

## OFFICIAL PROCEEDINGS

Pursuant to due call and notice thereof, the regularly scheduled meeting of the Spring Lake Park City Council Regular was held on February 5, 2024 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

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

#### STAFF PRESENT

Building Official Jeff Baker, Public Works Director George Linngren, Police Chief Josh Antoine, Engineer Phil Gravel, Attorney John Thames, Administrator Daniel Buchholtz

#### VISITORS

Planner Phil Carlson	Stantec	
Officer Aaron Imig	Spring Lake Park Police Department	
George Eilertson	Northland Securities	
Julie Staber	8155 Hwy 65 NE	Spring Lake Park, MN 55432
Said Sajady	3640 140 <sup>th</sup> Avenue NE	Ham Lake, MN 55304

### 3. PLEDGE OF ALLEGIANCE

### 4. ADDITIONS OR CORRECTIONS TO AGENDA

Administrator Buchholtz requested that item 8B be removed from the Agenda reporting that Taco Lindo waived their right to a hearing and paid the penalty. He requested that Agenda Item 9F be moved to the beginning of Ordinances and/or Resolutions followed by Item 10A.

### 5. DISCUSSION FROM THE FLOOR

None

### 6. CONSENT AGENDA

- A. Approval of Minutes - January 16, 2024 Work Session
- B. Approval of Minutes - January 16, 2024 City Council Meeting
- C. Authorize Contribution of Public Safety Aid to SBM Fire Department Capital Fund

- D. 2023-2024 Sanitary Sewer Lining Contractor's Request for Payment No. 1 - \$397,938.28
- E. Municipal State Aid Account Update
- F. Contractor's Licenses
- G. Sign Permit
- H. Business License
- I. Business License

Motion made by Councilmember Wendling to approve the Consent Agenda.

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

## 7. DEPARTMENT REPORTS

### A. Public Works Report

Public Works Director Linngren stated that the Department flooded the rink at Able Park, however, due to no ice, the skating rinks closed January 23, 2024. He stated that there were two watermain breaks and both needed dewatering due to the high-water table in the area.

Public Works Director Linngren said the City took possession of the new skidsteer and the new hoist at the Public Works shop. He stated that the old skid steer sold at auction for roughly \$22,000. He stated that he completed the yearly reports for the DNR, the Met Council MCES report and the State Tier 2 hazmat report for chemicals at the water plants.

Mayor Nelson inquired if the flyers given to residents prior to the sewer lining projects can contain information on running water down the drains. Public Works Director Linngren stated the contractor distributes door hangers with present information for the project.

### B. Code Enforcement Report

Building Official Baker stated that he and Inspector Morris spent a significant amount of time on letters and postings for delinquent rental properties. He said that all seven buildings of Northtown Apartments have passed inspection. Building Official Baker said that Northtown Apartments have paid their license fee and their rental license has been reinstated.

Building Official Baker updated the City Council on on-going construction projects. He stated that 8301 University Avenue received the final certificate of occupancy; however, the name of the business has not been established. Building Official Baker said he completed the plumbing and the HVAC inspections on 7900 McKinley Street NE.

**8. PUBLIC HEARINGS****A. Hearing on License Suspension and Civil Penalty – Hy-Vee Wine & Spirits**

Administrator Buchholtz gave an overview of the alcohol compliance check conducted by the Spring Lake Park Police Department on December 30, 2023. He stated that Hy-Vee Wine and Spirits was found to be in violation of M.S. 340A.503, subd. 2. He stated that this statute prohibits the sale of alcoholic beverages to individuals under 21 years of age. Administrator Buchholtz stated that under Spring Lake Park Code Section 11.08.010(R)(2) that every licensee is responsible for their business conduct and the actions of their employees.

Administrator Buchholtz state since this is the second violation within a three-year period, the City Council, pursuant to SLPC 11.08.010(V) and 11.08.010(W), may impose the following penalties:

- A three consecutive day license suspension.
- A civil penalty of \$1,000.00

Administrator Buchholtz said that the licensee was present to answer any questions.

Motion made by Councilmember Wendling to open the Public Hearing.

