

## OFFICIAL PROCEEDINGS

Pursuant to due call and notice thereof, the regularly scheduled meeting of the Spring Lake Park City Council Regular was held on July 1, 2024 at the Able Park Building, 8200 Able Street NE, at 7:00 PM.

### 1. CALL TO ORDER

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

### 2. ROLL CALL

#### MEMBERS PRESENT

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

#### MEMBERS ABSENT

Councilmember April Moran

#### STAFF PRESENT

Building Official Jeff Baker, Public Works Director George Linngren, Attorney John Thames,  
Administrator Daniel Buchholtz

#### VISITORS

Karen Hedtke	7924 Quincy Street NE	Spring Lake Park MN
Hamza Refaya	697 79 <sup>th</sup> Avenue NE	Spring Lake Park MN
Vicki WazWaz	697 79 <sup>th</sup> Avenue NE	Spring Lake Park MN
Doug Beck	892 Highway 10 NE	Spring Lake Park MN
Roland Johnston	896 County Road 10 NE	Spring Lake Park MN

### 3. PLEDGE OF ALLEGIANCE

### 4. ADDITIONS OR CORRECTIONS TO AGENDA

None

### 5. DISCUSSION FROM THE FLOOR

Mr. Doug Beck, 892 County Highway 10 NE and Mr. Roland Johnston, 896 County Highway 10 expressed concerns over the road closure on Sanburnol Drive NE. He stated that the closure is affecting their business by 35%.

Councilmember Wendling inquired about the signs on the barriers and the electronic sign. He asked if they say local businesses accessibility. Mayor Nelson stated that the Police Department has posted on Facebook that local businesses are accessible.

Administrator Buchholtz said that staff will look into signs for the barriers notifying traffic that businesses are accessible.

## 6. CONSENT AGENDA

- A. Contractor's Request for Payment #1 – 2024 Seal Coat and Crack Repair Project - \$52,822.80
- B. Contractor's Request for Payment #1 – 2024 Sanburnol Drive, Elm Drive and 83<sup>rd</sup> Ave Improvements - \$242,047.96
- C. Pay Request #5 – City Hall Renovation/Expansion Project
- D. Request from SBM for Authorization to Purchase New Fire Engine
- E. Opt out of Ramsey County CDBG Entitlement
- F. Contractor's Licenses
- G. Sign Permits

Councilmember Wendling requested that Item 6D be pulled from the agenda for comments on the request from SBM Fire Truck purchase. He expressed his support for the purchase.

Item 6d was re-added to the agenda.

Motion made by Councilmember Wendling to approve the Consent Agenda.

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

## 7. DEPARTMENT REPORTS

### A. Public Works Report

Public Works Director Linngren gave an overview of the projects undertaken by the Public Works Department for the month of June. He stated that all the street patching has been done in advance of the seal coat project. He said that Valley Rich repaired the leaking manhole structure on Old Central and 78<sup>th</sup> Avenue NE. Director Linngren stated that Visu-Sewer relined portions of sewer main on Lakeview Lane NE and 80<sup>th</sup> Avenue NE between Old Central and Buchanan Street NE that had experienced failure.

Director Linngren updated the City Council on the construction taking place on Sanburnol Drive NE. He stated that curb installation and grading are scheduled for the week of July 8, weather permitting.

### B. Code Enforcement Report

Building Official stated that there were 23 administrative offense tickets issued during June. He said that there were a dozen notices sent addressing long grass. He said that only 3 of the tickets escalated to the administrative citation level. Building Official Baker said that

letters have been sent to all rental properties to remind the property managers and landlords to schedule their yearly inspection.

## 8. ORDINANCES AND/OR RESOLUTIONS

### A. Ordinance 494 – Ordinance Amending Chapter 9 of the Spring Lake Park City Code Relating to Health and Safety; Nuisances

Administrator Buchholtz gave an overview on the need to update the City's Code of Ordinances. He stated that staff prepared an update to the Nuisance ordinance section. Administrator Buchholtz said that the original code was based on the League of Minnesota Cities model ordinance.

Administrator Buchholtz discussed the proposed amendments to Chapter 9 of the Nuisance Ordinance.

Motion made by Councilmember Goodboe-Bisschoff to approve Ordinance 494 – Ordinance Amending Chapter 9 of the Spring Lake Park City Code Relating to Health and Safety; Nuisances.

