

## OFFICIAL PROCEEDINGS

Pursuant to due call and notice thereof, the regularly scheduled meeting of the Spring Lake Park City Council Regular was held on October 04, 2021 at the City Hall, at 7:00 PM.

### 1. CALL TO ORDER

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

### 2. ROLL CALL

#### MEMBERS PRESENT

Mayor Bob Nelson  
Councilmember Ken Wendling  
Councilmember Barbara Goodboe-Bisschoff  
Councilmember Lisa Dircks

#### MEMBERS ABSENT

Councilmember Brad Delfs

#### STAFF PRESENT

Building Official Jeff Baker, Police Chief Josh Antoine, Public Works Director Terry Randall, City Planner Lauren Walburg (Stantec), Administrator Daniel Buchholtz

#### OTHERS PRESENT

Jerri McMahan, 8073 Garfield Street NE

### 3. PLEDGE OF ALLEGIANCE

### 4. ADDITIONS OR CORRECTIONS TO AGENDA -- None

### 5. DISCUSSION FROM THE FLOOR -- None

### 6. CONSENT AGENDA

- A. Approval of Minutes - September 20, 2021 City Council Meeting
- B. City Administrator Performance Evaluation Statement
- C. Contractor's Licenses
- D. Sign Permit

Mayor Nelson read the following City Administrator Performance Evaluation Statement:

“The City Council went into closed session to conduct a performance evaluation on the City Administrator’s job performance. An evaluation was given by the Council. The evaluation focused on various performance areas. The City Council, as a whole, believes the City Administrator’s job performance meets or exceeds the job requirements of the position and that he is serving the City of Spring Lake Park well.”

Motion made by Councilmember Wendling to approve the Consent Agenda.

Voting Yea: Councilmember Wendling, Councilmember Goodboe-Bisschoff, Councilmember Dircks, Mayor Nelson. Motion carried.

## **7. DEPARTMENT REPORTS**

### A. Public Works Report

Director Randall highlighted that the tennis courts at Terrace Park are complete and that a significant portion of the City's sanitary sewers have been cleaned.

### B. Code Enforcement Report

Building Official Baker expressed his appreciation to the City Council for creating the new Firefighter/Code Inspector position. He stated that Code Enforcement has issued 16 administrative offense tickets for non-compliance. He stated that the developer of the Suite Living project is making good progress on the assisted living/memory care facility.

Mayor Nelson inquired about the Fire Department Open House this weekend. Building Official Baker stated that the Open House at Station 1 will be held on October 9, 2021 from 10am to 1pm. Mayor Nelson noted that it is Fire Protection Week and expressed his appreciation to the firefighters at SBM Fire.

## **8. PUBLIC HEARINGS**

### A. Improvement Hearing - 2022 Street Improvement Project

Mayor Nelson opened the public hearing on the 2022 Street Improvement Project at 7:10pm.

City Engineer Gravel gave an overview of the project, reviewing the poor existing condition of the asphalt, the street and storm sewer improvements that will comprise the project, the typical section of the street with 6 inches of class 5 base and 4 inches of bituminous surface, and the location of the proposed storm water improvements at the 8100 block of Garfield Street NE. He stated that the estimated total project cost is \$689,000, with street and utility funds covering \$430,655 and special assessments covering the remaining \$258,345 of the project. He reviewed the assessment policy, which splits eligible project costs as follows: 45% to special assessments and 55% to the City. He said the estimated assessment is \$3,400 per parcel, divided on an equal basis over 76 parcels. He provided a project schedule where bids will be let on December 6, 2021 and received on January 27, 2022, with an assessment hearing on March 21, 2022. He anticipated construction would begin in May 2022.

Jerri McMahan, 8073 Garfield Street, inquired if there were any supply chain issues anticipated with the proposed project, which could increase the price of the project. Engineer Gravel responded that any supply chain issues contractors anticipate in completing the project will be

reflected in the bids received by the City. Ms. McMahon asked what happens if the project comes in significantly higher than Engineer's estimate. Mayor Nelson stated that the City Council would consider the bids and may recommend rejecting the bids and rebidding the project for 2023 construction. Engineer Gravel concurred, stating that the plans being drafted for the project will have a significant shelf life should the project not move forward in 2022.

