

OFFICIAL PROCEEDINGS

Pursuant to due call and notice thereof, the regularly scheduled meeting of the Spring Lake Park City Council was held on August 5, 2019 at the Spring Lake Park Community Center, 1301 81st Avenue N.E., at 7:00 P.M.

1. Call to Order

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

2. Roll Call

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

Members Absent: None

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

Visitors: Eugene & Donna Eiler, 8301 Pierce Street NE, Spring Lake Park
Arthur Ruohonen, 427 81st Avenue NE, Spring Lake Park
Kumaar Seeroo, Efficient School Transportation
Douglas Harris, Results Commercial Realty
Quinn & Jolene Hoffman, 416 Ballantyne Lane NE, Spring Lake Park
Cheryl Keuler, 8302 Highway 65 NE, Spring Lake Park
Jill Schultz, Smith Schafer & Associates

3. Pledge of Allegiance

4. Additions or Corrections to Agenda - None

5. Discussion From The Floor

Arthur Ruohonen, 427 81st Avenue NE, reported that the speeding of the vehicles on 81st Avenue has increased. He requested that the speed trailer or flashing speed signs be installed on 81st Avenue to slow down the traffic.

Mayor Nelson reported that grant money has been received to purchase a portable speed sign that could be mounted on existing signs.

Police Chief Ebeltoft reported that the portable signs have been purchased and they will be deployed very soon. He stated that the signs will be an educational tool at first that will later lead to enforcement. He thanked the resident for his concern with the speeding traffic and will have the signs temporarily deployed in the area.

6. Consent Agenda:

Mayor Nelson reviewed the following Consent Agenda items:

- A. Approval of Minutes – July 15, 2019
- B. Contractor's Request for Payment No. 4 and Final – 2018 Sewer Lining Project
- C. Approval of Right of Way Application – CenterPoint Energy
- D. Resolution 19-23, A Resolution Accepting Donation to City from Spring Lake Park Lions Club
- E. Contractor's Licenses

F. Correspondence

Councilmember Delfs and Wendling expressed their gratitude towards the Spring Lake Park Lions for the gracious donations and support they offer 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 the Public Works Department has been collecting garbage and recycling in the parks; dragging the ballfields and mowing the parks on a daily basis. He reported that the Department cleaned up the ballfields after the softball tournaments and assisted with maintenance needs for the tournaments. He reported that the Department has been busy painting stop bars and cross walks and continue to clean out the sewers.

Mr. Randall reported that the parks have been fertilized two times this year and they will be fertilized one more time before the end of summer. He reported that the seal coating of the street as been completed and swept one time. He stated that the streets will be swept one more time and then striped.

Mr. Randall reported that he attended safety training and a meeting with Park Construction regarding the Hy-Vee construction and storm water and a redevelopment meeting.

Councilmember Wendling thanked the Public Works Department for their great work during the softball tournaments and at Sanburnol and Able Parks.

Mayor Nelson inquired if the humidity levels were satisfactory during the seal coating process to assure that the coating will stick to the streets properly. Mr. Randall stated that he was very impressed with the work and the weather cooperated very well for the rolling of the sealant.

8. Ordinances And/Or Resolutions

A. Resolution 19-21, A Resolution Approving Conditional Use Permit for an Auto Repair/Transportation Company at 8302 Highway 65 NE

City Planner Carlson reported that the City received a Conditional Use Permit application from Efficient School Transportation to open a Type III transportation service company on the site that currently houses Brew and Grow. The property is located at 8302 Highway 65 NE and is guided Commercial and zoned C-2; Neighborhood and Service Center commercial. He reported that auto sales, leasing and rental are considered a Conditional Use in this zoning district.

Mr. Carlson reported that the site is located on the west side of the Highway 65 and south west of the County Highway 10/Central Avenue NE interchange. He stated that the site is accessible by County 10 Service Drive and the adjacent uses are commercial to the north and south, single-family residential to the west and townhomes near the south west corner of the site.

Mr. Carlson reported that the property is guided Commercial in the 2040 Comprehensive Plan. He noted that the zoning is C-2: Neighborhood and Service Center Commercial which is intended as a business

district which may be located in close proximity to a major thoroughfare or highway in order that highway service types of land can be provided.

Mr. Carlson reported that the site is the current location of Brew & Grow Minnesota Retail Store and is comprised of two (2) warehouse storage structures, and a paved surface parking lot. He stated that the request is to change the use of the property to a Type III transportation company, which means that vehicles must have capacity for ten or fewer people including the driver. He stated that the applicant proposes that the company will provide Minivan service to local schools and students. He stated that the applicant proposes the site will be used for offices, a driver room, service garage for company vehicles and parking for company and employee vehicles. He reported that the attached parking plan shows 41 parking spaces on the north side of the building. He stated that the applicant is proposing to store company vehicles outdoors, and to provide service to vehicles within the enclosed warehouse space. He stated that the City Code requires vehicles stored outside to either be stored within a completely enclosed building, or within the confines of an opaque wall or fence not less than six (6) feet.