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

### B. Resolution 2024-43, Authorizing Summary Publication of Ordinance 494, An Ordinance Amending Chapter 9 of the Spring Lake Park City Code Relating to Health and Safety; Nuisances

Administrator Buchholtz said that that the resolution would create a summary of Ordinance 494 to inform the public and to let the public know they can access a copy of the ordinance on the City website.

Motion made by Councilmember Wendling to approve Resolution 2024-43, Authorizing Summary Publication of Ordinance 494, An Ordinance Amending Chapter 9 of the Spring Lake Park City Code Relating to Health and Safety; Nuisances.

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

### C. Ordinance 495, Amending Spring Lake Park Code Section 11.08 Relating to Liquor Regulations

Administrator Buchholtz stated that the proposed amendments to the liquor ordinance would bring the City's liquor regulations into conformance with State Law. He stated that the regulations include the following:

1. Adding resorts as an establishment able to be issued an on-sale intoxicating liquor license;
2. Adding political committees registered under state law and state universities as entities able to obtain a temporary on-sale intoxicating liquor license;
3. Adding various types of liquor licenses which are authorized under State Law; and
4. Authorizing a reduction in annual license fee for off-sale intoxicating liquor licensees if they follow certain criteria outlined in State law regarding training for underage drinkers.

Motion made by Mayor Nelson to approve Ordinance 495, Amending Spring Lake Park Code Section 11.08 Relating to Liquor Regulations.

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

D. Resolution 2024-44, Authorizing Summary Publication of Ordinance 495, An Ordinance Amending Spring Lake Park Code Section 11.08 Relating to Liquor Regulations

Motion made by Councilmember Dircks to approve Resolution 2024-44, Authorizing Summary Publication of Ordinance 495, An Ordinance Amending Spring Lake Park Code Section 11.08 Relating to Liquor Regulations.

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

E. Resolution 2024-45, Denying Variance from Fencing Performance Standards at 697 79<sup>th</sup> Avenue NE

Administrator Buchholtz gave an overview of the variance request for 697 79<sup>th</sup> Avenue NE. He stated that the applicant is requesting to install a six-foot privacy fence in the front yard. He stated that the property is zoned R-1 and was constructed in 1956.

Administrator Buchholtz stated that the applicant is seeking a variance from SLPC 16.28.030 (F), which states that “no fence may exceed four feet in height above ground level in front of the front line of the residential structure, along any street or highway right-of-way, or in the front yard as defined by this title. He stated that the term “Yard, Front” is defined under SLPC 16.04.070 as “a yard extending across the front of the lot between the side yard lines and lying between the front street line of the lot and the nearest line of the building.

Administrator Buchholtz said that the on a corner lot, both sides adjacent to the street are considered the front yard, though the shortest street lot line shall be considered the front lot line. He stated that the although their front door is on 79<sup>th</sup> Avenue, the front of the applicant’s home is on Monroe Street NE because it is the short side of the property.

Administrator Buchholtz stated that the property currently has a 6-foot-tall white vinyl privacy fence along the northern property line, running from the western property line to the start of the front yard setback. He stated that the property owner is seeking to continue that 6-foot vinyl privacy fence to the right of way line and install a 6-foot-tall privacy fence along the right-of-way line on Monroe Street, ending at a point in line with the south east corner of the house. He said that there is no other fencing along the right of way of Monroe Street NE.

Administrator Buchholtz stated that the Planning Commission held a public hearing on the variance request at its meeting on June 24, 2024. He stated after reviewing the request and public comment, the Planning Commission recommended denial of the variance and recommended adoption of the findings of fact as listed below in support of the denial:

- A six-foot fence in the front yard along the right-of-way line is not reasonable under the circumstances as it would impair visibility for drivers and pedestrians, increasing the risk of accidents, particularly for residents backing out of nearby driveways.
- The proposed fence would disrupt the consistent and open visual appeal of the neighborhood, thereby impacting the essential character of the neighborhood.
- The property can continue to be used as a residential property without granting the variance. A fence can be constructed in conformance with the City Code while still providing backyard privacy to the owner of the property.
- The variance request does not meet the criteria set forth in SLPC 16.60.040 or State Law for the practical difficulties test in that there are numerous corner lots within the City that currently comply with the City Code and insufficient unique circumstances exist on the property to support the deviation from Code standards.

