

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 20, 2022 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 Robert Nelson

Councilmember Ken Wendling

Councilmember Brad Delfs

Councilmember Lisa Dircks

Councilmember Goodboe-Bisschoff – arrived at 7:33 PM

STAFF PRESENT

Building Official Jeff Baker, Police Chief Josh Antoine, Recreation Director Kay Okey, Attorney John Thames, Peter Allen (Stantec), Administrator Daniel Buchholtz.

VISITORS

Sierra Williams, 7914 Van Buren Street NE

3. PLEDGE OF ALLEGIANCE

4. ADDITIONS OR CORRECTIONS TO AGENDA

Administrator Buchholtz requested that the following addition to the agenda: 1) that Item 12. B. be added to the agenda: Closed session pursuant to MS 13D.050 Sub 3B, regarding Attorney-Client Privilege.

Administrator Buchholtz made note that an updated Ordinance for 9A, done at the direction of the City Attorney, was distributed.

5. DISCUSSION FROM THE FLOOR - None

6. CONSENT AGENDA

- A. Approval of Minutes – June 6, 2022 City Council Meeting
- B. Approval of Claims List – May 2022 General Disbursements - \$384,851.39
- C. Public Right-Of-Way Application - Comcast
- D. Contractor's License

Motion made by Councilmember Wendling to approve Consent Agenda.

Voting Aye: Councilmember Wendling, Councilmember Delfs, Councilmember Dircks, Mayor Nelson. Motion carried.

7. PUBLIC HEARINGS

A. Rental License Revocation for Certain Property Located at 7914 Van Buren Street NE

Motion made by Councilmember Delfs to open the public hearing at 7:05 PM.

Voting Aye: Councilmember Wendling, Councilmember Delfs, Councilmember Dircks, Mayor Nelson. Motion carried

Building Official Baker stated that the property failed the initial rental inspection on April 8, 2022. He said on May 13, 2022, Code Enforcement staff granted request to delay. He stated that on May 24, 2022 Code Enforcement staff completed the re-inspection of the property and found that the violations had not been corrected.

Sierra Williams, the tenant at 7914 Van Buren Street NE, stated that the property is under a rent to own agreement and she is in the process of purchasing the home. She noted that the GFI outlet is scheduled to be repaired on Wednesday, June 22, 2022. She stated that the basement living room was not being used as a bedroom. Ms. Williams noted that the futon was being used by the kids to watch television.

Attorney Thames explained that the Council has discretion on the issue of revocation and the Council can only work with the facts they are presented.

Muton made by Councilmember Dircks to close the public hearing at 7:23 PM.

Voting Aye: Councilmember Wendling, Councilmember Delfs, Councilmember Dircks, Mayor Nelson. Motion carried

Motion made by Councilmember Delfs to table any action on the rental license revocation of 7914 Van Buren Street NE until July 5, 2022, with the property owner being notified by certified mail.

Voting Aye: Councilmember Wendling, Councilmember Delfs, Councilmember Dircks, Mayor Nelson. Motion carried

B. MS4 Annual Report

Motion by Councilmember Dircks to open the public hearing at 7:25 PM.

Voting Aye: Councilmember Wendling, Councilmember Delfs, Councilmember Dircks, Mayor Nelson. Motion carried

Peter Allen, Stantec, gave an overview of the City's compliance activities for 2021 conducted in conjunction with its Municipal Separate Storm Sewer System (MS4) system. Mr. Allen mentioned that one requirement is for the City to inventory all private water holding. Mayor Nelson requested an explanation of private. Mr. Allen stated that private is anything not owned or operated by the City (rain gardens, storm water ponds).

No one came forward to speak on the City's SWPPP.

Motion by Councilmember Delfs to close the public hearing at 7:41 PM.

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

8. DEPARTMENT REPORTS

A. Police Report

Chief Antoine reported that the Police Department responded to 834 calls for service in May 2022 compared to 629 calls for service for the month of May 2021. He said that School Resource Officer Imig reported handling 6 calls for service in May, as well as handling 7 student contacts, 6 student escorts, and 1 follow-up investigations.

Chief Antoine said Investigator Bennek handled 26 cases for the month of May, 23 of which were felony in nature and 3 misdemeanors. He said Investigator Bennek coordinated the catalytic converter event with Precision Tune on May 16, 2022. He said 35 vehicles were marked during the event.