Mr. Carlson reported that the applicant proposes to install a fence surrounding the parking lot where the vehicles will be stored. He stated that new plans have been submitted with a fencing material of wood or other maintenance-free material to be aesthetically compatible with surrounding uses. He stated that staff has recommended that the applicant use the existing fence on the west property line and extend the new fence to the west property line.

Mr. Carlson reported the main issue is the need for screening and buffering of neighboring residential properties, given the proposed outdoor storage of vehicles. He stated that the applicant has provided both a landscaping and fence plan that addresses these issues. He reported that vehicle maintenance will take place within the enclosed building but should be limited to reasonable hours to reduce noise and activity.

Mr. Carlson stated that the Planning Commission recommended approval of the Conditional Use Permit for 8302 Highway 65 NE with the following conditions, based on the analysis provided by Planning staff and the City Engineer.

1. The applicant shall additional trees on the southern half of the west property line to provide additional screening to adjacent single-family residential property to the satisfaction of the Zoning Administrator.
2. The applicant shall install a 6-foot fence made of wood or other maintenance free material to the satisfaction the Zoning Administrator.
3. Vehicle maintenance shall only be done between the hours of 7 AM and 10 PM, with the doors closed.
4. The applicant shall apply for and receive all applicable building permit prior to beginning work.

Mr. Carlson provided clarification on the traffic count coming into and out of the site. He reported that there will be approximately 20 drivers a day at the site. He stated that the vehicles that will be driven are regular minivans not buses or commercial vehicles. He stated that the site could potentially see 20-80 cars if a low volume retail/office/restaurant were to develop on the site. He explained that various routes that could be used in and out of the property to ease possible congestion.

Mayor Nelson expressed that he was concerned that the vehicles would be buses and this could interfere with the school buses at the high school during arrival and dismissal times.

Mr. Seeroo, Efficient Transportation, stated that the vans would arrive at staggered times and would more than likely be accessing County Highway 10 to get their locations. He stated that the vehicles are minivans or seven passenger vans. He reported that all the drivers are tested safe drivers,

Mayor Nelson inquired to Mr. Seeroo that he understands the hours of operation for the business as well as the hours that repair can take place in the garage. Mr. Seeroo stated that he did understand and does not anticipate late night hours for repair. He stated that all the repair work will be regular maintenance repair work that any resident would be doing on their vehicles at home.

Councilmember Goodboe-Bisschoff inquired as to which building would be used for oil changing and how the building would be refitted for this use. Mr. Seeroo stated that in the back of the building there is already an existing garage door and area that will be used for the oil change. He stated that will disposal for the used motor oil and any other fluids.

Councilmember Goodboe-Bisschoff inquired if the trees in the back of the property would be removed.

Mr. Seeroo stated that the trees would remain; however, he understands that the trees will need to be trimmed either by Xcel Energy or a company hired by him. He stated that he has no plans of removing the trees and adding any more blacktop surface to the property.

Donna Eiler, 8301 Pierce Street NE, expressed her concern with the lighting issues on the garage of the property and having it shine into her property. She stated that she has concern with the noise of the repair garage as well.

Mayor Nelson stated that only basic maintenance will be preformed in the garage and that the lighting will not have an effect on her property. He stated that the fence that faces her property will be repaired and improved as part of the conditions.

Councilmember Goodboe-Bisschoff inquired if additional conditions could be added to include that no trees removal take place on the property to preserve the green space and that no more parking spaces be added to the property without asking or permission from the City Council.

Administrator Buchholtz stated that the conditions could be added if that is the consensus of the City Council members. The Council agreed to add the condition.

MOTION MADE BY COUNCILMEMBER WENDLING TO APPROVE RESOLUTION 19-21 APPROVING CONDITIONAL USE PERMIT FOR AN AUTO REPAIR/TRANSPORTATION COMPANY AT 8302 HIGHWAY 65 NE. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

B. Resolution 19-22, A Resolution Approving a Variance to Allow Construction of a Garage Addition/Extension at 416 Ballantyne Lane NE

Administrator Buchholtz reported that the City received an application from Quinn and Jolene Hoffman for a variance from the side and rear yard setbacks to build an addition/extension onto an existing garage on their property.

Administrator Buchholtz reported that the applicants are seeking a variance from the 10-foot yard setback requirement and a variance from the 40-foot rear yard setback requirement, as set forth in Appendix D of the Spring Lake Park City Code.

