

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 6, 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 Bob Nelson
Councilmember Ken Wendling
Councilmember Brad Delfs
Councilmember Barbara Goodboe-Bisschoff
Councilmember Lisa Dircks

STAFF PRESENT

Building Official Jeff Baker, Public Works Director Terry Randall, Police Chief Josh Antoine, Engineer Phil Gravel, Planner Lauren Wahlburg, City Attorney John Thames, Administrator Daniel Buchholtz.

VISITORS

Jerod Hanaman, Director of Real Estate – Driven Brands (Take 5 Car Wash)

3. PLEDGE OF ALLEGIANCE

4. ADDITIONS OR CORRECTIONS TO AGENDA

Administrator Buchholtz requested that the following changes be made to the agenda: 1) that item 7A, Hearing on Revocation of Rental Housing License – 557 78th Avenue NE be removed; item 7B, Hearing on Revocation of Rental Housing License – 7753 Able Street NE be removed; item 7C, Hearing on Revocation of Rental Housing License – 1129 79th Avenue NE be removed, and that item 7D, Hearing on Revocation of Rental Housing License – 1121 79th Avenue NE be removed. He stated that all the properties have been brought into compliance.

Administrator Buchholtz made note that revised resolution for 9B, done at the direction of the City Attorney, was provided, along with an updated memo for 10B, the Public Works New Hire.

5. DISCUSSION FROM THE FLOOR - None

6. CONSENT AGENDA

- A. Approval of Minutes - May 16, 2022 City Council Meeting
- B. Second Quarter Billing for 2023 Payable 2024 Property Tax Assessment - Ken Tolzmann
- C. Contractor's Request for Payment No. 1 - 2022 Street Improvement Project

- D. Contractor's Request for Payment No. 1 - 2021 Sanitary Sewer Lining Project
- E. Application to Conduct Off-Site Gambling - SLP Lions Club - Tower Days
- F. Contractors Licenses

Motion made by Councilmember Wendling to approve the Consent Agenda.

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

7. PUBLIC HEARINGS

A. Rental License Revocation for Certain Property Located at 8115 Tyler St NE

Motion made by Mayor Nelson to open the public hearing.

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

Public Hearing was opened at 7:07 PM.

Building Official Baker stated that the property failed the initial rental inspection on April 11, 2022. On May 16, 2022 Code Enforcement staff completed a follow up inspection where the property representative failed to be present to complete the inspection. On June 6, 2022 Code Enforcement staff did another re-inspection and found that the violations had not been corrected.

Building Official Baker stated that Inspector Morris contacted the tenant advising them of their right to appear at the Council Meeting. Building Official Baker advised that if the rental license is revoked the property would be posted for 45 days informing the tenants know that the property will need to be vacated at that time.

Attorney Thames clarified that once the rental has been posted for 45 days and the issues have not been corrected the tenants will have to vacate the property.

Mayor Nelson asked if any one from the public wished to speak. No one came forward

Motion made by Councilmember Delfs to close the public hearing.

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

Public Hearing was closed at 7:11 PM.

Motion made by Councilmember Wendling Approving Resolution 22-28, Rental License Revocation for Certain Property Located at 8115 Tyler Street NE.

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

8. DEPARTMENT REPORTS

A. Public Works Report

Public Works Director Randall stated he was overseeing the Garfield/Hayes project and that, as of 2:00 PM on June 6, the road was fully paved. Director Randall noted the the crosswalk at Able Street and Lund Avenue will be painted on Tuesday, June 7, 2022.

B. Code Enforcement Report

Building Official Baker stated that Inspector Morris has been busy with nuisance calls for long grass. He said that Suite Living is moving forward, and that the contractor wishes to extend a special thank you to the Spring Lake Park Police Department for stopping and walking the property, helping to keep theft and vandalism down.