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

Mayor Nelson opened the public hearing at 7:19 PM.

Julie Staber, Hy-Vee Store Manager stated she and District Store Director C.J. Wade sat down once notified of the violation and realized that with all the staff turnover proper training has fallen behind. Ms. Staber is requesting an additional fine instead of a three-day suspension.

Ms. Staber stated that all new employees must take a computer-based training, and that every six months employees will be required to retrain.

Councilmember Goodboe-Bisschoff inquired if carding is mandatory. Ms. Staber said legally it is not required to request an individual's ID, but employees are being required to request them. Councilmember Goodloe-Bisschoff inquired about consequences for employees. Ms. Staber said that the current employee was transferred to another department and documentation was placed in the employees file. Ms. Staber said that all new employees will be required to sign a document saying they understand the policy and if said policy is violated the employee is terminated.

Attorney Thames clarified with Ms. Staber that Hy-Vee was taking responsibility for the violation. Ms. Staber answered in the affirmative. Mr. Thames stated that Ms. Staber has the right to have the evidence presented if she so wishes. Mr. Thames said that the City Council has the discretion to deviate from the recommendations as long as the Council does so on a factual basis.

Motion made by Councilmember Wendling to close the public hearing.

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

Mayor Nelson closed the public hearing at 7:38 PM.

Motion made by Mayor Nelson to waive the three-day suspension and double the fine to \$2,000.00.

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

## 9. ORDINANCES AND/OR RESOLUTIONS

### A. Resolution 2024-12, Declaring Cost to be Assessed and Ordering Preparation of Proposed Assessment - 2024 Street Improvement Project

Engineer Gravel stated that the 2024 Street Project bids were opened on January 30, 2024. He said that no action regarding the bids is necessary. Staff is requesting that the City Council declare the amount to be assessed and order preparation of a final assessment roll.

Motion made by Councilmember Wendling approving Resolution 2024-12, Declaring Cost to be Assessed and Ordering Preparation of Proposed Assessment - 2024 Street Improvement Project.

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

### B. Resolution 2024-13, Granting Approval of Conditional Use Permit to Include Auto Repair for Northtown Auto Sales, 8235 University Avenue NE, Which Incorporate, Restate and Modify the Current Permit Conditions

Administrator Buchholtz stated that the Planning Commission held a public hearing on January 22, 2024 to consider a Conditional Use Permit (CUP) request by Muchtar Sajady to allow auto repair in addition to the current auto sales use at Northtown Auto Sales, 8325 University Avenue NE. He stated that the Planning Commission recommended approval of the CUP, subject to conditions.

City Planner Carlson gave an overview on the history of 8325 University Avenue NE, in regards to past and present Conditional Use Permits.

- The current Special Use Permit at 8325 University Avenue NE, approved in March 1985 and amended in December 1985 and December 1993, is voided and replaced with this new Conditional Use Permit.
- Auto repair may be conducted on site as long as all repair work is done completely within the building and all other conditions of this permit are adhered to.
- A new landscaped boulevard along the University Avenue frontage road will be added consisting of an additional 4-foot-wide landscaped area, in addition to the existing 5-foot-wide landscaped area, for a total of 9 feet wide. The new boulevard will be planted with low shrubs in a plan to be prepared by the owner and reviewed and approved by the City Planner and City Engineer. All landscaping will be installed as indicated on the approved landscape plan and guaranteed for at least one year. The plan is to be completed by October 31, 2024.
- The number of cars on site at any one time, including vehicles for sale, involved in repair or customer parking is limited to 58.
- All vehicles on site must be legal and operational for public highways.
- Hours of operation are 9am to 9pm, Monday through Friday and 9am to 6pm on Saturdays.
- On-site lighting to be confined to the premises. Any changes in site lighting are to be reviewed and approved by the City Engineer.
- Existing green space shall be maintained.
- Fencing will be kept in good repair and attractive appearance.
- All other standards related to drainage of the site and other site features are to be followed. Any changes must be reviewed and approved by the City Engineer.

Mayor Nelson inquired about the space for repairs. He asked if an addition will be added to the building. Building Official Baker said there is already an overhead garage door and an additional door was added in 2021.