Administrator Buchholtz reported that property is located just off a cul-de-sac located at the intersection of Ballantyne Lane NE and 6th Street NE. He stated that the property is guided for low density residential in the 2040 Comprehensive Plan. He stated the property is zoned R-1, Single Family residential -allowed uses include single-family homes and duplexes. He stated that property records show that the house on the property was constructed in 1971.

Administrator Buchholtz stated that the City's current yard setbacks standards for the R-1 zoning district is as follows:

Dwelling, single family – front yard	35 feet
Dwelling, single family – rear yard	40 feet
Dwelling, single family – side yard	10 feet
Accessory uses, rear yard	5 feet
Accessory uses, side yard	5 feet

Administrator Buchholtz reported that an attached garage to a single-family dwelling is part of the single-family dwelling and thus is subject to the 10-foot side yard setback. He stated the existing attached garage is legal non-conforming use as it is located within the 10-foot side-yard setback. He stated that there is no record of a variance on file for the existing structure.

Administrator Buchholtz reported that Section 153.061 of the City of Spring Lake Park's zoning code governs accessory building and uses:

§ 153.061 ACCESSORY BUILDINGS AND USES.

(C) *Attached accessory buildings.* In case an accessory building is attached to the main building, it shall be made structurally a part of the principal building and shall comply in all respects with the requirements of this chapter applicable to the principal building.

(D) *Detached accessory buildings.* A detached accessory building shall not be located in any required front or side yard setback. A detached accessory building shall not be closer than eight feet to the principal building, except as otherwise provided in this chapter.

Administrator Buchholtz reported that Section §153.224 of the City of Spring Lake Park's zoning code outlines the criteria for considering variances:

"The City Council may grant a variance from the strict application of this title and impose conditions and safeguards on the variance so granted only in instances where their strict enforcement would cause practical difficulties in complying with the official control because of circumstances unique to the individual property under consideration, and may grant a variance only when it is demonstrated that such actions will be in harmony with the general purposes and intent of this title and when the variances are consistent with the Comprehensive Plan. "Practical difficulties" as used in connection with the granting of a variance means that the property owner proposes to use the property in a reasonable manner not permitted by an official control, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic

considerations alone do not constitute practical difficulties. Practical difficulties also include, but is not limited to, direct sunlight for solar energy systems. A variance shall not be granted to allow a use that is not allowed in the zoning district involved.”

Administrator Buchholtz reported that staff recommended to the Planning Commission deny the garage addition/extension variance at 416 Ballantyne Lane NE with these findings. He stated that the Planning Commission held a public hearing and recommended approval of the variance with the following condition:

1. Addition of the garage must conform to characteristics of the existing home with matching siding and roof materials.

Mayor Nelson stated that he held a discussion with the homeowner and in agreement that older homes in the community do not have sufficient garage space for all the additional vehicles and recreational equipment that residents and families acquire. He stated that he is in favor of the variance to increase the garage.

Councilmember Wendling stated that there are several homes in the City that have expanded their garages to accommodate items. He stated that he has not received complaints from residents.

Councilmember Delfs stated that he was impressed with the proposed finishing aspects of the garage and the siding of the house. He stated that it will be noticed improvement to the neighborhood.

Councilmember Goodboe-Bisschoff stated that she did not have any opposition to the variance request.

MOTION MADE BY COUNCILMEMBER DELFS TO APPROVE RESOLUTION 19-22 APPROVING A VARIANCE TO ALLOW CONSTRUCTION OF A GARAGE ADDITION/EXTENSION AT 416 BALLANTYNE LANE NE WITH THE CONDITION THAT THE ADDITION OF THE GARAGE MUST CONFORM TO THE CHARACTERISTICS OF THE EXISTING HOME WITH MATCHING SIDING AND ROOF MATERIALS. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

9. New Business

A. Approval of 2018 Audited Financial Services

Jill Schultz, Smith Schafer & Associates, presented the 2018 Financial Report and reviewed the various financial statements.

Ms. Schultz stated that the City’s financial statements present fairly, in all material aspects, the respective financial position of the government activities, the business-type activities, each major fund and the aggregate remaining fund information of the City of Spring Lake Park as of December 31, 2018 and the reflective changes in financial position and, where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States.

Ms. Schultz reported that the report provides an unmodified audit opinion. She stated that there are no Minnesota Legal Compliance exceptions in 2018. She reported that the General fund balance is \$1,987,264.00 (50% of 2018 expenditures) and the Bonds, certificates and notes payable outstanding carry a balance of \$5,804,296.00 at the end of December 31, 2018.

She expressed appreciation to Accountant Anderson, Administrator Buchholtz and staff for their assistance with the audit.

Councilmember Nelson stated he was pleased that the audit showed everything complied and thanked staff for their dedication and professionalism during the audit process.