Ms. Vicki Wazwaz, 697 79<sup>th</sup> Avenue NE stated that the request is not in opposition to the City Code because she believes the front yard is along 79<sup>th</sup> Avenue NE, and not Monroe Street. She stated that they want the fence flush with the house for safety, security and privacy. She stated that the fence would not go past the frontline of the house. She states that the residents cannot enjoy their property because of the bus stop.

Councilmember Goodboe-Bisschoff inquired about the look of the neighbor's fence and its placement. Ms. Wazwaz stated that the fence would match the existing fence.

Mayor Nelson expressed safety concerns should the variance be granted as grounds for his opposition to the variance.

Motion made by Councilmember Wendling to approve Resolution 2024-45, Denying Variance from Fencing Performance Standards at 697 79<sup>th</sup> Avenue NE.

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

**9. NEW BUSINESS****A. Approval of Phase 1A Furniture Quote – Alternative Business Furniture**

Administrator Buchholtz stated that staff has been working with Alternative Business Furniture (ABF) on a design for the new office furniture. He stated that the City Council approved Phase 1 for the Police Department. He stated that the furniture is in production and it will be ready for the Police Department addition when it is completed in July.

Administrator Buchholtz stated that in addition to the Police Department being completed at the end of Phase 1 other areas will be completed, including the Recreation front counter and offices for the recreation supervisors. He stated that in addition to the recreation area the front conference room will be completed. Administrator Buchholtz stated that staff asked ABF to develop a quote for Phase 1A to order furniture for the areas to be completed along with office chairs for the Police Department addition.

Administrator Buchholtz stated that the proposed quote is \$34,897.03, and it includes delivery and installation. He said that staff is recommending approval of the Phase 1A quote. He stated that the funds will come from the furniture, fixtures and equipment budget for the project.

Mayor Nelson inquired if there was a way to resell the furniture. Administrator Buchholtz stated that while there is a glut of old office furniture for sale, he would work to ensure the furniture was reused.

Motion made by Councilmember Dircks authorizing Approval of Phase 1A Furniture Quote – Alternative Business Furniture.

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

**10. REPORTS****A. Attorney Report**

Attorney Thames stated that he wanted to make a point of clarification on Resolution 2024-45. He stated that Council approved the resolution as written. He stated his understanding from the discussion was to approve the resolution denying the variance that is the body of the variance.

Attorney Thames said for clarity, he wanted to make clear the body of the variance did say deny, the title at the beginning of the agenda did say denying, and the mayor did specifically ask if it was to deny, and Councilmember Wendling did confirm that. Attorney Thames stated that he wanted to make sure that everyone was clear on that statement.

A. Engineer's Report

Report accepted as presented.

C. Administrator Report

Administrator Buchholtz gave an update of the City hall Renovation/Expansion Project. He stated he attended the League of Minnesota Cities Conference.

**11. OTHER**

A. Correspondence

Councilmember Goodboe-Bisschoff gave a presentation on the accomplishment of the City reaching Step 1 of the GreenStep Cities Program. Administrator Buchholtz stated that staff's goal is to reach Step 2 next year.

Councilmember Wendling stated that Mr. and Mrs. Wax and Mr. and Mrs. Mods sent thank you letters complimenting the Recreation Department on the trips they recently took with staff.

B. Close Meeting to Develop or Consider Offers or Counteroffers for the Purchase of Real or Personal Property Pursuant to M.S. 13D.05, subd. 3(c)(3)

Motion made by Councilmember Wendling to close the City Council meeting to Develop or Consider Offers or Counteroffers for the Purchase of Real Property Pursuant to M.S. 13D.05, subd. 3(c)(3) for the property identified as 8478 Highway 65 NE.

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

Meeting was closed at 8:04 PM.

Meeting Reconvened at 8:19 PM.

Attorney Thames stated that the City Council met in closed session to discuss the meeting to Develop or Consider Offers or Counteroffers for the Purchase of Real Property Pursuant to M.S. 13D.05, subd. 3(c)(3) for the property identified as 8478 Highway 65 NE. He stated that, Council has provided staff and attorney direction.

**12. ADJOURN**

Motion made by Councilmember Wendling to adjourn.

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

The meeting was adjourned at 8:22 PM.

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Robert Nelson, Mayor

Attest:

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Daniel R. Buchholtz, Administrator, Clerk/Treasurer