9. ORDINANCES AND/OR RESOLUTIONS

A. Resolution Granting Approval of Conditional Use Permit for Boing US Holdco, Inc at 8301 University Avenue NE (Take 5 Car Wash)

Planner Wahlburg provided an overview of the CUP application for Take 5 Car Wash at 8301 University Avenue NE. She stated that Take 5 Car Wash proposes to build a new car wash facility on the parcel now occupied Northtown Auto Repair. She noted that the property is guided Commercial and zoned C-2 Neighborhood & Service Center Commercial. She said a car wash is a conditional use in the C-2 district.

Planner Wahlburg stated that the Planning Commission recommended approval making the following conditions:

1. The applicant will submit architectural elevations for review by the City Planner prior to building permit approval.
2. Hours of operation will be 8:00am to 6:00pm, Sunday through Saturday.
3. Given the proximity of the site to the nearest commercial use and residential uses to the east, a solid fence or wall 8 feet in height will be installed on the east side of the site to block noise from the vacuum and parking area. The fence or wall will be of materials and colors compatible with the building, to be reviewed and approved by the Zoning Admin
4. Building materials will conform to Performance Standards as shown in Section 16.28.010 of the Zoning Code.

5. All lighting will be downcast cutoff type fixtures that allow no more than 0.5 footcandle of light spillage beyond the property lines or onto the public road rights-of-way.
6. Signage will be submitted for a sign permit before a building permit is issued.
7. All landscaping will be installed as indicated on the landscape plan and guaranteed for at least one year.
8. *Traffic*. If car stacking on University Service Drive becomes a problem, applicant shall install signs indicating that no queuing on University Service Drive is permitted.
9. *Traffic*. The applicant shall provide heated concrete to the vehicle exit area to prevent the tracking of water onto city streets to help prevent possible icing issues.
10. *Grading*. Site plan shall be revised to create high points in all 3 driveways to prevent site drainage from draining directly onto 83rd Avenue NE or University Service Drive. Utilize proposed green space(s) or stormwater management.
11. *Drainage*. Review permitting requirements with Coon Creek Watershed District. All stormwater management facilities shall be considered private and shall be maintained by the property owner.
12. *Drainage*. Applicant shall provide copies of the watershed district permit and stormwater facilities maintenance agreement to the City.
13. *Site*. Coordinate all street and curb work to with the Public Works Director.
14. *Site*. Applicant shall provide sidewalk improvements along site frontage on 83rd Avenue NE.
15. *Sanitary sewer*. Applicant shall show existing sanitary sewer service(s) on the utility plan. Applicant shall reuse an existing service for site service (no new connection). Applicant shall locate and plug any existing sanitary sewer service that is not to be used.
16. *Water works*. Applicant shall show existing water service(s) on utility plan. Applicant shall locate and plug any existing water service(s) that will not be reused (plug at the main).
17. *Water works*. A separate water main connection for site irrigation is not permitted.
18. *Water works*. A larger water service will likely be required for the building fire suppression system. If a larger main is required for fire suppression, the domestic water service can tap off the larger main. Applicant shall install water meter in the building.
19. Final site work construction plans shall be approved by the Public Works Director prior to beginning site work.
20. A Preconstruction Conference, including the Public Works Director, shall be held prior to beginning site work.

Jerod Hanaman, Director of Real Estate for Driven Brands (Take 5 Car Wash), stated that the company thought all the questions on the project had been answered at the Planning Meeting. He was willing to answer questions that the Council may have.

Council inquired if the MNDOT plans would impact the car wash. Mr. Hanaman said that the outcome of the PEC Study was hypothetical and he could only work with what is in existence presently. He noted that if in the future the road changes they could work with

the change and use the site for another opportunity. He noted that the vehicle stacking issue is site specific and there was not a request for a study, but one could be done if required. He said the vacuums are state of the art and have been used in other facilities with sound walls and they have not received complaints.

Councilmember Wendling referred to the accidents in the area of 83rd Avenue NE. He inquired if Mr. Hanaman thought the car wash could contribute to the accidents. Mr. Hanaman said that having the three the access points is beneficial, especially to the south. This access point would keep customers from having to do a U-Turn to head south.

