

## OFFICIAL PROCEEDINGS

Pursuant to due call and notice thereof, the regularly scheduled meeting of the Spring Lake Park City Council Regular was held on June 01, 2020 at the City Hall, at 7:00 PM.

### **1. CALL TO ORDER**

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

### **2. ROLL CALL**

#### PRESENT:

Mayor Robert Nelson  
Councilmember Brad Delfs  
Councilmember Barbara Goodboe-Bisschoff  
Councilmember Lisa Dircks

#### ABSENT:

Councilmember Ken Wendling arrived at 7:35 PM.

#### STAFF PRESENT:

Public Works Director Randall, Police Chief Ebeltoft, Engineer Gravel; Planner Carlson, Attorney Thames; Parks and Recreation Director Okey and Administrator Buchholtz

#### VISITORS:

Jeremy Larson, Hampton Companies  
Christine Jones, 8081 Garfield Street NE  
Gene and Donna Eiler, 8301 Pierce Street NE

### **3. PLEDGE OF ALLEGIANCE**

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

### **5. DISCUSSION FROM THE FLOOR**

Christine Jones, 8081 Garfield Street NE, requested an update on the clean up along the residential shoreline and inquired as to why there was brush left behind. Public Works Director Randall stated that he did pick up trash, paper, cans and branches from the pond. He stated any additional garbage is garbage that has blown in from the open area and within the last few days since the cleanup.

Engineer Gravel stated that the contractor cleaned up brush and trash from the pond project and some of the branches need to remain for natural habitat.

Ms. Jones stated that she is unhappy with the project.

Gene Eiler, 8301 Pierce Street NE, stated that he is concerned with the townhomes that were built at the end of his block two years ago. He stated that he was told that the townhomes would be owner occupied and the properties would not become rental units.

Mr. Eiler reported that a large box truck near his home starts up late at night and is very noisy. Mayor Nelson requested that Code Enforcement Director Baker check the neighborhood for the vehicle. Police Chief Ebeltoft reminded Mr. Eiler to call 911 when the vehicle is running and it can be investigated at that time.

Mayor Nelson inquired if the townhomes are owner occupied and if they are not, how they become rental units. He inquired if there are any lease agreements or if there is any information. Administrator Buchholtz stated that he received an email and reached out to the property owner. He stated that he learned that two of the four units had sold. He stated that he will get more information and keep the Councilmembers informed.

Councilmember Delfs inquired if an application was completed to convert the properties into rental units. Administrator Buchholtz stated that he will find out more information.

Councilmember Goodboe-Bisschoff inquired as to why the Council was not informed that the properties were converted into rental units. Administrator Buchholtz stated that the application does not need Council approval as it is a process within the City Code.

Councilmember Dircks inquired if the the conversion application was submitted before the Code changed regarding the number rental units that are allowed on in a residential area. Administrator Buchholtz stated that the Code change has not been made and that the ordinance is still being drafted. He stated that currently there is not a limit on the number of rental units allowed on a residential block.

Donna Eiler, 8301 Pierce Street NE, reported that she had contacted Administrator Buchholtz regarding the rental properties. She stated that she has concerns with a vacant home in the neighborhood and the long grass at the property. Code Enforcement Director Baker stated that he has posted the vacant home and will check on the long grass.

Mayor Nelson stated that he was not aware of the change of occupancy to a rental status and has concerns with the properties. He stated that he will look forward to the information that Administrator Buchholtz can provide and any advice that Attorney Thames can offer.

**6. CONSENT AGENDA**

- A. Approval of Minutes - May 18, 2020 City Council Meeting
- B. Contractor's Licenses

Motion made by Councilmember Delfs to approve Consent Agenda.

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

**7. DEPARTMENT REPORTS****A. Public Works Report**

Public Works Director Randall reported that the Public Works Department has been patching pot holes and preparing the streets for the seal coat project. He stated the Department has been collecting trash and recycling from the parks as well as mowing and weed whipping. He reported that the playgrounds are open and the nets and hoops have been installed.

Mr. Randall provided a summary of the meetings he attended for the month of May.