Councilmember Goodboe-Bisschoff inquired about the unpermitted attached structure. Building Official Baker stated that the lean-to was built without permits and materials did not meet Code Standards. Building Official Baker said that the structure will need to be removed.

Councilmember Goodboe-Bisschoff inquired about the green space. Administrator Buchholtz stated that the recommendation for green space from the Planning Commission was a compromise to keep visibility that is needed for an auto dealer.

Motion made by Mayor Nelson to approve Resolution 2024-13, Granting Approval of Conditional Use Permit to Include Auto Repair for Northtown Auto Sales, 8235 University Avenue NE, Which Incorporate, Restate and Modify the Current Permit Conditions.

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

C. Resolution 2024-14, Granting Approval of Conditional Use Permit to Allow Motorcycle Repair at 8421 Center Drive NE, Suite A

Administrator Buchholtz stated that the Planning Commission held a public hearing on January 22, 2024 to consider a Conditional Use Permit (CUP) request by Brandon Prior, Prior Performance, to allow motorcycle repair at 8421 Center Drive NE. He stated that the Planning Commission recommended approval of the CUP, subject to conditions.

City Planner Carlson gave an overview of the applicants request to make motorcycle repairs at 8421 Center Drive NE. He discussed the conditions recommended by the Planning Commission.

- All work on vehicles will be conducted within the enclosed building.
- No storage of tires, vehicles, vehicle parts or other materials is permitted outside the building.
- All vehicles parked on site will be operable and street worthy.
- Parking for the business is limited to three parking spaces immediately in front of Suite A of the building on Center Drive and the three spaces immediately behind Suite A at the rear of the building. Parking at the rear will maintain the access aisle open serving the entire building.
- Operations on site will at all times follow the performance standards in SLPC 16.28.010 for noise, odor, fumes, light and other impacts.

Mayor Nelson inquired if a dyno torque would be used by the shop. Staff commented that the applicant did not state whether a dyno torque would be used.

Councilmember Wendling inquired of Building Official Baker the need for the CUP. Building Official Baker stated that a fire inspection was being conducted on a new Certificate of Occupancy and it was discovered that bikes were being put together.

Motion made by Councilmember Moran to approve Resolution 2024-14, Granting Approval of Conditional Use Permit to Allow Motorcycle Repair at 8421 Center Drive NE, Suite A as Amended to Include a Condition Prohibiting a Dyno Torque.

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

D. Ordinance 491, Amending Chapter 16 of the City Code Relating to Sacred Communities

Administrator Buchholtz gave an overview of the Sacred Communities Ordinance. He stated State Law requires cities to permit faith communities to site micro units on religious property to house chronically homeless individuals, extremely low-income individuals, and volunteers.

Administrator Buchholtz said that the proposed ordinance incorporates the Sacred Settlement law into the City's zoning ordinance. He stated that the Planning Commission held a public hearing on the ordinance and recommended approval of the Sacred Settlement ordinance.

Motion made by Councilmember Wendling approving Ordinance 491, Amending Chapter 16 of the City Code Relating to Sacred Communities.

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

E. Resolution 2024-15, Authorizing Summary Publication of Ordinance 491, Amending Chapter 16 of the City Code Relating to Sacred Communities

Administrator Buchholtz said that that the resolution would create a summary of Ordinance 491 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 Dircks approving Resolution 2024-15, Authorizing Summary Publication of Ordinance 491, Amending Chapter 16 of the City Code Relating to Sacred Communities.

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

F. Resolution 2024-16, Providing for the Competitive Negotiated Sale of \$8,210,000 General Obligation Capital Improvement Plan Bonds, Series 2024A

Administrator Buchholtz gave an overview of the City Council's actions concerning the possible issuance of General Obligation Capital Improvement Bonds. He stated that the hearing was held on December 18, 2023 and Resolution 2023-46 was passed granting preliminary approval to the sale of the G.O. CIP Bonds. He stated that once the resolution was passed it started a 30-day period where residents could petition for a referendum on the bonds. He noted the 30-day period ended on January 18, 2024.

