



CITY COUNCIL REGULAR AGENDA
MONDAY, MAY 04, 2020
VIRTUAL MEETING at 7:00 PM

- 1. CALL TO ORDER**
 - [A.](#) Telephone Meeting Instructions
- 2. ROLL CALL**
- 3. ADDITIONS OR CORRECTIONS TO AGENDA**
- 4. DISCUSSION FROM THE FLOOR**
- 5. CONSENT AGENDA**
 - [A.](#) Mayor's Proclamation - Municipal Clerks Week May 3-9, 2020
 - [B.](#) Mayor's Proclamation - National Police Week May 10-16, 2020
 - [C.](#) Approval of Minutes - April 20, 2020 City Council Meeting
 - [D.](#) Contractor's Request for Payment No. 3 - Garfield Pond Improvement Project
 - [E.](#) Contractor's Licenses
- 6. DEPARTMENT REPORTS**
 - [A.](#) Public Works Report
 - [B.](#) Code Enforcement Report
- 7. ORDINANCES AND/OR RESOLUTIONS**
 - [A.](#) Resolution 20-16, Supporting "The Protecting Community Television Act"
 - [B.](#) Resolution 20-17, Amending Joint Powers Agreement for North Metro Telecommunications Commission
 - [C.](#) Resolution 20-18, Approving a Variance from the Side Yard Setback to Allow the Construction of an Industrial Building at 8457 Sunset Road NE
- 8. NEW BUSINESS**
 - [A.](#) Municipal State System Revisions for 81st Avenue NE
- 9. REPORTS**
 - [A.](#) Engineer's Report
 - B. Attorney Report
 - C. Beyond the Yellow Ribbon Report
 - D. Administrator Reports
- 10. OTHER**
- 11. ADJOURN**

SEE REVERSE SIDE FOR RULES FOR PUBLIC HEARINGS AND
DISCUSSION FROM THE FLOOR

Individuals with disabilities needing auxiliary aid(s) may request assistance by contacting the City Clerk at 1301 81st Avenue NE, Spring Lake Park, MN 55432. Ph.763-784-6491 at least 48 hours in advance.

RULES FOR DISCUSSION FROM THE FLOOR AND PUBLIC HEARINGS

DISCUSSION FROM THE FLOOR

- Discussion from the floor is limited to three minutes per person. Longer presentations must be scheduled through the Administrator, Clerk/Treasurer's office.
- Individuals wishing to be heard must sign in with their name and address. Meetings are video recorded so individuals must approach the podium and speak clearly into the microphone.
- Council action or discussion should not be expected during "Discussion from the Floor." Council may direct staff to research the matter further or take the matter under advisement for action at the next regularly scheduled meeting.

PUBLIC HEARINGS

The purpose of a public hearing is to allow the City Council to receive citizen input on a proposed project. This is not a time to debate the issue.

The following format will be used to conduct the hearing:

- The presenter will have a maximum of 10 minutes to explain the project as proposed.
- Councilmembers will have the opportunity to ask questions or comment on the proposal.
- Citizens will then have an opportunity to ask questions and/or comment on the project. Those wishing the comment are asked to limit their comments to 3 minutes.

In cases where there is a spokesperson representing a group wishing to have their collective opinions voiced, the spokesperson should identify the audience group he/she is representing and may have a maximum of 10 minutes to express the views of the group.

- People wishing to comment are asked to keep their comments succinct and specific.
- Following public input, Councilmembers will have a second opportunity to ask questions of the presenter and/or citizens.
- After everyone wishing to address the subject of the hearing has done so, the Mayor will close the public hearing.
- The City Council may choose to take official action on the proposal or defer action until the next regularly scheduled Council meeting. No further public input will be received at that time.



City of Spring Lake Park

NOTICE for Meeting Pursuant to Minn. Stat. § 13D.021 City Council Meeting Notice of Meeting by Telephone or Other Electronic Means

NOTICE IS HEREBY GIVEN that the City Council of the City of Spring Lake Park will hold its regular meeting on Monday, May 4, 2020 at 7:00pm at Spring Lake Park City Hall.

In accordance with the requirements of Minn. Stat. Section 13D.021, Daniel Buchholtz, the Chief Administrative Officer has determined that an in-person meeting is not practical or prudent because of a health pandemic or an emergency declared under Chapter 12 of the Minnesota Statutes.

Because of the COVID-19 pandemic, it has been determined that attendance at the regular meeting location by members of the public is not feasible.

Because of the COVID-19 pandemic, it has been determined that the physical presence at the regular meeting location by at least one member of the body, chief legal counsel or chief administrative officer is not feasible.

Therefore, some or all the City Council members may be participating by telephone or other electronic means.

Members of the public may monitor the meeting by dialing 1-312-626-6799. The meeting ID is 916-3384-5813 and the password is 244802. You can also monitor the meeting by live streaming the meeting at <https://northmetrotv.com/spring-lake-park-stream/>.



**MAYOR'S PROCLAMATION
MUNICIPAL CLERKS WEEK
MAY 3-9, 2020**

WHEREAS, the Office of the Municipal Clerk, a time honored and vital part of local government, exists throughout the world; and

WHEREAS, the Office of the Municipal Clerk is the oldest among public servants; and,

WHEREAS, the Office of the Municipal Clerk provides the professional link between residents, the City Council, and other local, state and federal units of government; and

WHEREAS, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

WHEREAS, the Municipal Clerk serves as the information center on functions of local government and community; and

WHEREAS, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in educational programs, seminars, workshops and professional association meetings; and

WHEREAS, it is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk.

NOW, THEREFORE, I, Robert Nelson, Mayor of the City of Spring Lake Park, do hereby proclaim the week of May 3 through May 9, 2020 as Municipal Clerks Week, and further extend appreciation to our Municipal Clerk, Daniel Buchholtz, MMC, Executive Assistant Jennifer Gooden, MCMC, Spring Lake Park Administrative staff, and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Dated this fourth day of May, two thousand twenty.

Robert Nelson, Mayor

ATTEST:

Daniel R. Buchholtz, Administrator,
Clerk/Treasurer



**MAYOR'S PROCLAMATION
NATIONAL POLICE WEEK
MAY 10-16, 2020**

WHEREAS, there are approximately 900,000 law enforcement officers serving in communities across the United States, including the dedicated members of Spring Lake Park Police Department; and

WHEREAS, nearly 16,000 assaults against law enforcement officers are reported each year, resulting in almost 16,677 injuries; and

WHEREAS, since the first recorded death in 1791, more than 21,000 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty; and

WHEREAS, the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, D.C.; and

WHEREAS; new names of fallen heroes are being added to the National Law Enforcement Officers Memorial this spring, including 135 officers killed in 2019; and

WHEREAS, it is most appropriate that we recognize the dedicated services of the Police Department.

NOW, THEREFORE, I, Robert Nelson, Mayor of the City of Spring Lake Park, do hereby proclaim the week of May 10 through May 16, 2020 as National Police Week, and further extend appreciation to Police Chief Ebeltoft, and the Spring Lake Park Police Department for the vital services they perform and their exemplary dedication to the community they represent.

Dated this fourth day of May, two thousand twenty.

Robert Nelson, Mayor

ATTEST:

Daniel R. Buchholtz, Administrator,
Clerk/Treasurer

OFFICIAL PROCEEDINGS

Pursuant to due call and notice thereof, the regularly scheduled meeting of the Spring Lake Park City Council Regular was held (virtually) on April 20, 2020 at the City Hall, at 7:00 PM.

1. CALL TO ORDER

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

2. ROLL CALL

PRESENT:

Mayor Robert Nelson
Council Member Ken Wendling
Council Member Brad Delfs
Council Member Barbara Goodboe-Bisschoff
Council Member Lisa Dircks

STAFF PRESENT:

Police Chief Ebeltoft, Public Work Director Randall, Building Inspector Baker, Engineer Gravel, Planner Carlson, Attorney Thames, Parks and Recreation Director Okey and Administrator Buchholtz.

3. ADDITIONS OR CORRECTIONS TO AGENDA - None

4. DISCUSSION FROM THE FLOOR

Christine Jones, 8081 Garfield Street NE, inquired on the status of the Garfield Pond Improvement project and expressed concern for the areas that are in disarray from the construction. She inquired if the area will be replanted with trees and seeded. She expressed great concern of the pond area not being fenced off to pedestrian traffic.

Public Works Randall stated that the site is still under construction and the final landscape plans have not been discussed yet. He stated that trees will be planted and the area will be seeded once the construction of the pond is completed. He stated that there are construction and sidewalk closed signs posted around the construction area.

Engineer Gravel confirmed that the areas around the pond will be sloped as it was designed in the plans.

Council Member Delfs reminded the residents that this area is a construction zone and to use caution when approaching the area.

Council Member Goodboe-Bisschoff inquired if a temporary fence could be placed around the pond and construction area. Public Work Randall stated that he will contact the contractor and ask that one be placed around the area or have some type of safety measure put in place during the construction.

5. CONSENT AGENDA

Mayor Nelson asked that Item 5C. Mayor's Proclamation - Administrative Professional Day be removed for discussion from the agenda. He thanked the City employees for their dedication and hard work to keep the City running a daily basis. He expressed much gratitude to staff for their work during the COVID-19 pandemic.

- A. Approval of Minutes - April 6, 2020 City Council Meeting
- B. General Operations Disbursements #20-05 \$483,496.49
- C. Mayor's Proclamation - Administrative Professionals Day
- D. Contractor Licenses

Motion made by Council Member Wendling to approve Consent Agenda excluding Council minutes, Council Member Wendling was not present for April 6, 2020 meeting.

Seconded by Council Member Delfs to approve Consent Agenda including Council minutes of April 6, 2020.

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

6. DEPARTMENT REPORTS

A. Police Report

Police Chief Ebeltoft reviewed that monthly report provided to the City Council members. Mayor Nelson inquired on an update on Severe Weather Awareness week. Chief Ebeltoft reported that the storm sirens were sounded during the week and several informational articles have been posted on the website.

Fire Chief Smith reminded residents that if they see downed power lines to call 911 to have the Police and Fire Departments dispatched for the safety of the residents. He reminded residents that with the dry conditions, wild fire conditions are high and there are burning restrictions currently in place.

B. SBM Fire Department Report

Fire Chief Smith reported that the Department has been busy planning and preparing for the COVID-19 pandemic. He stated that the staff at all the fire stations are taking extra safety precautions within the stations and on calls they respond to. He reported that all in-person training has been postponed. He reported that there has been constant communication with the Police and Fire Departments within Anoka County as well as joint training opportunities.

Chief Smith reminded residents that homemade face masks will be collected at Fire Station Number 3 on Saturday, April 25, 2020, from 10 AM – 2 PM. He stated that the masks will be distributed to care facilities throughout the community. He thanked Council Member Dircks for her assistance in finding facilities that need the masks.

Council Member Delfs inquired if the Fire and Police Department are equipped with enough personal protective equipment for staff. Chief Smith stated that the Fire Department is fully stocked and well prepared. Chief Ebeltoft also stated that the Police Department is well stocked and situated well with equipment.

Chief Ebeltoft thanked Chief Smith for the assistance from Assistant Operations Chief Retka with the communications and mirroring training operations with both departments. He stated that Chief Retka has been very cooperative.

C. Parks and Recreation Report

Parks and Recreation Okey reviewed the monthly report with the City Council Members. She reported that department staff is continually trying to find creative virtual activities to offer to the residents.

7. ORDINANCES AND/OR RESOLUTIONS

A. Resolution 20-14, Resolution Adopting the 2040 Comprehensive Plan

Administrator Buchholtz reviewed the staff memo with the Council.

Planner Carlson thanked the Planning Commission, Administrator Buchholtz and Executive Assistant Gooden for their additional work on the 2040 Comprehensive Plan. He reported that the shared effort by everyone was a huge cost savings for the City.

Motion made by Council Member Wendling to approve Resolution 20-14 Adopting the 2040 Comprehensive Plan.