Hearing no further public comment, Mayor Nelson closed the public hearing at 7:21 PM.

## 9. ORDINANCES AND/OR RESOLUTIONS

### A. Resolution 21-38, Ordering Improvement and Preparation of Plans - 2022 Street Improvement Project

Administrator Buchholtz reviewed the resolution with the City Council. He stated that if the City Council wishes to proceed with the next step of the project, the resolution should be adopted. Engineer Gravel clarified that approving the preparation of plans and specifications does not obligate the City Council to move forward with the project if bids come in higher than the Engineer's estimate.

Motion made by Councilmember Goodboe-Bisschoff to approve Resolution 21-38, Ordering Improvement and Preparation of Plans – 2022 Street Improvement Project.

Voting Yea: Councilmember Wendling, Councilmember Goodboe-Bisschoff, Councilmember Dircks, Mayor Nelson. Motion carried.

### B. Resolution 21-39, Approving a Variance from the Side Yard Setback to Allow the Construction of an Accessory Building Addition and Driveway Expansion at 8317 Fillmore Street

Administrator Buchholtz presented the staff report. He stated that the applicant is seeking to construct an addition onto his existing accessory building. He said the current accessory building is 4 feet off the property line; thus, requiring a one-foot variance. He stated that the applicant is seeking to also replace and expand his existing driveway, which is also four feet off the property line. He stated that the Planning Commission reviewed the application during a public hearing at its September 27 meeting, and recommended approval with conditions.

Motion made by Councilmember Goodboe-Bisschoff to approve Resolution 21-39, Approving a Variance from the Side Yard Setback to Allow the Construction of an Accessory Building Addition and Driveway Expansion at 8317 Fillmore Street.

Voting Yea: Councilmember Wendling, Councilmember Goodboe-Bisschoff, Councilmember Dircks, Mayor Nelson. Motion carried.

C. Resolution 21-40, Approving a Variance from the Side Yard Setback and Front Parking Setback to Allow Construction of an Industrial Building at 8457 Sunset Road NE

City Planner Walburg introduced the item. She stated that the applicant is seeking to construct a 12,000 square foot building for an industrial use on the property. She stated that the zoning code requires larger setbacks on sides abutting residential property, which led to the variance request.

Ms. Walburg stated that the applicant was seeking the following variances: a reduction in the side yard setback on the north side of the property from 50 feet to 25 feet; a reduction in the side yard setback on the south side of the property from 25 feet to 17 feet, and a reduction in the front parking setback from 25 feet to 10 feet. She stated that the Planning Commission recommended conditional approval of the variance application, finding that 1) developing the property with an industrial use is reasonable on property guided and zoned for industrial use; 2) adhering to the side yard setback required for industrial uses is reasonable considering that the property to the north is guided for industrial uses in the City's Land Use Plan; 3) arranging the site plan so that there is a minimum of activity on the north side facing the existing single family uses is reasonable and appropriate; 4) the proposed site plan and landscape plan provide an appropriate buffer as suggested in the 2040 Comprehensive Plan; and 5) the request reasonably meets the criteria in the Zoning Code for approval of variances.

Councilmember Goodboe-Bisschoff inquired if the proposed ponding was adequate for the site considering there is short-term flooding on the street. Director Randall stated that there are only two catch basins on Sunset Road. He stated he is confident that the pond will control runoff from the site and likely not overflow discharge into the Sunset Road storm sewer. Councilmember Goodboe-Bisschoff asked if flooding in this area contributed to flooding on Westwood Road. Director Randall responded affirmatively, but noted that Westwood Park is designed to take storm water when the storm sewer system is at capacity. Councilmember Goodboe-Bisschoff inquired about the pipe capacity. Director Randall stated that the storm sewer is undersized for that area. He said that overflow into Westwood Park and the storm water feature at Eagle Brook church addresses much of the storm water concerns in that area. Mayor Nelson noted that the City cleaned out the storm sewer outlet into Laddie Lake, which also has relieved pressure on the system.

Councilmember Dircks inquired if there was enough parking on the site for this use. City Planner Walburg stated that she ran the calculation and determined that there was adequate parking provided on the site proposal.