Mayor Nelson inquired if the sealcoat is adhering to the pavement correctly with the humidity levels. Mr. Randall reported that the sealcoat is working and he has been pleased with the process of milling the street edges first and then applying the seal coat.

Mayor Nelson inquired on the area of Monroe Street and 81st Avenue where the sewer is causing problems. Mr. Randall stated that he has been discussing the issue with Mr. Gravel and approximately 600 feet of the sewer may need to be relined as there are joints that are leaking.

**B. Code Enforcement Report**

Code Enforcement Director Baker reviewed the staff report.

Councilmember Goodboe-Bisschoff inquired if the report of the Sheriff sales and vacant properties is available as it has in the past. Mr. Baker stated that he will forward the information to the Councilmembers.

**8. ORDINANCES AND/OR RESOLUTIONS****A. Ordinance 466, An Ordinance Enacting a Code of Ordinances for the City of Spring Lake Park**

Administrator Buchholtz reviewed the staff memo with the City Council. He reported that the City worked with Municode to transfer the City Code to their system. He stated that it was discovered that there was not a consistent standard for numbering ordinances. He reported that City staff agreed that a new numbering and reference standard should be implemented to ensure a consistent City Code for all users.

Mayor Nelson stated that he was in favor of the Ordinance to renumber the existing Ordinances. He noted that no ordinances are changing due to this ordinance.

Motion made by Councilmember Dircks to approve Ordinance 466, An Ordinance Enacting a Code of Ordinances for the City of Spring Lake Park.

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

**B. Ordinance 467, An Ordinance Amending the Official Zoning Map of the City of Spring Lake Park and Creating a New Planned Unit Development District**

City Planner Carlson reviewed the staff memo regarding the application for a Planned Unit Development and Site Plan Review for 525 Osborne Road NE. He reviewed the site plan and possible site issues. He provided the conditions for the recommendation of approval from the Planning Commission.

Mayor Nelson stated that he is happy with the proposed development and stated that he feels this is a good fit for the property and the neighborhood.

Jeremy Larson, Hampton Companies, stated that he is comfortable with the conditions of the PUD and reported that their facilities are built, owned and operated by Hampton Companies. He stated that their company is excited to be part of the community.

Councilmember Goodboe-Bisschoff inquired if a chain link fence could be added to the existing fence along the north side of the Osborne Apartments to separate the properties and add extra security. Mr. Larson stated that he did not feel that an additional fence was necessary and with the proposed landscaping there should be enough security and privacy.

Mr. Carlson stated that the retention pond will be reviewed and that the City Engineer Gravel has provided comments. He stated that a permit will be required from the Coon Creek Watershed District and requirements will be added to their permit.

Councilmember Goodboe-Bisschoff inquired on the possible flooding in the area and if the development of the future single-family homes on Monroe Street and this proposed development will have any effect on future flooding during significant rain events. Mr. Carlson stated that there should not be any impact on flooding. He reminded that City Council that this proposal is a PUD and it allows the City to have the ability to place more conditions on the development.

Councilmember Delfs stated that he attended the Planning Commission meeting and reported that the Commission asked good questions and feels that this a wise choice for the development of the site.

Motion made by Councilmember Delfs to approve Ordinance 467, An Ordinance Amending the Official Zone Map of the City of Spring Lake Park and Creating a New Planned Unit Development District.

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

C. Resolution 20-21, A Resolution Authorizing the Granting of Regulatory Flexibility to Local Businesses

Administrator Buchholtz reviewed the staff memo with the City Council. He stated that the resolution is important as it provided restaurant and bar owners the flexibility to open up and loosens the state liquor liability guidelines.

Administrator Buchholtz reported that two establishments in the City have decided to reopen with the current guidelines in place from the Governor. He stated that Montes and Torg Brewery will be reopening on June 1, 2020.

Councilmember Goodboe-Bisschoff inquired on the impact the increased patio seating areas will affect the neighborhoods with additional noise, music and liquor being served. Administrator Buchholtz stated that most the establishment patio areas are situated away from residential areas and the establishments are subject to the City's noise ordinance.