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

B. Resolution 20-15, Amending 2040 Comprehensive Plan

Planner Carlson reviewed the staff report provided to the City Council Members. He reported that there had been an oversight on the Future Land Use Plan when the Comprehensive Plan was reviewed. He reported that JP Brooks has submitted a Planned Unit Development application for land that is currently guided and zoned Public/Semi Public. He stated that the Planning Commission reviewed the recommendation and is recommending that the land be zoned to Single Family Residential and to amend the Land

Use Plan to change from Public/Semi Public to low density to accommodate the homes being built on the property.

Motion made by Council Member Wendling to approve Resolution 20-15, Approving A Comprehensive Plan Amendment to Amend the Spring Lake Park 2040 Comprehensive Plan for Monroe Park Addition.

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

8. NEW BUSINESS

A. Approval of First Amendment to Purchase Agreement for 525 Osborne Road NE between the City and Hampton Companies

Administrator Buchholtz reviewed the staff memo with the City Council Members explaining the need to amend the due diligence period of the purchase agreement and the requirement that a development agreement be approved within 60 days due to the ongoing COVID-19 pandemic.

Attorney Thames reported that due to the circumstances, paperwork fell behind however; it appears it is in order and the development application will be completed in June.

Motion made by Council Member Delfs to Approve First Amendment for Purchase Agreement for 525 Osborne Road NE between the City and Hampton Companies.

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

9. REPORTS

A. Engineer's Report

Engineer Gravel reported that the 2020 Street Seal Coat and Crack Repair Plan design has started. He reported that bids will be opened on May 1, 2020. He reported that the Garfield Pond Improvement project continues and a separate project is planned for the fencing, plants and trees in the fall.

Mr. Gravel reported that he and Public Works Director Randall will have a walk through, in the upcoming week, with Hy-Vee regarding the punch list of items to be completed.

Council Member Wendling reported that he has noticed an increase use of the "Aisle Online" outlet at Hy-Vee. He stated he was happy to see that it is being utilized and successful.

B. Attorney's Report

Attorney Thames reported that the escrow check has been received from Hampton Companies and the development agreement is being drafted. He reported that the court system will be opening soon for priority cases soon.

C. Code Enforcement Report

Inspector Baker reported that he had no new items to report. He stated that he has done some virtual residential inspections with residents. He stated that he anticipates that his schedule will fill quickly once the COVID-19 restrictions are lifted.

D. Administrator Report

Administrator Buchholtz thanked the Council Members for their time and for coming into City Hall for training on their iPads. He reported that the Planning Commission will be meeting virtually on Monday, April 27, 2020, regarding a variance application for 8457 Sunset Road NE. He reported that residents can submit their questions or information prior to the meeting and they would be addressed during the public hearing.

Administrator Buchholtz reported that the Chamber of Commerce has added additional small business grants for businesses in certain zip codes. He stated that Spring Lake Park qualifies as one of those zip codes. He reported that weekly Department Head meetings have been taking place to discuss developments with the COVID-19 pandemic.

10. OTHER – Nothing to report.

11. ADJOURN

Motion made by Council Member Wendling to adjourn the meeting.

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

The meeting adjourned at 7:52 PM.

Robert Nelson, Mayor

Attest:

Daniel R. Buchholtz, Administrator, Clerk/Treasurer



Stantec Consulting Services Inc.
733 Marquette Avenue, Suite 1000
Minneapolis, MN 55402
Tel: (612) 712-2000

April 29, 2020

Mr. Daniel Buchholtz, Administrator
City of Spring Lake Park
1301 81st Avenue NE
Spring Lake Park, MN 55432

Re: Garfield Pond Improvements Project
Project No. 193804750
Contractor's Request for Payment No. 3

Dear Dan:

Attached for city approval is Contractor's Request for Payment No. 3 for the Garfield Pond Improvements Project. The prime Contractor on this project is Jacon, LLC from Vadnais Heights.

This request includes partial payment for the storm sewer and pond grading. Seeding and restoration will be paid on a future payment request.

We have reviewed the contractor's payment request and found it to be in order. We recommend approval. **If the City wishes to approve this request, then payment should be made to Jacon, LLC in the amount of \$110,610.59.**

Please execute the payment request documents. Keep one copy for your records, forward a copy to Jacon, LLC, and return one copy to me.

Feel free to contact us if you have any questions.

Regards,
STANTEC

A handwritten signature in black ink that reads "Phil Gravel".

Phil Gravel
City Engineer

Enclosures

cc: Charlie Igo, Jacon, LLC
Terry Randall, Public Works Director



Owner: City of Spring Lake Park, 1301 81st Ave. NE, Spring Lake Park, MN 55432	Date: April 29, 2020
For Period: 4/1/2020 to 4/29/2020	Request No: 3
Contractor: Jacon, LLC, 3900 LaBore Rd., Vadnais Heights, MN 55110	

CONTRACTOR'S REQUEST FOR PAYMENT
 2019 GARFIELD POND IMPROVEMENTS PROJECT
 STANTEC PROJECT NO. 193804750

SUMMARY

1	Original Contract Amount		\$	410,789.00
2	Change Order - Addition	\$	0.00	
3	Change Order - Deduction	\$	0.00	
4	Revised Contract Amount		\$	410,789.00
5	Value Completed to Date		\$	387,866.00
6	Material on Hand		\$	0.00
7	Amount Earned		\$	387,866.00
8	Less Retainage 5%		\$	19,393.30
9	Subtotal		\$	368,472.70
10	Less Amount Paid Previously		\$	257,862.11
11	Liquidated damages -		\$	0.00
12	AMOUNT DUE THIS REQUEST FOR PAYMENT NO. <u>3</u>		\$	<u>110,610.59</u>

Recommended for Approval by:

STANTEC

Phil Gravel

Approved by Contractor:
JACON, LLC

Per phone conversation

Approved by Owner:
CITY OF SPRING LAKE PARK

Specified Contract Completion Date:

Date:

No.	Item	Unit	Contract Quantity	Unit Price	Current Quantity	Quantity to Date	Amount to Date
GENERAL							
1	MOBILIZATION	LS	1	15600.00		1	\$15,600.00
2	TRAFFIC CONTROL	LS	1	2500.00	1	1	\$2,500.00
3	DEWATERING	LS	1	14393.00	0.4	1	\$14,393.00
4	EROSION AND SEDIMENT CONTROL	LS	1	5500.00			\$0.00
5	COMMON EXCAVATION, GRADING (P)	LS	1	25000.00	0.8	0.8	\$20,000.00
6	COMMON EXCAVATION, POND EXCAVATION (LV)	CY	2200	9.00	2600	2600	\$23,400.00
7	CLEARING AND GRUBBING	LS	1	44840.00		1	\$44,840.00
8	SALVAGE AND REINSTALL APRON	EA	3	2500.00	3	3	\$7,500.00
9	SALVAGE AND REINSTALL PIPE	LF	28	30.00	28	28	\$840.00
10	REMOVE PIPE	LF	12	14.00	12	12	\$168.00
11	REMOVE STORM CBMH OR CB	EA	2	1200.00	2	2	\$2,400.00
12	REMOVE BITUMINOUS PAVEMENT (INCLUDES SAWCUTS)	SF	900	2.00	500	500	\$1,000.00
13	REMOVE CONCRETE CURB (INCLUDES SAWCUTS)	LF	50	4.00	40	40	\$160.00
14	REMOVE CONCRETE SIDEWALK (INCLUDES SAWCUTS)	SF	110	4.00	100	100	\$400.00
15	REMOVE RETAINING WALL	LF	260	3.00		220	\$660.00
16	2' X 3' CB, INCL R-3067 CSTG AND ADJ RINGS	EA	1	3400.00	1	1	\$3,400.00
17	4' DIA STORM SEWER CBMH, INCL. CSTG AND ADJ RINGS	EA	1	4400.00	1	1	\$4,400.00
18	5' DIA STORM SEWER CBMH, INCL. CSTG AND ADJ RINGS	EA	1	5800.00	1	1	\$5,800.00
19	6' DIA STORM SEWER CBMH, INCL. CSTG AND ADJ RINGS	EA	2	8200.00	2	2	\$16,400.00
20	5' DIA STORM SEWER MH SPECIAL, INCL. CSTG AND ADJ RINGS	LS	1	6450.00		2	\$12,900.00
21	12" RC PIPE SEWER DESIGN 3006 CLASS V	LF	16	42.50	16	16	\$680.00
22	18" RC PIPE SEWER DESIGN 3006 CLASS V	LF	69	57.00	60	60	\$3,420.00
23	24" RC PIPE SEWER DESIGN 3006 CLASS V	LF	32	105.00	32	32	\$3,360.00
24	36" RC PIPE SEWER DESIGN 3006 CLASS III	LF	24	185.00	24	24	\$4,440.00
25	42" RC PIPE SEWER DESIGN 3006 CLASS II	LF	567	270.00		567	\$153,090.00
26	42" RC PIPE BEND DESIGN 3006 CLASS II	EA	12	1525.00		12	\$18,300.00
27	12" RC PIPE - APRON (INCL. TRASH GUARD)	EA	1	876.00	1	1	\$876.00
28	24" RC PIPE - APRON (INCL. TRASH GUARD)	EA	1	2011.00	1	1	\$2,011.00
29	42" RC PIPE - APRON (INCL. TRASH GUARD)	EA	2	8704.00		2	\$17,408.00
30	HAND-PLACED RIPRAP - CLASS 3	CY	90	100.00	50	50	\$5,000.00
31	TOPSOIL BORROW (LV)	CY	25	24.00			\$0.00
32	SELECT GRANULAR BORROW (MODIFIED) - INFILTRATION TRENCH (CV)	CY	180	21.00	120	120	\$2,520.00
33	MULCH, TYPE 1	LB	2600	0.50			\$0.00
34	EROSION CONTROL BLANKET, CATEGORY 3 STRAW	SY	2700	3.00			\$0.00
35	MNDOT SEED MIX 33-261	SY	2700	0.25			\$0.00
36	MNDOT SEED MIX 25-131	SY	3100	0.25			\$0.00
37	B618 CONCRETE CURB AND GUTTER	LF	50	20.00			\$0.00
38	4" CONCRETE SIDEWALK WITH BASE	SF	110	5.00			\$0.00
39	BITUMINOUS STREET PATCH (with 6" BIT. & 12" CLASS 5)	SF	900	3.00			\$0.00
	TOTAL						\$387,866.00

TOTAL

WORK COMPLETED TO DATE:

\$387,866.00

\$387,866.00

PROJECT PAYMENT STATUS

OWNER CITY OF SPRING LAKE PARK
 STANTEC PROJECT NO. 193804750
 CONTRACTOR JACON, LLC

CHANGE ORDERS

No.	Date	Description	Amount
Total Change Orders			

PAYMENT SUMMARY

No.	From	To	Payment	Retainage	Completed
1	01/27/2020	02/12/2020	9,929.40	522.60	10,452.00
2	02/13/2020	03/30/2020	247,932.71	13,571.69	271,433.80
3	04/01/2020	04/29/2020	110,610.59	19,393.30	387,866.00

Material on Hand

Total Payment to Date		\$368,472.70	Original Contract	\$410,789.00
Retainage Pay No.	3	19,393.30	Change Orders	
Total Amount Earned		\$387,866.00	Revised Contract	\$410,789.00

City of Spring Lake Park
1301 81st Avenue NE
Spring Lake Park, MN 55432

Contractor's Licenses

May 4, 2020

Blacktopping Contractor

Earth Wizards, Inc.

Concrete Contractor

Cornerstone Concrete, LLC.

Earth Wizards, Inc.

Excavating Contractor

Featherstone Excavation, Inc.

General Contractor

Duramax Asphalt

North Star Fence, Inc.

Mechanical Contractor

Erickson Plumbing, Heating and Air

Plumbing Contractor

B & B Plumbing, Inc.

Plumbing Service Center, Inc.

Roofing Contractor

Kuehn Roof Systems, Inc.

Quality Trusted Commercial Constructor

City of Spring Lake Park
1301 81st Avenue NE
Spring Lake Park, MN 55432

Contractor's Licenses

May 4, 2020

Sign Contractor

Topline Advertising, Inc.

Tree Contractor

Central MN Tree Service

Neighborhood Tree Care, LLC.

Northeast Tree, Inc.