Motion made by Councilmember Wendling to approve Resolution 21-40, Approving a Variance from the Side Yard Setback and Front Parking Setback to Allow Construction of an Industrial Building at 8457 Sunset Road.

Voting Yea: Councilmember Wendling, Councilmember Goodboe-Bisschoff, Councilmember Dircks, Mayor Nelson. Motion carried.

D. Resolution 21-41, Conditionally Granting Site Plan Approval to Allow Construction of Industrial Building at 8457 Sunset Road NE

City Planner Walburg introduced the item. She stated that she and City Engineer Gravel have reviewed the plans for the proposed 12,000 square foot building. She stated that they are recommending approval of the site plan, subject to conditions.

Councilmember Goodboe-Bisschoff inquired about storm water pond maintenance. City Engineer Gravel stated that the storm water pond would be covered under a storm water pond maintenance agreement with Rice Creek Watershed District. Administrator Buchholtz also stated that the City Council amended the storm water ordinance to provide staff with tools to ensure property owners maintain their private storm water infrastructure.

Motion made by Councilmember Goodboe-Bisschoff to approve Resolution 21-41, Conditionally granting Site Plan Approval to Allow Construction of Industrial Building at 8457 Sunset Road NE.

Voting Yea: Councilmember Wendling, Councilmember Goodboe-Bisschoff, Councilmember Dircks, Mayor Nelson. Motion carried.

E. Resolution 21-42, Granting Approval of Conditional Use Permit for HLP Construction LLC at 8375 Sunset Road NE

City Planner Walburg introduced the item. She stated that HLP Construction LLC currently operates a construction siding business at 8375 Sunset Road NE. She stated that the applicant proposes to open an auto repair and auto sale business for their company vehicles. She noted that the proposed auto repair use is allowed as a conditional use in the I-1 zoning district but that auto sales was not permitted in the I-1 zoning district.

She stated that the Planning Commission recommended conditional approval of the conditional use permit with the following findings of fact: 1) the proposed use is a reasonable use of the property, anticipated as a conditional Use in the I-1 zoning district; 2) the use is screened from adjacent residential uses and additional screening will be added; therefore, it is not expected to have a detrimental effect on surrounding properties or lower property values; 3) adjacent roadways and the existing parking lot are adequate to handle anticipated traffic and vehicles using the site; 4) no changes are proposed to site grading and drainage and therefore stormwater management should be adequate as it exists now; and 5) there are no unusual odors, fumes, dust, noise or vibration associated with the use, and all work will be conducted indoors.

Councilmember Goodboe-Bisschoff inquired if the City should require the applicant to provide storm water ponding to this site. Administrator Buchholtz stated that staff had reviewed that issue and determined that it would not be appropriate to make that requirement as the applicant is not proposing any changes to grading and/or drainage. City Attorney Thames concurred.

Motion made by Councilmember Wendling to approve Resolution 21-42, Granting Approval of Conditional Use Permit for HLP Construction LLC at 8375 Sunset Road NE.

Voting Yea: Councilmember Wendling, Councilmember Goodboe-Bisschoff, Councilmember Dircks, Mayor Nelson. Motion carried.

## 10. REPORTS

A. Attorney Report -- None

B. Engineer Report -- Nothing in addition to what was included in the Council packet.

C. Administrator Report

Administrator Buchholtz reported that he introduced Chief Antoine to ISD 16 School District Superintendent Jeff Ronneberg.

He stated that he and Councilmember Delfs participated in a conversation with a consultant looking at options for the redevelopment of the Northtown commercial area. He said there will be additional opportunities for residents to participate in the visioning process for the Northtown commercial area.

He stated that staff has begun working on the 2022-2026 Capital Improvement Plan.

Councilmember Goodboe-Bisschoff inquired if the sidewalks for City Hall and Triangle Park would be included in the bid package for the 2022 Street Improvement Project. Administrator Buchholtz stated that those projects would be bid as alternates.

## 11. OTHER

A. Correspondence

## 12. ADJOURN

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Robert Nelson, Mayor

Attest:

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Daniel R. Buchholtz, Administrator, Clerk/Treasurer