B. Recreation Report

Recreation Director Okey stated that Wesley Goldberg, Recreation Supervisor formed the North Metro Outdoor Sand Volleyball League with surrounding communities, with the games taking place at Able Park. He is also forming an Ultimate Frisbee League. She also stated that the Terrace Park shelter would be delivered by the end of June and that the Able Park basketball court would be painted 30 days after the surface cured.

Director Okey thanked all the sponsors and staff who helped with Tower Days.

9. ORDINANCES AND/OR RESOLUTIONS

A. Ordinance Amending Section 9.20.020 of the City Code Relating to Public Nuisances

Administrator Buchholtz stated the proposed noise nuisance ordinance for possible City Council adoption was discussed by the Planning Commission. He said that on May 9, City Councilmember Goodboe-Bisschoff requested soliciting resident input on the proposed ordinance. Administrator Buchholtz noted that staff received one comment.

Administrator Buchholtz said measuring noise requires specialized equipment for our Police Department along with training in how to use the equipment. He stated that in using a strictly scientific standard, nuisances could be left unaddressed because while the noise may unreasonably annoy or disturb an individual, it may fall underneath the decibel limit set forth under that standard. He stated the proposed ordinance language provides room for a code enforcement officer or a police officer to decide about the reasonableness of a claimed nuisance.

He said that the ordinance being proposed provides law enforcement and code enforcement with more tools to address noise complaints rather than the specific scientific standard as it exists presently.

Council discussed reviewing the ordinance in a year to determine its effectiveness.

Motion made by Councilmember Wendling to approve Ordinance Amending Section 9.20.020 of the City Code Relating to Public Nuisances as amended.

Voting Yea: Council Member Wendling, Council Member Delfs, Council Member Goodboe-Bisschoff, Council Member Dircks, Mayor Nelson. Motion carried.

B. Resolution Authorizing Summary Publication of Ordinance 480, An Ordinance Amending Section 9.20.020 of the City Code Relating to Public Nuisances

Motion made by Councilmember Goodboe Bisschoff to approve Resolution 20-23 Authorizing Summary Publication of Ordinance 480, An Ordinance Amending Section 9.20.020 of the City Code Relating to Public Nuisances.

Voting Yea: Council Member Wendling, Council Member Delfs, Council Member Goodboe-Bisschoff, Council Member Dircks, Mayor Nelson. Motion carried.

C. Ordinance Amending Section 16.28.010 of the City Code Regarding Performance Standards

Administrator Buchholtz stated tht he ordinance being presented to the City Council is in significant conformance with the Planning Commission's recommendation. The Planning Commission suggested the following changes:

- Added "protect property values" to 16.28.010(A) relating to the intent of the ordinance.
- Added a second noise standard to state as follows: **Noise levels measured at the adjoining property line of residential uses or residentially zoned property shall not exceed 55dBA during the hours of 10:00 p.m. to 7:00 a.m. and 60dBA during the hours of 7:00 a.m. to 10:00 p.m., with the highest one-minute equivalent noise level being no more than 75dB. A noise study conducted by a qualified professional may be required to establish existing ambient noise levels before development of a proposed use and actual noise levels after construction and operation of the proposed use.**

- This is the language provided by the City Planner at the June 13 work session.
- Section 16.28.010(B)(14)(c)(4) was modified to replace the term “four-sided design” with “All buildings shall incorporate similar exterior materials on all sides of a building.”
 - Section 16.28.010(B)(14)(c)(1)(H) was amended to replace the term “modern” with “factory-finished” as it describes metal paneling materials.
 - Section 16.28.010(B)(14)(d)(1)(B) was amended to replace the term “modern” with “factory-finished” as it describes metal paneling materials

Councilmember Goodboe-Bisschoff suggested striking the line that allows council to exceed 35%. She would like to see a flat percentage like the surrounding communities. Administrator Buchholtz noted that the 60% allows for flexibility on different exterior materials. Attorney Thames says that the term gives the Council discretion to say no. He suggested a compromise such as requiring super majority to exceed 35% metal.

Councilmember Dircks suggested tabling the ordinance to discuss Councilmember Goodboe-Bisschoff’s concerns in more detail.