Public Works Report for April 29, 2020

The Public Works Department continues to empty garbage and recycling at all of the City parks on Monday's and Friday's. All of the parks and city properties have been power swept and the fence lines blown out.

Due to the COVID-19 pandemic, all of the City parks have been shut down including removing the basketball hoops and no nets have been installed on the other courts.

Staff is in the process of starting the sprinkler systems at all of the City properties. The fountain was installed at Triangle Pond.

The Public Works Department removed a portion of a playground at Terrace Park so that the new structure, that was received over the winter, can be installed. Staff has spread all of the parks with crab grass preventer and will be fertilizing in a couple weeks.

We have been out patching our seal coat area; which is east of Hwy 65. A total 16 tons has been put down so far. All of the City streets have been swept and all of the sweepings have been recycled. All of the asphalt from our water main breaks have been screened so we only have to haul asphalt and concrete to commercial asphalt. All of the fire hydrants have been flushed and were in working order.

On April 8 and 15, I attended staff meetings and on April 22, I met with Stantec and Hy-Vee to inspect all of the utilities.

I have been monitoring the progress of the Garfield pond project.

This concludes my monthly report and I would be happy to answer any questions.



City of Spring lake Park
Code Enforcement Division
1301 Eighty First Avenue Northeast
Spring Lake Park, Minnesota 55432
(763) 783-6491 Fax: (763) 792-7257

REPORT

TO: Spring Lake Park City Council
FROM: Jeff Baker, Code Enforcement Director
RE: Code Enforcement Monthly Report for April 2020
DATE: May 1, 2020

The Spring Lake Park Code Enforcement department is the authority having jurisdiction for all building, mechanical, plumbing, fire, rental, nuisance, and zoning codes within Spring Lake Park.

In April 2020, a total of 11 building, 4 zoning, 5 mechanical, and 3 plumbing for a total of 23 permits issued compared to a total of 35 in 2019. I conducted 63 inspections in the month of April including 33 building, 1 rental, 1 fire, 6 zoning and 22 nuisance inspections.

I have updated all of the handouts the Code Enforcement Department gives to residents and contractors. They all have the current building codes and an updated look to them. I tried to add more pictures to help make them a little more user friendly.

Having the ability to work remote a couple mornings a week seems to be working great. As the social distancing is still a priority for the entire state of Minnesota and all the City staff remain healthy.

In April of 2020, I did not post any abandoned property. I issued 8 administrative offense tickets and 10 written violation notices. Four administrative offense tickets were issued due non-rental license renewal and six were issued due to nuisance code violations.

In April of 2020, I also attended the following appointments:

- City Council meetings on April 6th and 20th.
- Department Head meeting on April 1st, 8th and 15th.
- Met with a resident about demoing and rebuilding their home on April 6th.

This concludes the Code Enforcement Department monthly report for April 2020. If anyone has any questions or concerns regarding my report, I would be happy to answer them at this time.

RESOLUTION NO. 20-16

CITY OF SPRING LAKE PARK

**RESOLUTION IN SUPPORT OF
THE PROTECTING COMMUNITY TELEVISION ACT**

WHEREAS, the City of Spring Lake Park is a member of the North Metro Telecommunications Commission (the “Commission”), a Joint Powers Commission organized pursuant to Minn. Stat. § 471.59, as amended, and includes the municipalities of Ham Lake, Spring Lake Park, Blaine, Lexington, Circle Pines, Centerville and Lino Lakes, Minnesota (collectively the “Member Cities”);

WHEREAS, the Commission negotiates and manages the cable franchise agreements of the Member Cities and operates North Metro TV, the local community public educational and governmental (“PEG”) access facility on behalf of the Member Cities;

WHEREAS, North Metro TV provides coverage of local events, such as local high school sporting events and most government meetings that local broadcast stations (i.e. WCCO, KSTP, KMSP, and KARE) typically will not cover and in light of a rapidly decreasing print media, North Metro TV is the principal, and may soon be the sole, source for local residents to have access to coverage of local events;

WHEREAS, North Metro TV is funded through franchise fee and PEG fee revenues negotiated in the cable franchise agreements;

WHEREAS, the Member Cities require, as part of the cable franchise agreements, that cable companies meet demonstrated community needs by providing non-monetary in-kind contributions that benefit the Member Cities, local schools, public safety buildings, as well as North Metro TV;

WHEREAS, in 1984 Congress defined a franchise fee as a “tax, fee, or assessment” and, for the past 35 years, it has been solely a monetary fee;

WHEREAS, last year the FCC departed from the clear language of the Cable Act and ruled that a franchise fee is both a monetary and non-monetary fee and permits cable companies to unilaterally assign a value to the non-monetary in-kind contributions and then subtract that amount from the franchise fees the cable operator pays the local community;

WHEREAS, the FCC order results in decreased vital funding to the Member Cities and North Metro TV;

WHEREAS, the *Protect Community Television Act* (currently S. 3218/HR 5659) has been introduced in Congress and its goal is to maintain the status quo by reversing the FCC order

and allowing franchise fees to be calculated as they have been for over 35 years as monetary only fees; and

WHEREAS, this legislation is supported by the National League of Cities, the U.S. Conference of Mayors, the National Association of Counties, the Minnesota League of Cities, and NATOA.

NOW, THEREFORE, BE IT RESOLVED that the City calls on Congress to pass legislation, such as the *Protect Community Television Act*, which would undo the FCC's action; and

BE IT FURTHER RESOLVED that the City urges all House members and Senators from Minnesota to cosponsor the *Protect Community Television Act*; and

The foregoing Resolution was moved for adoption by Councilmember .

Upon Vote being taken thereon, the following voted in favor thereof: .

And the following voted against the same: .

Whereon the Mayor declared said Resolution duly passed and adopted the 4th day of May, 2020.

APPROVED BY:

Robert Nelson, Mayor

ATTEST:

Daniel R. Buchholtz, Administrator, Clerk/Treasurer

NORTH METRO TV

TO: OPERATIONS COMMITTEE
FROM: HEIDI ARNISON
SUBJECT: RESOLUTION SUPPORTING THE PROTECTION OF COMMUNITY TELEVISION ACT
DATE: 4/17/2020

The North Metro Telecommunications Commission adopted resolution 2020-01, The Protection of Community Television Act, at its April 15th, 2020 meeting. The Commission encourages its Member Cities to adopt a similar resolution in support of the Act, as well.

The Act is intended to counteract the FCC's Third Report and Order. If implemented the Order could result in reduced franchise fees for Cities. The Protection of Community Television Act would override the Order and return the definition of franchise fees to the way they have been defined for the past 35 years.

Cities and Commission's are urged to adopt the attached resolution supporting the Act. So far, both Minnesota Senators and Representatives McCollum and Omar have signed on as sponsors. The goal is to get all Minnesota Representatives to sign on.

NORTH METRO TV

TO: OPERATIONS COMMITTEE
FROM: HEIDI ARNSON
SUBJECT: CABLE COMMISSION JOINT POWERS AGREEMENT UPDATES
DATE: 4/16/2020

The North Metro Telecommunications Commission approved recommended updates to the organization's Joint Powers Agreement at their April 15, 2020 meeting.

Recommended changes include:

- Removing references to two budgets (the Commission/NMTV has had one budget for the last twelve years)
- Removing the requirement that a city joining the Commission must be contiguous to a current member city
- Rephrasing quorum requirements that maintain the status quo, but would not require additional changes should cities join the Commission
- Removing reporting and oversight language no longer applicable due to law/rule changes
- Including PEG fees as fees available for payments for bonds

These changes would give the Commission and Cities more control over who could join the Commission, and over how franchise and PEG fees are spent.

Any changes to the Joint Powers Agreement will require approval of the Member City Councils.

The Commission recommends that the Member Cities approve the updates to the organization's Joint Powers Agreement.

CITY OF SPRING LAKE PARK

RESOLUTION NO. 20-17

**AMENDING THE JOINT AND COOPERATIVE AGREEMENT FOR THE NORTH
METRO TELECOMMUNICATIONS COMMISSION**

WHEREAS, the City of Spring Lake Park is a member of the North Metro Telecommunications Commission (the “Commission”), a municipal joint powers entity organized pursuant to a Joint and Cooperative Agreement, as amended (the “JPA”), adopted by the Cities of Blaine, Centerville, Circle Pines, Ham Lake, Lexington, Lino Lakes, and Spring Lake Park, Minnesota (the “Member Cities”) pursuant to Minn. Stat. § 471.59; and

WHEREAS, the Commission has reviewed and unanimously recommended certain changes to the JPA contained in Attachment A to update Commission membership eligibility and weighted voting, to clarify the use of PEG Fees to pay for certain expenses, and to eliminate archaic language that was no longer applicable to the Commission or its Member Cities.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of **Spring Lake Park** as follows:

1. That the Joint and Cooperative Agreement for the Administration of a cable communications system shall be amended as noted in Attachment A.

The foregoing Resolution was moved for adoption by Councilmember .

Upon Vote being taken thereon, the following voted in favor thereof: .

And the following voted against the same: .

Whereon the Mayor declared said Resolution duly passed and adopted the 4th day of May, 2020.

APPROVED BY:

Robert Nelson, Mayor

ATTEST:

Daniel R. Buchholtz, Administrator, Clerk/Treasurer

Attachment A
AMENDED JPA

FINAL

NORTH METRO TELECOMMUNICATIONS COMMISSION

AMENDED AND RESTATED

JOINT AND COOPERATIVE AGREEMENT

FOR THE ADMINISTRATION OF A CABLE COMMUNICATIONS SYSTEM

I. PARTIES

The parties to this agreement are governmental units of the State of Minnesota. This agreement is made pursuant to Minnesota Statutes Section 471.59, as amended.

II. GENERAL PURPOSE

The general purpose of this agreement is to establish an organization to monitor the operation and activities of cable communications, and in particular, the Cable Communications System (System) of the parties; to provide coordination of administration and enforcement of the franchises of parties for their respective System; to produce, edit and transmit video programming for the parties of this agreement; to make video production, editing and studio facilities and equipment available to the citizens of the parties to this agreement through the operation of a Community Media Center; to promote the development of locally produced cable television programming; to ensure public access to emerging telecommunications technologies; and to conduct such other activities authorized herein as may be necessary to insure equitable and reasonable rates and service levels for the citizens of the Members to this agreement.

III. NAME

The name of the organization is the North Metro Telecommunications Commission (NMTC).

IV. DEFINITION OF TERMS

Section 1. For the purposes of this agreement, the terms defined in this Article shall have the meanings given them.

Section 2. “Commission” means the Board of Directors created pursuant to this agreement.

Section 3. “Community Media Center” means the North Metro TV studio and any other media center and facilities operated by the Commission, along with all related equipment and staff.

Section 4. “Council” means the governing body of a Member.

Section 5. “Executive Director” means a staff person that may be hired by the Commission for the purpose of providing administrative support to the Commission and day to day management of the Community Media Center.

Section 6. “Franchise” means that cable communications franchise granted by all cities listed in Article V, Section 1.

Section 7. “Grantee” means the person or entity to whom a franchise has been granted by Member.

Section 8. “Member” means a municipality which enters into this agreement.

Section 9. “Operations Committee” means a committee, made up of the administrators from each Member City, and the Executive Director as an Ex-Officio member, that meets for the purpose of providing day to day oversight and coordination of the Community Media Center operation, supervision and support of the Executive Director, and advice and counsel to the Commission.

Section 10. “Subscriber” means any individual or location which receives Telecommunications service from which the City collects a franchise fee.

Section 11. “Telecommunications” means traditional television technology and any new, related communications technologies that may be delivered via wire or air.

V. MEMBERSHIP

Section 1. The municipalities of Blaine, Centerville, Circle Pines, Ham Lake, Lexington, Lino Lakes, and Spring Lake Park are the Members of the Commission. Any municipality served by a cable communications system through the same Grantee, may become a Member pursuant to the terms of this agreement.

Section 2. Any municipality desiring to become a Member shall execute a copy of this agreement and conform to all requirements herein.

