

## OFFICIAL PROCEEDINGS

Pursuant to due call and notice thereof, the regularly scheduled meeting of the Spring Lake Park City Council Regular was held on December 05, 2022 at the City Hall, at 7:00 PM.

### 1. CALL TO ORDER

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

### 2. ROLL CALL

#### MEMBERS PRESENT

Councilmember Ken Wendling  
Councilmember Brad Delfs  
Councilmember Barbara Goodboe-Bisschoff  
Councilmember Lisa Dircks

#### MEMBERS ABSENT

Mayor Nelson

#### STAFF PRESENT

Police Chief Josh Antoine, Public Works Director Terry Randall, City Attorney John Thames,  
Administrator Daniel Buchholtz

#### OTHERS PRESENT

Charles Davis, 511 Ballantyne Lane NE

### 3. PLEDGE OF ALLEGIANCE

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

### 5. DISCUSSION FROM THE FLOOR

#### A. State Representative Connie Bernardy

Representative Bernardy stated her appreciation to the residents and the Council of Spring Lake Park for their support over the past 16 years. Administrator Buchholtz praised Representative Bernardy for her assistance in projects throughout the City.

Acting Mayor Wendling and Administrator Buchholtz presented Representative Bernardy with a Mayor's Proclamation declaring December 5, 2022 as Representative Connie Bernardy Day.

### 6. CONSENT AGENDA

#### A. Approval of Minutes - November 14, 2022 City Council Work Session

- B. Mayor's Proclamation – Honoring State Representative Connie Bernardy
- C. Resolution 22-59, Authorizing Fund Closure of 2017 G.O. Equipment Certificate – SLP Fire Capital Project Fund
- D. Resolution 22-60, Authorizing a Transfer from MSA Maintenance Fund to the Sealcoating Fund
- E. Resolution 22-61, Authorizing Fund Closure of Storm Sewer Rehab Fund and Transferring Assets to Stormwater Utility Fund
- F. Resolution 22-62, Establishing Precinct and Polling Locations for 2023 Election Year
- G. Approval of Application for Exempt Permit – Rescued Pets are Wonderful – Kraus-Hartig VFW
- H. Fourth Quarter Billing for 2032 Payable 2024 Property Tax Assessment - Ken Tolzmann
- I. Business Licenses
- J. Contractor Licenses
- K. Sign Permits

Motion made by Councilmember Delfs to approve the Consent Agenda.

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

## 7. DEPARTMENT REPORTS

### A. Public Works Report

Public Works Director Randall reported that the Public Works Department swept the parks in November and installed the Christmas Lights in the parks. He stated that all leaves collected by the City are composted by Walter's Recycling and Refuse.

Director Randall said that the Public Works staff installed no parking signs on the University Service Drive and on the Northside of Manor Drive. He said that all the fire hydrants have been checked. Director Randall noted that there was a water main break on 78<sup>th</sup> Circle.

Director Randall reported that the Department set up and took down election equipment at Emmanuel Christian Center.

- B. Code Enforcement Report – Report accepted as presented.

## 8. PUBLIC HEARINGS

### A. Truth in Taxation Hearing

Acting Mayor Wendling opened the public hearing at 7:19 PM.

Administrator Buchholtz provided an overview of the proposed 2023 Property Tax Levy and General Fund Budget.

Administrator Buchholtz highlighted the changes in the 2023 Budget as follows:

- Proposed 2023 Levy is \$3,965,047, an increase of 4.99%.
- General Government levy increase is 10.4%.
- Debt service levy decreased by 68.8%.
- General Fund revenues are anticipated to increase by 4.17%.
- Overall General Fund spending is set to increase by 4.17%.
- City's tax rate will decrease from 47.885% in 2022 to 37.253% in 2023

Administrator Buchholtz reported that the changes in the budget include:

- City self-financing capital equipment needs, allowing money previously allocated for bond issuance costs and interest payments to fund equipment needs instead.
- No change in staffing levels.
- Budget addresses inflationary increases such as salaries, benefits, fuel, increases in temporary salary ranges, printing and publication costs, and workers compensation insurance.
- Budget sets aside funds for Ash tree removals due to the Emerald Ash Borer epidemic.

Acting Mayor Wendling asked for public comment. Hearing no comment, Acting Mayor Wendling closed the public hearing at 7:34 PM.

B. Public Hearing on Proposed 2023 Fee Schedule

Acting Mayor Wendling opened the public hearing at 7:35 PM.

