

Attest:

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Daniel R. Buchholtz, Administrator, Clerk/Treasurer