Section 3. Municipalities, in addition to those listed in Article V, Section 1 of this agreement, desiring to become Members may be admitted by an affirmative vote of the Members of the Commission as specified in Article VI, Section 8 of this agreement. The Commission may by resolution impose conditions upon the admission of additional Members.

VI. DIRECTORS: VOTING

Section 1. Each Member shall be entitled to on (1) director to represent it on the Commission who shall be a council member from the Member City. Each director is entitled to on (1) vote for each 1,000 subscribers or fraction thereof subscribing in the municipality represented by the director provided, however, that each director shall have at least one vote. The number of subscribers per City shall be determined as of December 31st of each year. Prior to the first Commission meeting in February of each

year, the Secretary of the Commission shall determine the number of votes for each Member in accordance with this section and certify the results to the Chair.

Section 2. A director shall be appointed by official action of each Member. Each Member shall notify the Commission in writing of the appointment. A director shall serve until a successor is appointed. Directors shall serve without compensation from the Commission.

Section 3. Each Member shall appoint at least one alternate who shall be a council member from the Member City. A Member may appoint any number of additional alternate directors, each of whom must also be a council member from that Member City. The Commission, in its By-Laws, may prescribe the extent of an alternate's powers and duties.

Section 4. A vacancy in the office of director will exist for any of the reasons set forth in Minnesota Statutes Section 351.02, or upon a revocation of a director's appointment duly filed by a Member with the Commission. Vacancies shall be filled by appointment for the unexpired portion of the term of director by the council of the Member whose position on the Board is vacant.

Section 5. There shall be no voting by proxy, but all votes must be cast by the director or the duly authorized alternate at a Commission meeting.

Section 6. The presence of either (1) a majority of the appointed directors representing a majority of the total authorized votes of all directors, or (2) three-fourths (3/4) of the appointed directors shall constitute a quorum, but a smaller number may adjourn from time to time.

Section 7. A director shall not be eligible to vote on behalf of the director's municipality during the time said municipality is in default on any contribution or payment to the Commission. During the existence of such default, the vote or votes of such Member shall not be counted for the purposes of this agreement.

Section 8. All official actions of the Commission must receive either:

- (1) a simple majority (51%) of all authorized votes cast on the issue at a duly constituted meeting of the Commission and the affirmative vote of a majority of the appointed directors; or
- (2) the affirmative vote of three-fourths (3/4) of the appointed directors.

VII. EFFECTIVE DATE: MEETINGS: ELECTION OF OFFICERS

Section 1. A municipality may enter into this agreement by resolution of its council and the duly authorized execution of a copy of this agreement by its proper officers. Thereupon, the clerk or other appropriate officer of the municipality shall file a duly executed copy of this agreement, together with a certified copy of the authorizing resolution, with the Executive Director of the North Metro Telecommunications

Commission. The resolution authorizing the execution of the agreement shall also designate the director and the alternate for the municipality on the Commission, along with said director's and alternate's address and phone number.

Section 2. This agreement is effective on the date when executed agreements and authorizing resolution of five of the municipalities named in Article V, Section 1 have been filed as provided in this Article.

Section 3. At the organizational meeting, or as soon thereafter as it may reasonably be done, the Commission shall select from among the directors a Chair, Vice-Chair, Secretary and Treasurer, adopt By-Laws governing its procedures including the time, place, notice for and frequency of its regular meetings, adopt a procedure for calling special meetings, and such other matters as are required by this agreement.

Section 4. Officers of the Commission shall be elected annually for one year terms. Officers completing on full one year term shall only succeed themselves once in another full one year term in the same office.

VIII. POWERS AND DUTIES OF THE COMMISSION

Section 1. The powers and duties of the Commission shall include the powers set forth in this Article.

Section 2. The Commission may make such contracts, grants, and take such other action as it deems necessary and appropriate to accomplish the general purposes of the organization. The Commission may not contract for the purchase of real estate without the prior authorization of the Member municipalities. Any purchase or contracts made shall conform to the requirements applicable to Minnesota statutory cities.

Section 3. The Commission shall assume all authority and undertake all tasks necessary to coordinate, administer, and enforce the Franchise of each Member except for that authority and those tasks specifically retained by a Member.

Section 4. The Commission shall continually review the operation and performance of the cable communications system of the Members.

Section 5. To the extent allowed by applicable law, the Commission shall undertake all procedures necessary to maintain uniform rates and to handle applications for changes in rates for the services provided by the Grantee.

Section 6. The Commission may provide for the prosecution, defense, or other participation in actions or proceedings at law in which it may have an interest, and may employ counsel for that purpose. It may employ such other persons as it deems necessary to accomplish its powers and duties. Such employees may be on a full-time, part-time or consulting basis, as the Commission determines, and the Commission may make any required employer contributions which local governmental units are authorized or required to make by law.

Section 7. The Commission may conduct such research and investigation and take such action as it deems necessary, including participation and appearance in proceedings of State and Federal regulatory, legislative or administrative bodies, on any matter related to or affecting cable communication rates, franchises, or levels of service.

Section 8. The Commission may obtain from Grantee and from any other source, such information relating to rates, costs and service levels as any Member is entitled to obtain from Grantee or others.

Section 9. The Commission may accept gifts, apply for and use grants, enter into agreements required in connection therewith and hold, use and dispose of money or property received as a gift or grant in accordance with the terms thereof.

Section 10. The Commission shall make an annual, independent audit of the books of the Commission and shall make an annual financial accounting and report in writing to the Members. Its books and records shall be available for examination by the Members at all reasonable times.

Section 11. The Commission may delegate its authority to its executive committee. Such delegation of authority shall be by resolution of the Commission and may be conditioned in such a manner as the Commission may determine.

Section 12. The Commission shall adopt By-Laws which may be amended from time to time.

Section 13. The Commission is given express authority to issue bonds, obligations and other forms of indebtedness, in a principal amount not to exceed \$2,500,000 (the "Bonds"), for approved facility and equipment upgrades consistent with the authority granted to the Commission in this Agreement. As provided in Minn. Stat. § 471.59, subd. 11, the Bonds shall be obligations of the Commission which are issued on behalf of the Members, and shall be issued subject to the conditions and limitations set forth in Minn. Stat. § 471.59, subd. 11. The Bonds shall be payable solely from the Member's franchise fees and/or PEG fees, as hereinafter provided. The Commission may not pledge to the payment of the Bonds the full faith and credit or taxing power of the Members. No Bonds may be issued by the Commission without the prior consent of the Members.

Section 14. The Commission shall provide ongoing oversight of the Operations Committee.

Section 15. The Commission shall recommend and forward to the Member cities the Commission's annual budget and work plan.

Section 16. The Commission shall periodically review expenditures related to the Community Media Center.

Section 17. The Commission may exercise any other power necessary and incidental to the implementation of its powers and duties.

IX. POWERS AND DUTIES OF THE OPERATIONS COMMITTEE

Section 1. The powers and duties of the Operations Committee shall include the powers set forth in this article.

Section 2. The Operations Committee shall provide input and make recommendations to the Commission.

Section 3. The Operations Committee shall provide for the definition of Member cities' needs and shall coordinate the resources of the Member cities' with the Executive Director and the Community Media Center for production purposes.

Section 4. The Operations Committee shall provide for the day to day supervision of the Executive Director and evaluation of the Community Media Center operation both for the purpose of reporting and recommendation to the Commission, and shall designate a liaison for the purpose of day to day communication with the Executive Director and to serve as liaison to the Commission. The Operations Committee will annually provide input to the Commission and Executive Director on the Executive Director's performance.

Section 5. The Operations Committee shall make recommendations on staffing needs and compensation levels for the Community Media Center.

Section 6. The Operations Committee shall provide input to the development of the Commission's annual budget and work plan.

Section 7. The Operations Committee shall provide for the ongoing evaluation of the technological needs of the Community Media Center and the telecommunications needs of the Member cities.

X. OFFICERS

Section 1. The officers of the Commission shall consist of a Chair, Vice-Chair, a Secretary, and a Treasurer.

Section 2. A vacancy in the office of Chair, Vice-Chair, Secretary or Treasurer shall occur for any of the reasons for which a vacancy in the office of a director shall occur. Vacancies in these offices shall be filled by the commission for the unexpired portion of the term.

Section 3. The four officers shall all be Members of the executive committee.

Section 4. The Chair shall preside at all meetings of the Commission and executive committee. The Vice-Chair shall act as chair in the absence of the Chair.

Section 5. The Secretary shall be responsible for keeping a record of all of the

proceedings of the Commission and executive committee.

Section 6. The Treasurer shall be responsible for custody of all funds, for the keeping of all financial records of the Commission and for such other matters as shall be delegated by the Commission. The Commission may require that the Treasurer post a fidelity bond or other insurance against loss of Commission funds in an amount approved by the Commission, at the expense of the Commission. Said fidelity bond or other insurance may cover all persons authorized to handle funds of the Commission.

Section 7. The Commission may appoint such other officers as it deems necessary. All such officers shall be appointed from the membership of the Commission.

XI. FINANCIAL MATTERS

Section 1. The fiscal year of the Commission shall be the calendar year.

Section 2. Commission funds may be expended by the Commission in accordance with the procedures established by law for the expenditure of funds by Minnesota Statutory Cities. Orders, checks and drafts must be signed by any two of the officers. Other legal instruments shall be executed with authority of the Commission, by the Chair and treasurer. Contracts shall be let and purchases made in accordance with the procedures established by law for Minnesota Statutory Cities.

Section 3. The financial contributions of the Members in support of the Commission shall be of two types: (1) each Member shall be responsible for its share of the debt service payments on the Commission's Bonds (but only from the Member's franchise fees and/or PEG fees), which share shall be in the same proportion as the Member's franchise fees for the immediately preceding calendar year were to the total franchise fees receivable by the Commission for that calendar year (the "Debt Service Share"); and (2) each member shall be responsible for its share of the operating and capital costs of the Commission (not including any part of the debt service on the Commission's Bonds), which share shall be in direct proportion to the percent of annual subscriber revenues of each Member to the total annual revenues of the system multiplied by the Commission's annual budget (the "Operating Cost Share"). The annual budget shall establish the contribution of each Member for its Operating Cost Share for the ensuing year. Each Member shall cause its franchise fees to be paid directly to the Commission, and the Commission shall deduct from each Member's quarterly payment of franchise fees, before application to any other purpose, one-fourth of the Member's Debt Service Share for that calendar year. If any Member's quarterly payment of franchise fees is not sufficient to pay its quarterly Debt Service Share, the deficiency will continue to be an obligation of the Member and will be deducted from the next payment or payments of the Member's franchise fees until the deficiency has been restored. After provision is made for payment of the Debt Service Share, the remaining franchise fees shall be applied as a credit against each Member's Operating Cost Share owed the Commission, with any excess being remitted to the Member by the Commission and any shortfall being payable to the Commission by the Member. The remainder of any franchise fee remitted back to the Member by the Commission shall be used for citizen communications-related expenses. Each Member

acknowledges that its Debt Service Share of the franchise fee collections will be irrevocably pledged by the Commission as security for the Commission's Bonds.

Section 4. All PEG (public, educational, and government) programming fees collected by the Grantee and redistributed to the Commission shall be used by the Commission to fund the cable related expenses of the Commission and its Member Cities.

Section 5. A proposed budget for the operation of the Commission for each calendar year shall be formulated by the Executive Director under the direction of the Operations Committee and submitted to the Commission on or before July 1 of each year. The Commission shall submit the proposed budget to the Members on or before August 1 of each year. Such budget shall be deemed approved by a Member unless, prior to October 15 preceding the effective date of the proposed budget, the Member gives notice in writing to the Commission that it is withdrawing from the Commission, subject to Article XII, Section 2 of this agreement. Final action adopting a budget for the ensuing calendar year shall be taken by the Commission on or before November 1 of each year.

Section 6. Any Member may inspect and copy the Commission books and records at any and all reasonable times. All books and records shall be kept in accordance with normal and accepted accounting procedures and principles used by Minnesota Statutory Cities.

XII. DURATION

Section 1. The Commission shall continue for an indefinite term unless the number of Members becomes less than five, and the Commission may also be terminated by mutual agreement of all of the Members at any time; provided that the Commission shall continue to exist as long as any Bonds described in Article VIII, Section 13 of this agreement remain outstanding.