Mayor Nelson reported that Kraus Hartig VFW has no plans at this time to reopen under the revised Governor orders. He stated that the VFW does have a patio area behind a fenced area however, at this time, it is not economical for the VFW to open since the population is of the older generation. He stated that the patrons of the VFW tend to be in the age range where they can be most vulnerable to COVID-19.

Motion made by Mayor Nelson to approve Resolution 20-21, Authorizing the Granting of Regulatory Flexibility to Local Businesses.

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

## 9. NEW BUSINESS

### A. Authorization to Hire Seasonal Code Enforcement Inspector

Code Enforcement Director Baker reviewed the staff memo. He reported that the candidate, Walter Morris, has passed the criminal background check.

Mayor Nelson stated that he supports this position and the summer months are a busy time for the Code Enforcement Department.

Councilmember Wendling inquired if the position would be full time. Mr. Baker stated that Mr. Morris will be working part-time with hours based on the workflow and the inspections that need to be scheduled. He stated that with the COVID-19 pandemic important life/safety inspections have not been able to be completed and they need to be completed as soon as possible.

Motion made by Councilmember Wendling to authorize to hire Seasonal Code Enforcement inspector Walter Morris for 2020.

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

### B. Award Tree Planting Quote - Garfield Pond Improvements

Administrator Buchholtz reviewed the staff memo with the City Council. He stated that staff was ready to recommend moving forward with the quote from Midwest Landscapes in the amount of \$9,730.00 for tree planting and landscaping for the Garfield Pond Improvement project. He reported that the north side of the pond is ready for landscaping and staff recommends planting the north side. He stated that the south side will require screening and the finalization of the tree portion has not been decided. He also recommended including a contingency in the quote in case additional trees are needed.

Councilmember Delfs inquired if the entire bid amount should be approved at this time or if a portion should be approved for the trees that are ready for planting. Engineer Gravel stated that he recommends approving the entire bid amount so that funds are available when the other landscaping decisions have been made.

Mr. Gravel stated that the spring tree planting season deadline is approaching so he feels it would be best to plant the trees that have been decided soon and the remainder of the trees later in the fall.

Councilmember Goodboe-Bisschoff stated that she is concerned that there is not an opening for machinery to get into the area of the pond for future dredging of the pond and clean out of the bench in the pond. Mr. Gravel agreed and stated that an area will remain clear of trees on the east end for the ease of access to the pond in the future.

Motion made by Councilmember Wendling to award tree planting quote in the amount of \$12,350.00 for Garfield Pond Improvement project.

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

## 10. REPORTS

### A. Engineer's Report – None

### B. Attorney's Report

Attorney Thames reported that he is in the process of reviewing the 2020 Seal Coat agreement and is completing the development agreement for the Hampton Companies development.

### C. Administrator Reports

Administrator Buchholtz reported that the City has received the escrow for the development agreement for the JP Brooks project and a letter of credit will be issued. He stated that he expects permits to be submitted soon.

Administrator Buchholtz reported that he received communication from the Spring Crest townhome association and they have decided to loop their existing water connections with the Hampton project. He stated that he will reach out the Osborne Apartments to see if there is interest in looping their existing water connections into the new water system.

Administrator Buchholtz reported that he attended a constructive meeting with the County Assessor, other local City Administrators and City Assessor Ken Tolzmann regarding the concerns of the assessing process completed by Mr. Tolzmann, for Spring Lake Park and the other local communities he works with, and the email sent by the County Assessor. He stated that a discussion was held and the County Assessor would like to see additional documentation of changes made to property grades/effective age changed and would like to schedule an annual meeting for concerns to be shared/addressed.

Administrator Buchholtz thanked the Spring Lake Park Police Department and Police Chief Ebeltoft for all their work during this time of civil unrest in the communities. He reported that they are all doing a good job of working together.

**11. ADJOURN**

Motion made by Councilmember Wendling to adjourn the meeting.

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

The meeting adjourned at 8:20 PM.

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Robert Nelson, Mayor

Attest:

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Daniel R. Buchholtz, Administrator, Clerk/Treasurer