Administrator Buchholtz provided an overview of the proposed changes to the 2023 Fee Schedule. He outlined the following changes to the fee schedule:

- Section 9. The application fee for a Conditional Use Permit (CUP) in the R-1 Zoning District has increased from \$100.00 to \$150.00.
- Section 9. Established Interim Use Permit (IUP) fees for R-1 District (\$150.00 plus \$300.00 escrow) and all other districts (\$500.00 plus \$1,500.00 escrow); the same as CUP application fees
- Section 9. Increased variance application fee for R-1 districts from \$150.00 to \$200.00. Escrow fee remains the same.
- Section 9. Increase the Park Dedication Fee from \$2,275 to \$2,472 per unit to match the 8.7% increase in the Construction Cost Index.
- Section 10. Updated Credit Card Transaction Fees to match actual processing costs. The City will likely be changing providers when the new accounting software comes online and the online services are implemented. This change saves the City from making an amendment mid-year.
- Section 13. Added the edible cannabinoid products license fee to the fee schedule.
- Section 15. Increased water availability charge from \$1,350 to \$1,467 per unit to match the 8.7% increase in the Construction Cost Index.

- Section 15. Increased SAC administrative fee from \$300 to \$326 per unit to match the 8.7% increase in the Construction Cost Index.
- Section 15. Increased recycling fee from \$12.96/quarter to \$13.60/quarter to reflect increased costs for new 5- year recycling contract.

Acting Mayor Wendling asked for public comment. Hearing none, Acting Mayor Wendling closed the public hearing at 7:38 PM.

## 9. ORDINANCES AND/OR RESOLUTIONS

### A. Ordinance 484, Amending Spring Lake Park City Code Chapter 1 Relating to General Provisions and Chapter 3 Relating to City Government

Administrator Buchholtz stated that he was tasked with reviewing the Spring Lake Park City Code, including changes in State Law, changes in procedures, and out of date language. Administrator Buchholtz said that staff is proposing the following changes to Chapters 1 and 3 of the Code:

- Section 1.04.010 is updated to express how we now reference the City Code throughout the book as a result of last year's codification.
- Section 1.04.020 is updated to add clarification of and/or conjunction to add flexibility in interpretation of the Code.
- Updated definition of PERSON in the definition section (Section 1.04.050)
- Section 1.04.200 is updated to bring language into conformance with State Law.
- Updated Section 3.04.010 to further define special meetings and add language relating to emergency meetings, update language regarding the minutes as the official record of the city, update order of business on the City Council agenda to match current practice, and updated committees and appointments to match current assignments.
- Section 3.04.030 is updated the change reference to Public Examiner to Office of the State Auditor.
- Repealed Section 3.08.030 of the City Code related to the International Code Board of Appeals. The City Council never established the Board. The City has not had an appeal of a determination made by the Building Official since this language was adopted. Staff proposes referring any appeals to the State's Board of Appeals instead.
- Updated Section 3.12.030 to match current practice as the Emergency Management Director is currently co-held by the Police Chief and the Fire Chief.
- Repealed Section 3.16.010 regarding voter registration as this topic is addressed under M.S. § 201 and M.R. Ch. 8200.
- Updated Section 3.16.020 to match current practice and align process with State Law.
- Repealed Section 3.16.040 regarding Employment Background Checks and replaced with updated language to authorize background information for employment and applicants for City licenses.
- Updated Section 3.16.050 to permit flexibility for the Recreation Department to choose to include credit card processing fees as part of the recreation program fee or as a separate convenience fee.

- Updated Section 3.20.010 to bring the City Code into conformance with current practice of hiring an outside person to serve as the Hearing Officer for administrative penalty appeals. Under current code, hearing officer responsibilities are delegated to the Administrator, Clerk/Treasurer. The current arrangement creates an inherent conflict of interest as the Administrative Offense process is under the direction of the Administrator, Clerk/Treasurer.
- Repeals Section 3.20.020(A) as this is addressed with the appointment of an outside person to serve as the hearing officer.
- Repeal Section 3.24 as they are no longer necessary.
- Repeal Section 11.52 as this was now included in Section 3.16.040 of the City Code.
- Add Section 3.08.030 to add Planning Commission to the Commissions. The proposed code references existing language in SLPC 16.60.010. When we complete the Zoning Code review, we will move the Planning Commission out of Chapter 16 and move it to Chapter 3.

Acting Mayor Wendling inquired of Administrator Buchholtz who would preside as the hearing officer. Administrator Buchholtz stated the City has hired a separate law office to handle any administrative hearings.

Motion made by Councilmember Delfs to approve Ordinance 484, Amending Spring Lake Park City Code Chapter 1 Relating to General Provisions and Chapter 3 Relating to City Government.