Section 2. In order to prevent obligation for its Operating Cost Share for the ensuing calendar year, a Member must withdraw from the Commission by filing a written notice with the Secretary by October 15 of any year giving notice of withdrawal effective at the end of the calendar year; and membership shall continue until the effective date of the withdrawal. A notice of withdrawal may be rescinded by a Member at any time prior to the effective date of withdrawal. If a Member withdraws before the dissolution of the Commission, the Member shall have no claim against the assets of the Commission, including the right to receive an allocation of franchise fees, except as provided herein. A Member withdrawing after October 15 shall be obligated to pay its entire Operating Cost Share (including any shortfalls) for the ensuing year as outlined in the budget of the Commission for the ensuing year. A withdrawn Member will continue to be responsible for its Debt Service Share (payable only from the withdrawn Member's franchise fees and/or PEG fees) notwithstanding its withdrawal from the Commission, and shall continue to have its franchise fees and PEG fees paid directly to the Commission until all Bonds have been paid. Any excess of the withdrawn Member's franchise fees over the withdrawn Member's Debt Service Share (and any required Operating Cost Share, if the Member gave notice of withdrawal after October 15 of the preceding calendar year) shall be remitted by the Commission to the withdrawn Member. A Member that has

withdrawn from the Commission may, if no Bonds are outstanding, upon request, recover an amount of any equity that exists, as of the withdrawal date, in real property and buildings purchased or constructed with any Bonds, up to (but not exceeding) the Member's individual percentage of total franchise fees paid to all the Members (or their designee) and the withdrawn Member for the calendar year preceding withdrawal. The Commission may, if no Bonds are outstanding, at any time after the withdrawal of a Member as provided for herein, initiate a buy-out of the proportionate equity interest of the withdrawn Member, which interest is to be the withdrawn Member's individual percentage of total franchise fees paid to the Members (or their designee) and the withdrawn Member for the calendar year preceding the buy-out, pursuant to terms and conditions agreed upon by the parties. The amount of any equity distributed to a withdrawn Member will be paid, without interest, on a payment schedule established by the Commission, provided, however, the term of such payment schedule shall not exceed five (5) years. When calculating an equity repayment schedule, the Commission may deduct the withdrawn Member's proportionate share of outstanding indebtedness from the amount of any equity due to the withdrawn Member. Notwithstanding anything to the contrary, a withdrawing Member shall have no claim to the franchise fee or PEG fee the Grantee collected on its behalf for the year in which its withdrawal is effective, except for the reimbursement of cable-related expenses for that year. If no Bonds are outstanding, for the calendar year following withdrawal, and for all subsequent years, the entire franchise fee calculated upon gross revenues attributable to the system within the withdrawn Member shall be paid by Grantee to the withdrawn Member in accordance with the Franchise.

Section 3. In the event of dissolution, the Commission shall determine the measures necessary to affect the dissolution and shall provide for the taking of such measures as promptly as circumstances permit, subject to the provisions of this agreement. Upon dissolution of the Commission all remaining assets of the Commission, after payment of obligations, shall be distributed among the then existing Members in proportion to the most recent Member by Member breakdown of the franchise fee as reported by the Grantee. The Commission shall continue to exist after dissolution for such period, no longer than six months, as is necessary to wind up its affairs but for no other purpose.

IN WITNESS WHEREOF, the undersigned municipality has caused this agreement to be signed on its behalf this _____ day of _____, 2020.

City of _____, Minnesota

ATTEST:

City Clerk

Mayor

Amended and Restated _____/2020

FINAL

NORTH METRO TELECOMMUNICATIONS COMMISSION

AMENDED AND RESTATED

JOINT AND COOPERATIVE AGREEMENT

FOR THE ADMINISTRATION OF A CABLE COMMUNICATIONS SYSTEM

PARTIES

The parties to this agreement are governmental units of the State of Minnesota. This agreement is made pursuant to Minnesota Statutes Section 471.59, as amended.

I. GENERAL PURPOSE

The general purpose of this agreement is to establish an organization to monitor the operation and activities of cable communications, and in particular, the Cable Communications System (System) of the parties; to provide coordination of administration and enforcement of the franchises of parties for their respective System; to produce, edit and transmit video programming for the parties of this agreement; to make video production, editing and studio facilities and equipment available to the citizens of the parties to this agreement through the operation of a Community Media Center; to promote the development of locally produced cable television programming; to ensure public access to emerging telecommunications technologies; and to conduct such other activities authorized herein as may be necessary to insure equitable and reasonable rates and service levels for the citizens of the Members to this agreement.

II. NAME

The name of the organization is the North Metro Telecommunications Commission (NMTC).

III. DEFINITION OF TERMS

Section 1. For the purposes of this agreement, the terms defined in this Article shall have the meanings given them.

Section 2. "Commission" means the Board of Directors created pursuant to this agreement.

Section 3. "Community Media Center" means the North Metro TV Studios~~public access center formerly run by the cable company,~~ and any other media center and facilities operated~~public access center and studio facility that may be subsequently constructed by~~ the Commission, along with all related equipment and staff.

Section 4. "Council" means the governing body of a Member.

Section 5. “Executive Director” means a staff person that may be hired by the Commission for the purpose of providing administrative support to the Commission and day to day management of the CommunityMediaCenter.

Section 6. “Franchise” means that cable communications franchise granted by all cities listed in Article V, Section 1.

Section 7. “Grantee” means the person or entity to whom a franchise has been granted by Member.

Section 8. “Member” means a municipality which enters into this agreement.

Section 9. “Operations Committee” means a committee, made up of the administrators from each Member City, and the Executive Director as an Ex-Officio member, that meets for the purpose of providing day to day oversight and coordination of the Community Media Center operation, supervision and support of the Executive Director, and advice and counsel to the Commission.

Section 10. “Subscriber” means any individual or location which receives Telecommunications service from which the City collects a franchise fee.

Section 11. “Telecommunications” means traditional television technology and any new, related communications technologies that may be delivered via wire or air.

IV. MEMBERSHIP

Section 1. The municipalities of Blaine, Centerville, Circle Pines, HamLake, Lexington, LinoLakes, and SpringLakePark are the Members of the Commission. Any municipality ~~geographically contiguous to any of these named municipalities, and~~ served by a cable communications system through the same Grantee, may become a Member pursuant to the terms of this agreement.

Section 2. Any municipality desiring to become a Member shall execute a copy of this agreement and conform to all requirements herein.

Section 3. Municipalities, in addition to those listed in Article V, Section 1 of this agreement, desiring to become Members may be admitted by an affirmative vote of the Members of the Commission as specified in Article VI, Section 8 of this agreement. The Commission may by resolution impose conditions upon the admission of additional Members.

V. DIRECTORS: VOTING

Section 1. Each Member shall be entitled to one (1) director to represent it on the Commission who shall be a council member from the Member City. Each director is entitled to one (1) vote for each 2,500 subscribers or fraction thereof subscribing in the municipality represented by the director provided, however, that each director shall have at least one vote. The number of subscribers per City shall be determined as of

December 31st of each year. Prior to the first Commission meeting in February of each year, the Secretary of the Commission shall determine the number of votes for each Member in accordance with this section and certify the results to the Chair.

Section 2. A director shall be appointed by official action of each Member. Each Member shall notify the Commission in writing of the appointment. A director shall serve until a successor is appointed. Directors shall serve without compensation from the Commission.

Section 3. Each Member shall appoint at least one alternate who shall be a council member from the MemberCity. A Member may appoint any number of additional alternate directors, each of whom must also be a council member from that MemberCity. The Commission, in its By-Laws, may prescribe the extent of an alternate's powers and duties.

Section 4. A vacancy in the office of director will exist for any of the reasons set forth in Minnesota Statutes Section 351.02, or upon a revocation of a director's appointment duly filed by a Member with the Commission. Vacancies shall be filled by appointment for the unexpired portion of the term of director by the council of the Member whose position on the Board is vacant.

Section 5. There shall be no voting by proxy, but all votes must be cast by the director or the duly authorized alternate at a Commission meeting.

Section 6. The presence of the number of four directors representing a majority of the total authorized votes of all directors shall constitute a quorum, but a smaller number may adjourn from time to time.

Section 7. A director shall not be eligible to vote on behalf of the director's municipality during the time said municipality is in default on any contribution or payment to the Commission. During the existence of such default, the vote or votes of such Member shall not be counted for the purposes of this agreement.

Section 8. All official actions of the Commission must receive either:

(1) _____ a simple majority (51%) of all authorized votes cast on the issue at a duly constituted meeting of the Commission and the affirmative vote of a majority of the directors~~four (4) directors;~~ or

(2) _____ the affirmative vote of three-fourths (3/4) of the six~~(6)~~ directors.

VI. EFFECTIVE DATE: MEETINGS: ELECTION OF OFFICERS

Section 1. A municipality may enter into this agreement by resolution of its council and the duly authorized execution of a copy of this agreement by its proper officers. Thereupon, the clerk or other appropriate officer of the municipality shall file a duly executed copy of this agreement, together with a certified copy of the authorizing resolution, with the Executive Director of the North Metro Telecommunications

Commission. The resolution authorizing the execution of the agreement shall also designate the director and the alternate for the municipality on the Commission, along with said director's and alternate's address and phone number.

Section 2. This agreement is effective on the date when executed agreements and authorizing resolution of five of the municipalities named in Article V, Section 1 have been filed as provided in this Article.

Section 3. At the organizational meeting, or as soon thereafter as it may reasonably be done, the Commission shall select from among the directors a Chair, Vice-Chair, Secretary and Treasurer, adopt By-Laws governing its procedures including the time, place, notice for and frequency of its regular meetings, adopt a procedure for calling special meetings, and such other matters as are required by this agreement.

Section 4. Officers of the Commission shall be elected annually for one year terms. Officers completing on full one year term shall only succeed themselves once in another full one year term in the same office.

VII. POWERS AND DUTIES OF THE COMMISSION

Section 1. The powers and duties of the Commission shall include the powers set forth in this Article.

Section 2. The Commission may make such contracts, grants, and take such other action as it deems necessary and appropriate to accomplish the general purposes of the organization. The Commission may not contract for the purchase of real estate without the prior authorization of the Member municipalities. Any purchase or contracts made shall conform to the requirements applicable to Minnesota statutory cities.

Section 3. The Commission shall assume all authority and undertake all tasks necessary to coordinate, administer, and enforce the Franchise of each Member except for that authority and those tasks specifically retained by a Member.

Section 4. The Commission shall continually review the operation and performance of the cable communications system of the Members ~~and prepare annual reports as required by the Minnesota Cable Communications Board and the FCC.~~

Section 5. To the extent allowed by applicable law, ~~T~~the Commission shall undertake all procedures necessary to maintain uniform rates and to handle applications for changes in rates for the services provided by the Grantee.

Section 6. The Commission may provide for the prosecution, defense, or other participation in actions or proceedings at law in which it may have an interest, and may employ counsel for that purpose. It may employ such other persons as it deems necessary to accomplish its powers and duties. Such employees may be on a full-time, part-time or consulting basis, as the Commission determines, and the Commission may make any required employer contributions which local governmental units are authorized or required to make by law.

Section 7. The Commission may conduct such research and investigation and take such action as it deems necessary, including participation and appearance in proceedings of State and Federal regulatory, legislative or administrative bodies, on any matter related to or affecting cable communication rates, franchises, or levels of service.

Section 8. The Commission may obtain from Grantee and from any other source, such information relating to rates, costs and service levels as any Member is entitled to obtain from Grantee or others.

Section 9. The Commission may accept gifts, apply for and use grants, enter into agreements required in connection therewith and hold, use and dispose of money or property received as a gift or grant in accordance with the terms thereof.

Section 10. The Commission shall make an annual, independent audit of the books of the Commission and shall make an annual financial accounting and report in writing to the Members. Its books and records shall be available for examination by the Members at all reasonable times.

Section 11. The Commission may delegate its authority to its executive committee. Such delegation of authority shall be by resolution of the Commission and may be conditioned in such a manner as the Commission may determine.

Section 12. The Commission shall adopt By-Laws which may be amended from time to time.