Motion made by Councilmember Goodboe-Bisschoff to approve Resolution 22-29, Granting Approval of Conditional Use Permit for Boing US Holdco, Inc at 8301 University Avenue NE (Take 5 Car Wash).

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

B. Resolution Approving a Variance from the Side Yard Parking Setbacks and Rear Yard Building Setback to Allow the Construction of a Car Wash at 8301 University Avenue NE

Planner Wahlburg noted that the applicant was seeking a variance for the proposed Take 5 Car Wash. The variance includes the following:

1. Corner side yard parking setback as shown is 15 feet; code requirement is 25 feet (south side of property);
2. Side yard parking setback as shown is about 3 feet; code requirement is 10 feet (north side of property);
3. Rear yard building setback as shown is 15 feet; code requirement is 30 feet (east side of property).

Motion made by Councilmember Goodboe-Bisschoff to approve Resolution 22-30, Approving a Variance from the Side Yard Parking Setbacks and Rear Yard Building Setback to Allow the Construction of a Car Wash at 8301 University Avenue NE, with the following conditions:

1. The variance is conditioned on the approval of the Conditional Use Permit for the site as described in the City Planner report dated May 23, 2022 and outlined in Resolution 22-27.
2. Landscaping and screening shall be provided as stipulated in the Conditional Use Permit.
3. Lighting on the building shall be approved in the Conditional Use Permit with downcast shielded fixtures allowing no more than 0.5 footcandle beyond the property line

4. All conditions relating to traffic, grading, drainage, site, sanitary sewer, water works and other engineering items shall be reviewed and approved by the City Engineer prior to issuance of a building permit.
5. Handling of odors, gas and fumes will be reviewed and approved by the City Engineer and Building Official before a building permit is issued.

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

Administrator Buchholtz inquired of the Council what are the finding of facts for the variance denial. He advised them that they must provide finding of facts for the denial. Councilmember Wendling and Mayor Nelson felt that the car wash did not fit with the neighborhood characteristics.

Councilmember Dircks inquired about the variance. Administrator Buchholtz stated that staff believed the zoning requirements for a corner lot created a practical difficulty in developing the site. He said that setting the building further back on the site would improve site lines at the intersection of 83rd Avenue NE and University Avenue NE Service Road.

Motion made by Councilmember Dircks to reconsider Resolution 22-30.

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

Councilmember Dircks raised concerns about traffic at the intersection. She expressed her belief that a site-specific traffic study should be done to identify any potential negative traffic impacts.

Motion made by Councilmember Delfs Approving a Variance from the Side Yard Parking Setbacks and Rear Yard Building Setback to Allow the Construction of a Car Wash at 8301 University Avenue NE, with the following amendments:

1. The variance is conditioned on the approval of the Conditional Use Permit for the site as described in the City Planner report dated May 23, 2022 and outlined in Resolution 22-27.
2. Landscaping and screening shall be provided as stipulated in the Conditional Use Permit.
3. Lighting on the building shall be approved in the Conditional Use Permit with downcast shielded fixtures allowing no more than 0.5 footcandle beyond the property line
4. All conditions relating to traffic, grading, drainage, site, sanitary sewer, water works and other engineering items shall be reviewed and approved by the City Engineer prior to issuance of a building permit.

5. Handling of odors, gas and fumes will be reviewed and approved by the City Engineer and Building Official before a building permit is issued.
6. Site specific traffic study is conducted that proves no stacking and/or adverse impact on the current intersection.

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

C. Resolution Conditionally Granting Site Plan Approval for Construction of Car Wash Facility with Self Service Vacuums at 8301 University Avenue NE

Motion made by Councilmember Goodboe-Bisschoff to approve Resolution 22-31, Conditionally Granting Site Plan Approval for Construction of Car Wash Facility with Self Service Vacuums at 8301 University Avenue NE.