MOTION BY COUNCILMEMBER DELFS TO ACCEPT THE 2018 AUDIT PREPARED BY SMITH SCHAFFER AND ASSOCIATES. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

B. Authorization to Purchase Attachments for 2019 Mack Truck

Public Works Director Randall reported that he is seeking authorization to purchase the box, hoist, sander and plows for the new 2020 Mack Dump Truck that was approved at the Council meeting on July 15, 2019. He reported that this equipment request is the same equipment the City purchased for the dump truck that was purchased in the 2014. He stated that the new truck does include the wing, therefore making it more efficient for the Public Works staff to plow snow.

Mr. Randall stated that he is requesting the equipment be purchased from TowMaster located in Litchfield, MN. He stated that the amount of the equipment is \$103,782.00 and the vendor is on the state contract. He stated that the truck was purchased at \$99,533.84 and the budgeted amount was \$210,000.00 for the equipment and the truck.

Mr. Randall stated the funds for the equipment purchase will be paid from the 2018 Equipment Certificate and provided the Council with a copy of the price quote.

MOTION MADE BY MAYOR NELSON TO APPROVE AUTHORIZATION OF PURCHASE OF ATTACHMENTS FOR 2019 MACK TRUCK IN THE AMOUNT OF \$103,782.00. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

C. Authorization to Purchase Woodchipper

Public Works Director Randall reported that he is seeking authorization to purchase a new woodchipper for the Public Works Department. He stated that the new chipper will replace the current chipper, which was purchased in November 1990. He stated that the current chipper has been used a lot throughout the years, all the storms, the trimming of trees on streets and in the parks, along with the daily use of residents bringing in brush for chipping. He stated that due to the age of the chipper there is no safety equipment on the chipper.

Mr. Randall reported that the new chipper would be the same brand as the existing and purchased from Tri-State Bobcat in the amount of \$41,908.00. He stated that the price is based off the state contract and the funds for the chipper will come from the donations from the Lions Club and savings from the 2018 Equipment Certificate.

Administrator Buchholtz reported that the Spring Lake Park Lions have donated over \$35,000.00 in the past three years. He stated that the goal of the Lions is to make sure that residents have a place to drop off their brush.

Mayor Nelson stated that the Spring Lake Park Lions have been very generous over the years to the City.

MOTION MADE BY COUNCILMEMBER WENDLING TO APPROVE PURCHASE OF WOODCHIPPER IN THE AMOUNT OF \$41,908.00. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

D. Appoint Acting Mayor

Mayor Nelson reported that with his appointment as Mayor, there is a need for the City Council to appoint an Acting Mayor to serve in his absence.

Mayor Nelson stated that he presents Ken Wendling's name to serve in this important role. He stated that he is the most senior member of the City Council. He stated that he is knowledgeable about the issues facing the City and is generally available during the day should there be a need for a Councilmember to attend events or need documents signed should he be out of town.

Councilmember Delfs inquired if a motion was needed to appoint Mr. Wendling as mayor.

Administrator Buchholtz stated that Mayor Nelson is recommending appointment of an acting mayor for the Council to ratify.

MOTION MADE BY COUNCILMEMBER DELFS TO APPOINT COUNCILMEMBER WENDLING AS ACTING MAYOR. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

10. Engineer's Report

Engineer Gravel reported that the Osborne Road Trail work will be begin the week of August 5, 2019. He reported that work has started on the sink hole on 81st Avenue and Monroe on August 5, 2019 and was expected to be completed quickly.

11. Attorney's Report - None

12. Reports

A. Beyond the Yellow Ribbon Report

Mayor Nelson reported that the Hot Road for Hero's event was a successful event for the committee. He reported that Music in the Parks events have been well attended and concession sales have been a good asset for the Beyond the Yellow Ribbon committee.

13. Other

A. Administrator Reports

Administrator Buchholtz reminded the Councilmembers of Night to Unite on August 6, 2019. He stated that Chief Ebeltoft provided a list of the addresses that will be hosting events that evening.

Administrator Buchholtz reported that the budget workshop be held on August 12, 2019 and budget materials were made available to the Council for their review prior to the meeting.

Administrator Buchholtz welcomed Jeff Baker, Building Inspector, to the City. He reported that Parks and Recreation Director interviews will take place on August 8, 2019.

Administrator Buchholtz reminded Councilmembers that the Council vacancy deadline for application is August 8, 2019 at 12:00 PM. He reported that applications will be sent to the Council to review and discuss at the workshop meeting.

Councilmember Goodboe-Bisschoff inquired as to where the Council vacancy was advertised.

Administrator Buchholtz reported that the announcement was placed on social media, the city website, the community billboard, the Spring Lake Park Life newspaper and was announced at the City Council meeting.

14. Adjourn

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

The meeting was adjourned at 8:40 P.M.

Robert Nelson, Mayor

Attest:

Daniel R. Buchholtz, Administrator, Clerk/Treasurer