Section 13. The Commission is given express authority to issue bonds, obligations and other forms of indebtedness, in a principal amount not to exceed \$2,500,000 (the "Bonds"), for approved facility and equipment upgrades consistent with the authority granted to the Commission in this Agreement. As provided in Minn. Stat. § 471.59, subd. 11, the Bonds shall be obligations of the Commission which are issued on behalf of the Members, and shall be issued subject to the conditions and limitations set forth in Minn. Stat. § 471.59, subd. 11. The Bonds shall be payable solely from the Member's franchise fees and/or PEG fees, as hereinafter provided. The Commission may not pledge to the payment of the Bonds the full faith and credit or taxing power of the Members. No Bonds may be issued by the Commission without the prior consent of the Members.

Section 14. The Commission shall provide ongoing oversight of the Operations Committee.

Section 15. The Commission shall recommend and forward to the Member cities the Commission's annual budget, ~~and the Community Media Center's operating budget and work plan.~~

Section 16. The Commission shall periodically review expenditures related to the CommunityMediaCenter.

Section 17. The Commission may exercise any other power necessary and incidental to the implementation of its powers and duties.

VIII. POWERS AND DUTIES OF THE OPERATIONS COMMITTEE

Section 1. The powers and duties of the Operations Committee shall include the powers set forth in this article.

Section 2. The Operations Committee shall provide input and make recommendations to the Commission.

Section 3. The Operations Committee shall provide for the definition of Member cities' needs and shall coordinate the resources of the Member cities' with the Executive Director and the CommunityMediaCenter for production purposes.

Section 4. The Operations Committee shall provide for the day to day supervision of the Executive Director and evaluation of the CommunityMediaCenter operation both for the purpose of reporting and recommendation to the Commission, and shall designate a liaison for the purpose of day to day communication with the Executive Director and to serve as liaison to the Commission. The Operations Committee will annually provide input to the Commission and Executive Director on the Executive Director's performance.

Section 5. The Operations Committee shall make recommendations on staffing needs and compensation levels for the CommunityMediaCenter.

Section 6. The Operations Committee shall provide input to the development of the Commission's annual budget, ~~and Community Media Center's operating budget~~ and work plan.

Section 7. The Operations Committee shall provide for the ongoing evaluation of the technological needs of the CommunityMediaCenter and the telecommunications needs of the Member cities.

IX. OFFICERS

Section 1. The officers of the Commission shall consist of a Chair, Vice-Chair, a Secretary, and a Treasurer.

Section 2. A vacancy in the office of Chair, Vice-Chair, Secretary or Treasurer shall occur for any of the reasons for which a vacancy in the office of a director shall occur. Vacancies in these offices shall be filled by the commission for the unexpired portion of the term.

Section 3. The four officers shall all be Members of the executive committee.

Section 4. The Chair shall preside at all meetings of the Commission and executive committee. The Vice-Chair shall act as chair in the absence of the Chair.

Section 5. The Secretary shall be responsible for keeping a record of all of the proceedings of the Commission and executive committee.

Section 6. The Treasurer shall be responsible for custody of all funds, for the keeping of all financial records of the Commission and for such other matters as shall be delegated by the Commission. The Commission may require that the Treasurer post a fidelity bond or other insurance against loss of Commission funds in an amount approved by the Commission, at the expense of the Commission. Said fidelity bond or other insurance may cover all persons authorized to handle funds of the Commission.

Section 7. The Commission may appoint such other officers as it deems necessary. All such officers shall be appointed from the membership of the Commission.

X. FINANCIAL MATTERS

Section 1. The fiscal year of the Commission shall be the calendar year.

Section 2. Commission funds may be expended by the Commission in accordance with the procedures established by law for the expenditure of funds by Minnesota Statutory Cities. Orders, checks and drafts must be signed by any two of the officers. Other legal instruments shall be executed with authority of the Commission, by the Chair and treasurer. Contracts shall be let and purchases made in accordance with the procedures established by law for Minnesota Statutory Cities.

Section 3. The financial contributions of the Members in support of the Commission shall be of two types: (1) each Member shall be responsible for its share of the debt service payments on the Commission's Bonds (but only from the Member's franchise fees and/or PEG fees), which share shall be in the same proportion as the Member's franchise fees for the immediately preceding calendar year were to the total franchise fees receivable by the Commission for that calendar year (the "Debt Service Share"); and (2) each member shall be responsible for its share of the operating and capital costs of the Commission (not including any part of the debt service on the Commission's Bonds), which share shall be in direct proportion to the percent of annual subscriber revenues of each Member to the total annual revenues of the system multiplied by the Commission's annual budget (the "Operating Cost Share"). The annual budget shall establish the contribution of each Member for its Operating Cost Share for the ensuing year. Each Member shall cause its franchise fees to be paid directly to the Commission, and the Commission shall deduct from each Member's quarterly payment of franchise fees, before application to any other purpose, one-fourth of the Member's Debt Service Share for that calendar year. If any Member's quarterly payment of franchise fees is not sufficient to pay its quarterly Debt Service Share, the deficiency will continue to be an obligation of the Member and will be deducted from the next payment or payments of the Member's franchise fees until the deficiency has been restored. After provision is made for payment of the Debt Service Share, the remaining franchise fees shall be applied as a credit against each Member's Operating Cost Share owed the Commission, with any excess being remitted to the Member by the Commission and any shortfall being payable to the Commission by the Member. The remainder of any franchise fee remitted back to the Member by the

Commission shall be used for citizen communications-related expenses. Each Member acknowledges that its Debt Service Share of the franchise fee collections will be irrevocably pledged by the Commission as security for the Commission's Bonds.

Section 4. All PEG (public, educational, and government) programming fees collected by the Grantee and redistributed to the Commission shall be used by the Commission to fund the cable-related expenses of the Commission and its Member Cities. ~~operation of a Community Media Center.~~

Section 5. A proposed budget for the operation of the Commission, ~~including the Community Media Center,~~ for each calendar year shall be formulated by the Executive Director under the direction of the Operations Committee and submitted to the Commission on or before July 1 of each year. The Commission shall submit the proposed budget to the Members on or before August 1 of each year. Such budget shall be deemed approved by a Member unless, prior to October 15 preceding the effective date of the proposed budget, the Member gives notice in writing to the Commission that it is withdrawing from the Commission, subject to Article XII, Section 2 of this agreement. Final action adopting a budget for the ensuing calendar year shall be taken by the Commission on or before November 1 of each year.

Section 6. Any Member may inspect and copy the Commission books and records at any and all reasonable times. All books and records shall be kept in accordance with normal and accepted accounting procedures and principles used by Minnesota Statutory Cities.

XI. DURATION

Section 1. The Commission shall continue for an indefinite term unless the number of Members becomes less than five, and the Commission may also be terminated by mutual agreement of all of the Members at any time; provided that the Commission shall continue to exist as long as any Bonds described in Article VIII, Section 13 of this agreement remain outstanding.

Section 2. In order to prevent obligation for its Operating Cost Share for the ensuing calendar year, a Member must withdraw from the Commission by filing a written notice with the Secretary by October 15 of any year giving notice of withdrawal effective at the end of the calendar year; and membership shall continue until the effective date of the withdrawal. A notice of withdrawal may be rescinded by a Member at any time prior to the effective date of withdrawal. If a Member withdraws before the dissolution of the Commission, the Member shall have no claim against the assets of the Commission, including the right to receive an allocation of franchise fees, except as provided herein. A Member withdrawing after October 15 shall be obligated to pay its entire Operating Cost Share (including any shortfalls) for the ensuing year as outlined in the budget of the Commission for the ensuing year. A withdrawn Member will continue to be responsible for its Debt Service Share (payable only from the withdrawn Member's franchise fees and/or PEG fees) notwithstanding its withdrawal from the Commission, and shall continue to have its franchise fees and PEG fees paid directly to the Commission until all Bonds have been paid. Any excess of the withdrawn Member's franchise fees over the

withdrawn Member's Debt Service Share (and any required Operating Cost Share, if the Member gave notice of withdrawal after October 15 of the preceding calendar year) shall be remitted by the Commission to the withdrawn Member. A Member that has withdrawn from the Commission may, if no Bonds are outstanding, upon request, recover an amount of any equity that exists, as of the withdrawal date, in real property and buildings purchased or constructed with any Bonds, up to (but not exceeding) the Member's individual percentage of total franchise fees paid to all the Members (or their designee) and the withdrawn Member for the calendar year preceding withdrawal. The Commission may, if no Bonds are outstanding, at any time after the withdrawal of a Member as provided for herein, initiate a buy-out of the proportionate equity interest of the withdrawn Member, which interest is to be the withdrawn Member's individual percentage of total franchise fees paid to the Members (or their designee) and the withdrawn Member for the calendar year preceding the buy-out, pursuant to terms and conditions agreed upon by the parties. The amount of any equity distributed to a withdrawn Member will be paid, without interest, on a payment schedule established by the Commission, provided, however, the term of such payment schedule shall not exceed five (5) years. When calculating an equity repayment schedule, the Commission may deduct the withdrawn Member's proportionate share of outstanding indebtedness from the amount of any equity due to the withdrawn Member. Notwithstanding anything to the contrary, a withdrawing Member shall have no claim to the franchise fee or PEG fee the Grantee collected on its behalf for the year in which its withdrawal is effective, except for the reimbursement of cable-related expenses for that year. If no Bonds are outstanding, for the calendar year following withdrawal, and for all subsequent years, the entire franchise fee calculated upon gross revenues attributable to the system within the withdrawn Member shall be paid by Grantee to the withdrawn Member in accordance with the Franchise.

Section 3. In the event of dissolution, the Commission shall determine the measures necessary to effect the dissolution and shall provide for the taking of such measures as promptly as circumstances permit, subject to the provisions of this agreement. Upon dissolution of the Commission all remaining assets of the Commission, after payment of obligations, shall be distributed among the then existing Members in proportion to the most recent Member by Member breakdown of the franchise fee as reported by the Grantee. The Commission shall continue to exist after dissolution for such period, no longer than six months, as is necessary to wind up its affairs but for no other purpose.

IN WITNESS WHEREOF, the undersigned municipality has caused this agreement to be signed on its behalf this _____ day of _____, 202016.

City of _____, Minnesota

ATTEST:

City Clerk

Mayor

Amended and Restated _____/2020+6

RESOLUTION NO. 20-18

A RESOLUTION APPROVING A VARIANCE FROM THE SIDE YARD SETBACK TO ALLOW THE CONSTRUCTION OF AN INDUSTRIAL BUILDING AT 8457 SUNSET ROAD NE

WHEREAS, Tony Mezzenga, Woodcrest Development of Shoreview, has made application for a variance from the side yard setback for an industrial use abutting a residential property; and

WHEREAS, the property, 8457 Sunset Road NE, is legally described as follows:

The North 162 feet of Lot 18, Spring Lake Park Plat A, subject to easement of record; and

WHEREAS, mailed and published notice of a public hearing to consider the proposed variance was given; and

WHEREAS, a public hearing to consider the proposed variance was held April 27, 2020; and

WHEREAS, the request was made to reduce the side yard setback for an industrial use abutting a residential property from 50 feet to 25 feet; and

WHEREAS, the Planning Commission has considered the application against the practical difficulties test as outlined in Section 153.224 of the Spring Lake Park Zoning Code; and

WHEREAS, the Planning Commission has recommended approval subject to reasonable conditions, based on the following findings of fact:

1. Developing the property with an industrial use is reasonable on property that is guided and zoned for industrial use;
2. Reducing the side yard setback of this property to match the required side yard setback for industrial properties surrounded by other industrial uses is reasonable considering that the property to the north is guided for industrial uses in the City's Land Use Plan;
3. Arranging the site plan so that there is a minimum of activity on the north side facing the existing single-family uses is reasonable and appropriate;
4. The proposed site plan and landscape plan provide an appropriate buffer as suggested in the 2040 Comprehensive Plan policy; and
5. The request reasonably meets the criteria in the Zoning Code for approval of variances; and

WHEREAS, the Spring Lake Park City Council has reviewed the application and hereby accepts the findings and recommendations of the Spring Lake Park Planning Commission.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Spring Lake Park, Minnesota that the City Council hereby approves the request of Tony Mezzenga, Woodcrest Development of Shoreview, for a variance to reduce the side yard setback on the north side of the property from 50 feet to 25 feet to accommodate construction of an industrial building, subject to the following conditions:

1. The side setback to the north is approved at 25 feet versus the required 50 feet only if the north side of the building has no main business entrances or loading areas facing that direction and if there is no parking between the building and the north lot line.
2. Landscaping, as suggested on the site plan, as well as a privacy fence shall be provided in the north side yard. Details of the landscaping and privacy fence shall be reviewed and approved by the City Planner at the time of Site Plan review.
3. All other details of the proposed development will be reviewed in the Site Plan review process, including grading, drainage, stormwater management, landscaping/screening, signage, lighting, parking and other details as required by City Code.