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

- B. Resolution 22-56, Authorizing Summary Publication of Ordinance 484, An Ordinance Amending Spring Lake Park City Code Chapter 1 Relating to General Provisions and Chapter 3 Relating to Administration, Authorizing Summary Publication of Ordinance 478, An Ordinance Adopting the Fee Schedule for the City of Spring Lake Park

Motion made by Councilmember Delfs to approve Resolution 22-56, Authorizing Summary Publication of Ordinance 484, An Ordinance Amending Spring Lake Park City Code Chapter 1 Relating to General Provisions and Chapter 3 Relating to Administration, Authorizing Summary Publication of Ordinance 478, An Ordinance Adopting the Fee Schedule for the City of Spring Lake Park.

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

- C. Ordinance 485, Adopting the 2023 Fee Schedule for the City of Spring Lake Park

Motion made by Councilmember Delfs to adopt Ordinance 485, Adopting the 2023 Fee Schedule for the City of Spring Lake Park.

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

D. Resolution 22-57, Authorizing Summary Publication of Ordinance 485, An Ordinance Adopting the 2023 Fee Schedule for the City of Spring Lake Park

Motion made by Councilmember Delfs to approve Resolution 22-57, Authorizing Summary Publication of Ordinance 485, An Ordinance Adopting the 2023 Fee Schedule for the City of Spring Lake Park.

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

E. Resolution 22-58, Approving Variance from the Accessory Building Setback to Allow Construction of a Shed at 511 Ballantyne Lane NE

Administrator Buchholtz reviewed the staff memo. He stated that Charles Davis submitted a variance request to permit a shed to be placed closer than 8 feet to the garage. He noted that the shed is already constructed, so the applicant is seeking an after the fact variance.

Administrator Buchholtz said that Mr. Davis is seeking a variance from the 8-foot setback requirement for a detached building to the principal building. He said that the Planning Commission has considered the application against the practical difficulties test as outlined in Section 16.60.040 of the Spring Lake Park Zoning Code. He stated that the Planning Commission has recommended approval subject to the following:

- The proposed setback encroachment will not alter the character of the neighborhood.
- The property is being put to a reasonable use as the construction of the shed will provide additional interior storage to the property owner.
- Applicant must apply for a building permit for the shed to ensure that construction complies with Section 705.5 of the Minnesota State Building Code.

Mr. Davis stated that he is willing to comply with all stipulations to conform to the City Code.

Councilmember Goodboe-Bisschoff asked where the shed was located on the property. Mr. Davis informed the Council that the shed is 3 feet from the garage, and it is supposed to be 8 feet. Administrator Buchholtz stated that it is required to be 8 feet from the garage.

Councilmember Goodboe-Bisschoff if there was a penalty for building without a permit. Administrator Buchholtz said that the penalty would be withdrawn if the Council approves the variance.

Motion made by Councilmember Dircks to approve Resolution 22-58, Approving Variance from the Accessory Building Setback to Allow Construction of a Shed at 511 Ballantyne Lane NE.

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

## 10. NEW BUSINESS

### A. Approval of 2023 Public Utilities Budget and Utility Rates

Administrator Buchholtz provided an overview of the proposed 2023 Public Utilities Budget. He stated that revenues and expenditures were increasing by 9.7% over 2022. He said the significant revenue increase is due to the incorporation of the Treatment Plant Debt Service rate into the Water Conservation Rate scale and the offsetting transfer to the Building Maintenance Fund. He stated that expenditures were driven by wages/benefits, utilities, insurance and transfer out.

Administrator Buchholtz stated that water and sanitary sewer rates will remain unchanged from 2022, representing six years in a row of no rate increases.

Administrator Buchholtz stated that the storm water utility budget is anticipating \$98,900 in revenues, which is collected from the storm water utility fee. The storm water utility fee will remain at \$2.00/month.

Motion made by Councilmember Delfs to approve the 2023 Public Utilities Budget.

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

### B. Approval of 2023 Recycling Budget

Administrator Buchholtz presented the 2023 recycling budget for approval.

Motion made by Councilmember Dircks Approve the 2023 Recycling Budget.

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

## 11. REPORTS

A. Attorney Report – None

B. Engineer Report – No further report presented.

C. Administrator Report - None

**12. OTHER**

A. Correspondence - None

**13. ADJOURN**

Motion made by Acting Mayor Wendling to adjourn.

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

Meeting adjourned at 8:06pm.

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Ken Wendling, Acting Mayor

Attest:

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Daniel R. Buchholtz, Administrator, Clerk/Treasurer