George Eilertson, Northland Securities stated that the resolution does not sell the bonds. He stated that the resolution sets the sale for March 4, 2024. Mr. Eilertson said that the bond is a 20-year bond and the current rate is 3.5-3.6%. He stated that a 20-year bond will have a call date of February 1, 2032.

Mayor Nelson inquired about interest rates. Administrator Buchholtz and Mr. Eilertson stated that interest rates can fluctuate up or down depending on the markets.

Administrator Buchholtz stated staff recommends approval of Resolution 2024-16.

Motion made by Councilmember Wendling to approve Resolution 2024-16, Providing for the Competitive Negotiated Sale of \$8,210,000 General Obligation Capital Improvement Plan Bonds, Series 2024A.

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

G. Resolution 2024-17, Accepting Bid for City Hall Renovation/Expansion Project

Administrator Buchholtz stated that bids were opened on November 20, 2023 for the City Hall Renovation/Expansion Project. He stated nine bids were received, and two bids were considered non-responsive due to missing required documents. Administrator Buchholtz stated that Construction Results Corporation was the low bidder for \$5,955,690, which includes Alternative 1 and Alternative 2.

Motion made by Councilmember Wendling approving Resolution 2014-17, Accepting Bid for City Hall Renovation/Expansion Project.

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

H. Resolution 2024-18, Authorizing Creation of 2024 City Hall Renovation/Expansion Project Fund and Transfer of Funds from ARPA Fund to 2024 City Hall Renovation/Expansion Project Fund

Administrator Buchholtz stated staff is requesting the City Council establish a City Hall Renovation/Expansion Project Fund for the City to track expenses related to the City Hall Renovation/Expansion project. He stated staff is also requesting that the transfer of \$756,123.80 from the ARPA funds from Fund 704 to the new Project fund. Administrator Buchholtz stated that the ARPA funds transfer will cover part of the cash contribution to the project and funds will include the bond proceeds.

Motion made by Councilmember Wendling to approve Resolution 2024-18, Authorizing Creation of 2024 City Hall Renovation/Expansion Project Fund and Transfer of Funds from ARPA Fund to 2024 City Hall Renovation/Expansion Project Fund.

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



**10. NEW BUSINESS****A. Municipal Advisory Service Agreement by and between the City of Spring Lake Park and Northland Securities, Inc.**

George Eilertson, Northland Securities gave an overview of the Municipal Advisory Service Agreement. He said that the agreement outlines the services Northland Securities will provide in relation to the issuance of the General Obligation Capital Improvement Plan Bonds, Series 20224A.

Mr. Eilertson stated that Northland Securities will advise the city on structure, terms and timing of the bond issuance. He said that Northland Securities will facilitate the bond sale and assist with the post-sale regulatory compliance.

Motion made by Mayor Nelson to approve Municipal Advisory Service Agreement by and between the City of Spring Lake Park and Northland Securities, Inc.

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

**B. Appointment to Parks Commission**

Administrator Buchholtz gave an overview of the application submitted by Ryan McLaughlin to join the Parks and Recreation Commission.

Motion made by Mayor Nelson to appoint Ryan McLaughlin to the Park Commission.

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

**11. REPORTS****A. Attorney Report**

No report

**A. Engineer's Report**

Accepted as presented.

**C. Administrator Report**

Administrator Buchholtz thanked the City Council on behalf of himself and staff for the investment in the City Hall Renovation project. He gave an update on Public Utilities Commission (PUC) considering changes to the solar garden program. He stated that the City

sent a later in opposition, and requesting that the Suburban Rate Authority Board submit a letter.

Administrator Buchholtz gave an update on the meeting with Stantec on the ARC GIS project and the Gateway Fiber project. He updated the Council and the public on Absentee Voting, as well as the March 5 election which will be held at Emmanuel Christian Center.

**12. OTHER**

A. Correspondence - None

**13. ADJOURN**

Motion made by Councilmember Wendling to adjourn.

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

The meeting was adjourned at 9:08 PM.

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Robert Nelson, Mayor

Attest:

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Daniel R. Buchholtz, Administrator, Clerk/Treasurer