The foregoing Resolution was moved for adoption by Councilmember .

Upon Vote being taken thereon, the following voted in favor thereof:

And the following voted against the same: .

Whereon the Mayor declared said Resolution duly passed and adopted the 4th day of May, 2020.

APPROVED BY:

Robert Nelson, Mayor

ATTEST:

Daniel R. Buchholtz, City Administrator

To: City Council
 City of Spring Lake Park

File: Variance Request
 8457 Sunset Road NE

From: Phil Carlson, Lauren Walburg
 Stantec

Date: May 4, 2020

Re: Tony Mezzenga – Variance, Side Yard Setback, 8457 Sunset Road NE

BACKGROUND

The 1.1-acre Industrial site at 8457 Sunset Road NE is a rectangular parcel located in the northeast corner of Spring Lake Park in the industrial park, south of 85th Avenue NE, fronting Sunset Road NE on its west side. The site abuts existing single family homes to the north, which are guided Industrial but still occupied as single family homes. The applicant Tony Mezzenga wants to build a 12,000-sq-ft building for an as yet undecided industrial use on the I-1 zoned property. The Zoning Code requires larger setbacks from industrial to residential uses and the applicant is requesting a variance to the side yard setback for the project.

The property is currently vacant and borders another industrial use to the south, the Eagle Brook Church to the west across Sunset Road, two single family homes to the north, and single family homes to the east, which front on Westwood Road NE.

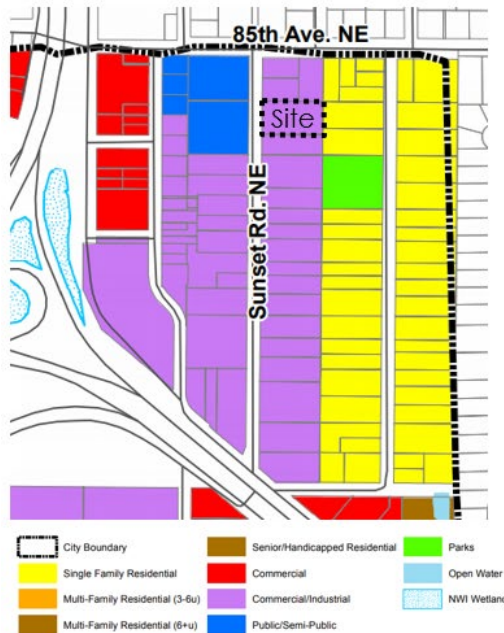
This request was heard by the Planning Commission at their April 27 meeting. The Planning Commission

recommended approval of the variance with the four conditions that are outlined in this memo. There was discussion about adding privacy fence along the northern property line to provide a buffer between the residential and industrial uses, and this is reflected in the conditions.

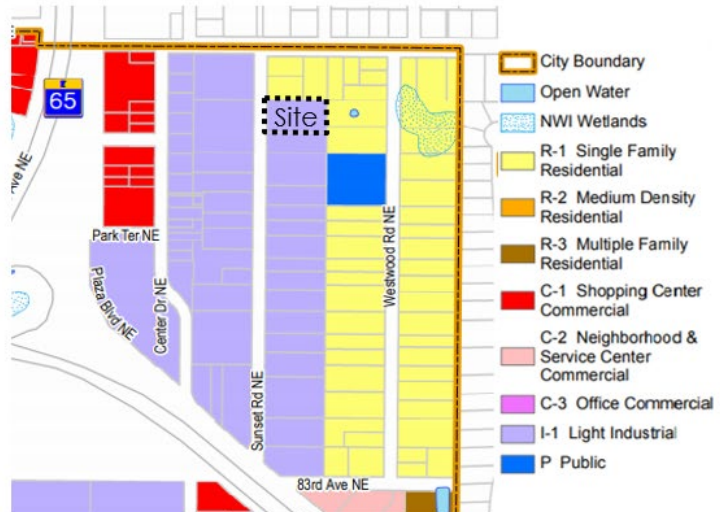


Reference: Tony Mezzenga – Variance, Side Yard Setback, 8457 Sunset Road NE

Land Use Plan



Zoning Map



LAND USE & ZONING

The land use and zoning pattern in the area is complex, but the request is simple (see map excerpts above):

- The site at 8457 Sunset Road NE is guided Commercial/Industrial and zoned I-1 Light Industrial.
- The Eagle Brook Church across Sunset Road NE is guided Public/Semi-Public but zoned I-1 Light Industrial.
- The homes to the north are guided Commercial/Industrial but zoned R-1 Single Family Residential.
- The homes to the east are guided and zoned Single Family Residential.
- In the Metropolitan Area, cities are obliged to have the zoning conform to the Land Use Plan. The Land Use Plan take precedence over the zoning.
- The single family homes north of the site could therefore be rezoned and redeveloped with Industrial uses at any time – the City would be obliged to rezone the property to I-1 to conform with the Land Use Plan.
- The request is for a variance to the side setback to the north that is the same as a future industrial use would require (if zoned according to the Land Use Plan) vs. what the existing residential uses require.

The required setbacks are as follows in the I-1 Light Industrial district, compared to what is proposed on the site plan:

<u>Yard</u>	<u>To Comm or Ind</u>	<u>To Residential</u>	<u>Proposed</u>
Side – Building	25 ft	50 ft	25 ft
Rear - Building	35 ft	50 ft	68 ft
Rear - Parking	10 ft	20 ft	20 ft

Only the side yard to the north (bold type above) needs a variance. The other yards meet the required setbacks for building and parking, even the greater setback to residential uses.

Reference: Tony Mezzenga – Variance, Side Yard Setback, 8457 Sunset Road NE

VARIANCE REQUEST

The variance request and related dimensions are illustrated on the map below. The proposed site plan for the property is superimposed on the aerial photo, with the required 50-ft side yard setback shown in the red dashed line, the requested 25-ft side yard setback in the yellow dashed line, and the distances to the three homes that abut the property with white arrows – two homes to the north and one to the east.

As the map shows, the requested side yard setback variance would result in the building being 57 ft and 125 ft to the residences to the north. The rear yard setbacks to building and parking are met by the proposed site plan – no variance is needed on the east side of the site. The dimensions shown here are slightly different than those provided by the applicant. The dimensions below are taken from the occupied portion of the adjacent homes to the proposed building, whereas his dimensions are from the garage in two instances and only to the property line, not to the proposed industrial building or parking.

The site plan is laid out to have a blank wall and landscaping facing north to the existing residences. There will be no parking, loading or other activities on that side of the site. It should be noted that the site plan could be laid out to place parking and loading areas on the north side of the site and meet all required setbacks – no variance needed – but the applicant has chosen to locate this activity on the south side toward the existing industrial site and put the “quiet” side of the project toward the existing residences. Screening is required for all parking areas abutting residential uses per Zoning Code Section 153.138, but that will be handled in the Site Plan review process and no variance is requested for that here.



Reference: Tony Mezzenga – Variance, Side Yard Setback, 8457 Sunset Road NE

Section §153.224 of the City of Spring Lake Park's Zoning Code requires that practical difficulty be proven for the approval of a variance, according to the following criteria:

(a) *Is the variance in harmony with the purposes and intent of the Ordinance?*

The Zoning Code has setbacks to provide reasonable separation of uses. The separation provided by the requested variance is reasonable in this situation.

(b) *Is the variance consistent with the comprehensive plan?*

The 2040 Comprehensive Plan includes the following Land Use Policy 4 relevant to this proposal:

4. Continue to provide for zoning restrictions on properties designated for commercial/industrial uses so that there will be appropriate buffers between commercial/industrial development and adjacent residential uses.

This policy supports the increased setbacks and screening in the Zoning Code and the question is whether the requested variance and site plan provide an "appropriate buffer".

(c) *Does the proposal put property to use in a reasonable manner?*

The use itself is reasonable – a typical industrial building on a site zoned for industrial. The specific proposal requests to develop the property using the setback that would be required for an industrial use, which is what is anticipated in the Land Use Plan. Furthermore, the site plan places most of the activity on site on the opposite side of the building away from the existing residential uses.

(d) *Are there circumstances unique to the property not created by the applicant? (physical characteristics of the property i.e. sloping topography or other natural features like wetlands or trees)?*

The circumstance unique to this property is that the adjacent properties are guided for industrial development but still zoned residential. That is not created by the applicant.

(e) *Will the variance maintain the essential character of the locality?*

The immediate neighborhood is mostly industrial and commercial in character, with a large church being the one active use nearby across the street. The character of this area is now industrial on this site and further south, but residential to the north. But the City has intended that the character of those residential properties eventually be industrial as well.

Reference: Tony Mezzenga – Variance, Side Yard Setback, 8457 Sunset Road NE

CONCLUSION & RECOMMENDATION

I recommend that the City Council approve the variance request as presented, with the following conditions:

- 1) The side setback to the north is approved at 25 feet vs. the required 50 feet only if the north side of the building has no main business entrances or loading areas facing that direction and no parking between the building and the north lot line.
- 2) Landscaping shall be provided in the north side yard as suggested on the site plan, with details to be reviewed and approved by the City Planner at the time of Site Plan review.
- 3) All other details of the proposed development will be reviewed in the Site Plan review process, including grading, drainage, stormwater management, landscaping and screening, signage, lighting, number of parking spaces, and other details as required by City Code.
- 4) A privacy fence shall be constructed along the northern property line to provide a buffer between the residential properties and the proposed industrial use.

OPTIONS

The City Council has several options:

- 1) Approve the variance as submitted with the Findings and conditions noted.
- 2) Approve the variance as modified by the City Council, with Findings.
- 3) Deny the variance, with Findings.
- 4) Continue the item to a future meeting to gather more information or for more discussion.

FINDINGS OF FACT

For any of the recommendations, the City Council should adopt Findings of Fact. Findings of Fact for approval might include:

- 1) Developing the property with an industrial use is reasonable on property that is guided and zoned for industrial use.
- 2) Adhering to the side yard setback required for industrial uses is reasonable considering that the property to the north is guided for industrial uses in the City's Land Use Plan.
- 3) Arranging the site plan so that there is a minimum of activity on the north side facing the existing single family uses is reasonable and appropriate.
- 4) The proposed site plan and landscape plan provide an appropriate buffer as suggested in the 2040 Comprehensive Plan policy.
- 5) The request reasonably meets the criteria in the Zoning Code for approval of variances.

60-DAY DEADLINE: The variance application was received on March 3, 2020, but not considered complete until April 11, 2020. The 60-day deadline for final action by the City Council is June 10, 2020.