Motion by Councilmember Dircks to table Ordinance 481 Amending Section 16.28.010 of the City Code Regarding Performance Standards

Voting Aye: Councilmember Goodboe-Bisschoff, Councilmember Dircks. Voting Nay: Councilmember Wendling, Councilmember Delfs, Mayor Nelson. Motion failed.

Motion made by Mayor Nelson to approve Ordinance 481 Amending Section 16.28.010 of the City Code Regarding Performance Standards

Voting Aye: Councilmember Wendling, Councilmember Delfs, Mayor Nelson. Voting Nay: Councilmember Goodboe-Bisschoff, Councilmember Dircks. Motion carried.

D. Resolution Authorizing Summary Publication of Ordinance 481, An Ordinance Amending Section 16.28.010 of the City Code Regarding Performance Standards

Motion made by Mayor Nelson to approve Authorizing Resolution 22-24 Summary Publication of Ordinance 481, An Ordinance Amending Section 16.28.010 of the City Code Regarding Performance Standards

Voting Aye: Council Member Wendling, Council Member Delfs, Council Member Dircks, Mayor Nelson. Voting Nay: Council Member Goodboe-Bisschoff, Motion carried.

10. NEW BUSINESS**A. Park and Recreation Commissioner Application**

Director Okey stated that she received an application from Erik Olson for the Park and Recreation Commission. She gave an overview of Mr. Olson's qualifications and recommended that he be appointed to the Commission.

Motion made by Councilmember Delfs to appoint Erik Olson to the Park and Recreation Commission.

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

B. Voting Booths

Administrator Buchholtz stated that he is requesting approval to purchase 10 Franklin 4-Station Voting Booths from Inclusion-Solutions at the cost of \$924/piece. He noted that the booths are ADA compliant and easy to transport and set-up. They will take up less space in storage and on Election Day. He noted that the City will retain a few of the older booths for emergencies. He said the funds for the purchase will come from the Election Fund.

Motion made by Councilmember Goodboe-Bisschoff to approve the purchase of 10 Voting Booths for a total of \$9,458.94 plus shipping.

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

C. Authorize Purchase of Traffic Speed Signs

Chief Antoine stated that he has received requests from the council and residents to add speed display signs throughout the city. He said he has been researching the topic since October of 2021 and is recommending All Traffic Solutions', Shield 18 Radar Messaging Speed Display. He said the signs would allow the Police Department to display site-specific messages on the sign.

Chief Antoine stated the units would require an ongoing appropriation for the App Traffic Suite, which includes equipment management, reporting, image management, alerts, mapping and premier care. He said that the two units would cost \$2,569.26 annually for an annual cost of \$4,069.26.

Chief Antoine recommended the special sign purchase units in the amount of \$11,830.46, with the funds to come from the Traffic Education Fund. He also stated he applied for a Community Safety Grant through Centerpoint Energy for \$2,500. He said if the grant is awarded the funds would reimburse the Traffic Education Fund.

Councilmember Goodboe-Bisschoff inquired whether two signs were enough. Chief Antoine stated that he would like to study the data that would be received from the app to determine if additional signs are needed.

Motion made by Councilmember Wendling to approve the purchase of Traffic Speed Signs.

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

11. REPORTS

A. Attorney Report – No Report

B. Engineer Report

Engineer Report is in the packet.

C. Administrator Report

Administrator Buchholtz noted that he would be in Duluth the rest of the week at the LMC Annual Conference. He expressed appreciation to all who volunteered to make Tower Days a great success.

12. OTHER

A. Correspondence

B. Closed Session to Discuss Attorney-Client Privilege

Mayor Nelson stated that the City Council will be going into a closed session to discuss MS13D.05 Sub 3B, Attorney-Client Privilege.

Motion made by Councilmember Dircks to close the regular Council Meeting.

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

Mayor Nelson recessed the regular Council Meeting at 8:56 PM

Mayor Nelson reconvened the regular Council Meeting at 9:11 PM

Attorney Thames stated that the City Council discussed threatened litigation with Spring Crest Townhome Association and that staff has been provided direction.

13. ADJOURN

Motion made by Councilmember Wendling to adjourn.

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

The meeting was adjourned at 9:12 PM.

Robert Nelson, Mayor

Attest:

Daniel R. Buchholtz, Administrator, Clerk/Treasurer