Voting Yea: Councilmember Wendling, Councilmember Delfs, Councilmember Goodboe-Bisschoff, Councilmember Dircks. Voting Nay: Mayor Nelson. Motion passed.

D. Ordinance Amending Section 16.64.040(C) Relating to Auto Sales as a Conditional Use in I-1 District

Planner Wahlburg stated that Tint Pros requested the City Council consider an ordinance text amendment to allow auto sales as a conditional use within the I-1 zoning district. She said an ordinance text amendment is required because auto sales are currently only allowed as a conditional use within the C-2 zoning district, and the proposed text amendment would add auto sales to the schedule of permitted uses as a conditional use in the I-1. She noted that within the C-2, the City currently allows "auto and marine; sales, leasing and rental" as a conditional use.

She said that the City Council has discretion over whether to approve the ordinance text amendment and they should consider whether auto sales are an appropriate use within the I-1, light industrial district. She stated this is an issue that has come up in the past, and for which the City has included performance standards in their zoning ordinance (§16.36.010(A)).

Mayor Nelson requested that this item be discussed at the upcoming Planning Commission/City Council Work Session on June 13, 2022.

Motion made by Mayor Nelson to table Ordinance Amending Section 16.64.040(C) Relating to Auto Sales as a Conditional Use in I-1 District.

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

E. Resolution Granting Approval of Conditional Use Permit for Tint Pro's LLC to Permit Auto Detailing and Related Services at 1313 Osborne Road NE

Planner Wahlburg provided an overview of the CUP for Tint Pros at 1313 Osborne Road NE. They are currently located at 7703 Central Avenue NE.

Motion made by Councilmember Wendling to approve Resolution 22-32, Granting Approval of Conditional Use Permit for Tint Pro's LLC to Permit Auto Detailing and Related Services at 1313 Osborne Road NE to include the following amendments:

1. The proposed use is a reasonable use of the property, anticipated as a Conditional Use in the amended I-1 Light Industrial District.
2. The use is screened from adjacent residential uses and is therefore 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.
5. Unusual odors, fumes, dust, noise or vibration associated with the use will be adequately mitigated by the applicant and work will be conducted indoors.
6. No residential use is proposed on the site; and, therefore incompatible growth in that regard is not an issue with this use.

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

10. NEW BUSINESS

A. Approval of Hire for Police Officer

Chief Antoine stated that the Police Department successfully interviewed and completed background checks on three candidates and he is recommending that Jeremiah Drinkwine be appointed as the new Police Officer. He said Mr. Drinkwine's start date will be June 13, 2022.

Motion made by Mayor Nelson to make a Conditional Job Offer to Jeremiah Drinkwine for the Patrol officer position.

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

B. Approval of Hire for Public Works Employees

Public Works Director Randall stated that the Administration staff has concluded the interview process. There were fifteen applications received and staff interviewed three candidates. Director Randall is recommending that conditional job offers be extended to Conor Allen and Cory Haugen upon completion of a successful drug test and background check.

Motion made by Councilmember Dircks to make a Conditional Job Offer to Conor Allen and Cory Haugen for the Public Works position, pursuant to terms outlined in the City Administrator's memos dated June 1, 2022 and June 6, 2022.

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

11. REPORTS

A. Attorney Report

Attorney Thames reported that he reviewed the 2022 Seal Coat contracts and they are ready for signatures.

B. Engineer Report - Report in Packet

C. Administrator Report

Administrator Buchholtz reminded the Council that the joint work session with the Planning Commission will be Monday, June 13, 2022 at 5:30 PM. He made note that the Metropolitan Council statistics on the population of Spring Lake Park for 2021 is 7534. He informed the Council that he would be out of the office June 21-June 24 to attend the LMC Annual Conference.

12. OTHER

A. Correspondence - None

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 9:39 PM.

Robert Nelson, Mayor

Attest:

Daniel R. Buchholtz, Administrator, Clerk/Treasurer