123288
2/3/2020

City of Spring Lake Park
1301 81st Avenue NE
Spring Lake Park, MN 55432
763-784-6491 (p) 763-792-7257 (f)
info@slpmn.org

For Office Use Only	
Case Number:	
Fee Paid:	1375.00
Received by:	
Date Filed:	3/3/2020
Date Complete:	
Base Fee:	375
Escrow:	1000

DEVELOPMENT APPLICATION

TYPE OF APPLICATION (Check All That Apply)		
<input type="checkbox"/> Appeal	<input type="checkbox"/> Site Plan/Building Plan Review	<input type="checkbox"/> Minor Subdivision
<input type="checkbox"/> Comprehensive Plan Amendment	<input type="checkbox"/> Conceptual Plan Review	<input type="checkbox"/> Lot Combination
<input type="checkbox"/> Ordinance Amendment (Text)	<input type="checkbox"/> Conditional Use Permit	<input type="checkbox"/> Preliminary Plat
<input type="checkbox"/> Rezoning	<input checked="" type="checkbox"/> Variance	<input type="checkbox"/> Final Plat
<input type="checkbox"/> Planned Unit Development	<input type="checkbox"/> Street or Easement Vacation	<input type="checkbox"/> Other _____
PROPERTY INFORMATION		
Street Address: 8457 SUNSET ROAD, N.E.		
Property Identification Number (PIN#): 01-30-24-11-0048		Current Zoning: I-1
Legal Description (Attach if necessary):		
APPLICANT INFORMATION		
Name: Tony Mezzenga	Business Name:	
Address: 5 Maycomb Lane		
City: St. Paul	State: MN	Zip Code: 55127
Telephone: 612-804-0487	Fax:	E-mail: woodshop6@gmail
Contact: Tony	Title: DWDER	
OWNER INFORMATION (if different from applicant)		
Name:	Business Name:	
Address:		
City: SAME	State:	Zip Code:
Telephone:	Fax:	E-mail:
Contact:	Title:	
DESCRIPTION OF REQUEST (attach additional information if needed)		
Existing Use of Property: I-1		
Nature of Proposed Use: INDUSTRIAL Building with 25' SET BACK.		
Reason(s) to Approve Request: THE ADJACENT RESIDENTIAL LOT ADJACENT TO THE SOUTH WILL BE ZONED I-1 AT SOME POINT.		
PREVIOUS APPLICATIONS PERTAINING TO THE SUBJECT SITE		
Project Name:	Date of Application:	
Nature of Request: NONE		
<p>NOTE: Applications only accepted with ALL required support documents. See City Code</p>		

APPLICATION FEES AND EXPENSES:

The City of Spring Lake Park requires all applicants to reimburse the City for any and all costs incurred by the City to review and act upon applications.

The application fee includes administrative costs which are necessary to process the application. The escrow fee will include all charges for staff time by the City Planner, City Engineer, City Attorney, and/or any other consultants as needed to process the application.

Minnesota Statute § 471.462 requires all cities to provide, upon request, a nonbinding estimate of consulting fees in connection with applications for permits, licenses, or other approvals relating to real estate development or construction. If the applicant requests the estimate, the application shall not be deemed complete until the City has (1) provided an estimate to the applicant; (2) received the required application fees, as specified by the City; (3) received a signed acceptance of the fee estimate from the applicant; and (4) received a signed statement that the applicant has not relied on the estimate of fees in its decision to proceed with the final application from the applicant.

The City will track all consultant costs associated with the application. If these costs are projected to exceed the money initially deposited to your escrow account, you will be notified in the manner that you have identified below that additional monies are required in order for your application process to continue. If you choose to terminate the application (notice must be in writing), you will be responsible for all costs incurred to that point. If you choose to continue the process you will be billed for the additional monies and an explanation of expenses will be furnished. Remittance of these additional fees will be due within thirty (30) days from the date the invoice is mailed. If payment is not received as required by this agreement, the City may approve a special assessment for which the property owner specifically agrees to be to be assessed for 100 percent per annum and waives any and all appeals under Minnesota Statutes Section 429.081 as amended. **All fees and expenses are due whether the application is approved or denied.**

With my signature below, I hereby acknowledge that I have read this agreement in its entirety and understand the terms herein. **I agree to pay to the City all costs incurred during the review process as set forth in this Agreement.** This includes any and all expenses that exceed the initial Escrow Deposit to be paid within 30 days of billing notification. I further understand that the application process will be terminated if payment is not made and application may be denied for failure to reimburse City for costs. I further understand that the City may approve a special assessment against my property for any unpaid escrows and that I specifically waive any and all appeals under Minnesota Statutes 429.081, as amended.


I wish to be notified of additional costs in the following manner (select one):


E-mail Woodshop6@gmail.com Fax _____ USPS – Certified Mail

I, the undersigned, hereby apply for the considerations described above and declare that the information and materials submitted in support of this application are in compliance with adopted City policy and ordinance requirements are complete to the best of my knowledge.

I acknowledge that I have read the statement entitled "Application Fees and Expenses" as listed above.

I understand that this application will be processed in accordance with established City review procedures and Minnesota Statutes Section 15.99 as amended, at such time as it is determined to be complete. Pursuant to Minnesota Statutes Section 15.99, the City will notify the applicant within fifteen (15) business days from the filing date of any incomplete or other information necessary to complete the application, including all four requirements of Minnesota Statute § 471.462, should I request a written estimate of consultant fees. Failure on my part to supply all necessary information as requested by the City may be cause for denying this application.

Applicant:  Tony MEZZALANA Date: 2/29/2020

Owner:  Tony MEZZALANA Date: 2/29/2020

**NOTE: Applications only accepted with ALL required support documents.
See City Code**

**City of Spring Lake Park
Variance Application**

A variance cannot be approved unless the Planning Commission and City Council find that the "practical difficulties" standard has been met. Please provide a response as to how/why your project will meet the following criteria. Use additional sheets if necessary and consult with the Zoning Administrator if you need clarification on the intent of any of the standards set below.

1. Applicant Information:

Name: Tony Mezzedea
Address: 5 MAYCOMB WAY
City/State/Zip: ST. PAUL, MN 55127

Telephone: 612-804-0487
Cell Phone: SAME
E-mail: Woodshop6@gmail.com

2. Property Owner Information (if different from above):

Name: SAME
Address: 8457 SUNSET RD. N.E.
City/State/Zip: SLP 55432

Telephone: /
Cell Phone: /
E-mail: /

3. Project Location (Address and Legal Description): 8457 SUNSET ROAD N.E.

4. Present Use of Property: I-1 LOT.

5. Description of Project: PROPOSING TO REDUCE SET BACK ON NORTH LOT LINE TO 25' FROM 50'

6. Specify Section of the Ordinance from which variance is sought: § 153.224

7. Explain how you wish to vary from the applicable provisions of this Ordinance:

PROPOSING TO REDUCE SET BACK ON NORTH LOT LINE TO 25' FROM 50'

8. Please attach a site plan or accurate survey as may be required by Ordinance.

9. Practical Difficulties Test: Please answer the following questions as they relate to your specific variance request.

a. In your opinion, is the variance in harmony with the purposes and intent of the Ordinance?

Yes No Why or why not?

THE LONG TERM PLAN IS TO REZONE THE LOTS TO THE NORTH OF THIS SITE TO I-1 TO BE THE SAME AS PROPOSED SITE FOR SET BACK REDUCTION.

b. In your opinion, is the variance consistent with the Comprehensive Plan?

Yes No Why or why not?

THE LOTS TO THE NORTH OF THIS PROPOSED SITE
WHEN REZONED WILL REQUIRE 25' SET BACK
WHICH IS WHAT MY PROPOSED RESTRICTION IS.

c. In your opinion, does the proposal put property to use in a reasonable manner?

Yes No Why or why not?

THE 25' SET BACK WOULD ALLOW BETTER
USE OF THE SITE WITH PARKING AND TRAFFIC
ON SOUTH SIDE OF BUILDING BLOCKING LIGHT TO NORTH
HOUSES

d. In your opinion, are there circumstances unique to the property? (physical characteristics of the property - i.e. sloping topography or other natural features like wetlands or trees)?

Yes No Why or why not?

WE ARE PROPOSING A NATURAL TREE BARRIER
TO THE ADJACENT LOTS TO THE NORTH.
FOR PRIVACY TO THE HOUSES TO THE NORTH

e. In your opinion, will the variance maintain the essential character of the locality?

Yes No Why or why not?

WE WOULD BUILD THE SAME BUILDING
THAT WOULD CONFORM TO I-1 REQUIREMENTS

The Planning Commission must make an affirmative finding on all of the five criteria listed above in order to grant a variance. The applicant for a variance has the burden of proof to show that all of the criteria listed above have been satisfied.

The undersigned certifies that they are familiar with application fees and other associated costs and also with the procedural requirements of the City Code and other applicable ordinances.

Applicant Signature:

 Tony Mezzanota

Date:

2/29/2020

Fee Owner's (Property Owner) Signature:



Date:

2/29/2020

DRAFT PROCEEDINGS

Pursuant to due call and notice thereof, the regularly scheduled meeting of the Spring Lake Park Planning Commission was held on April 27, 2020 at the Virtual Meeting, at 7:00 PM.

1. CALL TO ORDER

Chairperson Hansen called the meeting to order (virtually) at 7:00 PM.

2. ROLL CALL

PRESENT:

Commissioner Eischens
Commissioner Bernhagen
Commissioner Cobbs
Commissioner Ali
Commissioner Hansen

ABSENT:

Commissioner Julien

STAFF PRESENT:

Planner Walburg and Administrator Buchholtz

3. APPROVAL OF MINUTES

A. Approval of Minutes from March 23, 2020 Meeting

Commissioner Cobbs requested corrections be made to the March Planning Commission minutes. Administrator Buchholtz stated that corrections will be made and resubmitted.

4. PUBLIC HEARING

A. Public Hearing - Variance Application for 8457 Sunset Road NE - Tony Mezzenga

Planner Walburg reviewed the staff report with the Planning Commission for a request for a variance to the side yard setback. Ms. Walburg reviewed the Land Use and Zoning plans with the Commission.

Applicant Tony Mezzenga reported that the proposed building will have infrequent usage and noise. He reported that only the service doors will be used and does not expect large overhead doors to be installed on the north side of the building. He stated that the building will be used for offices and warehousing.

Mr. Mezzenga stated that he wants the neighbors to be pleased with the building and he is willing to add any type of buffer to help block the view of the building while still looking nice

to the neighboring properties. He reported that his plans do not include any overhead lighting and any additional lighting will be pointed downward.

Commissioner Cobbs inquired if the project is still a possibility with the current economic conditions. Mr. Mezzenga stated that he is still working on the plans and site plan. He anticipated that the project will be constructed in the fall.

Commissioner Eischens stated that he would like to see a strong buffer zone between the nearby resident's property and the proposed building.

Chairperson Hansen opened the public hearing at 7:05 PM.

Keven Olson, 8483 Sunset Road NE, stated that he does not have any issues with the variance request. He stated that he would like to see a privacy fence installed along the proposed tree line since the building will face his garage. He stated that he would prefer that the buffer zone be more than a mature tree line.

Ms. Walburg stated that the Planning Commission could add a condition to their recommendation that a privacy fence be added. She stated that this is the time to make this request in the early approval stages.

Mr. Mezzenga stated that he is in favor of placing a fence along the property line and would be willing to have the fence be the responsibility of the homeowner once it is installed. He stated that he will discuss with the homeowner what type of material the fence will be.

Chairperson Hansen closed the public hearing at 7:25 PM.

Motion made by Commissioner Eischens; second by Commission Cobbs to recommend approval of variance request with the following conditions:

1. The side setback to the north is approved at 25 feet vs. the required 50 feet only if the north side of the building has no main business entrances or lading areas facing that direction and no parking between the building and the north lot line.
2. Landscaping shall be provided in the north side yard as suggested on the site plan, with details to be reviewed and approved by the City Planner at the time of Site Plan review.
3. All other details of the proposed development will be reviewed in the Site Plan review process, including grading, drainage, stormwater management, landscaping and screening, signage, lighting, number of parking spaces, and other details as required by City Code.
4. A privacy fence be added on the north side of the 25 feet variance.

ROLL CALL VOTE: Commissioner Eischens- aye, Bernhagen-aye, Cobbs-aye, Ali-aye and Chairperson Hansen - aye. Motion carried.

5. OTHER

A. Administrator Reports

Administrator Buchholtz reported that the Met Council approved the City's 2040 Comprehensive Plan. He thanked the Planning Commission for their work and involvement on the plan.

6. ADJOURN

Motion made by Commission Bernhagen, second by Cobbs to adjourn.
Meeting was adjourned at 7:30 PM.



Stantec Consulting Services Inc.
733 Marquette Avenue Suite 1000, Minneapolis MN 55402-2309

April 28, 2020
File: 193801776

Dan Buchholtz, City Administrator
City of Spring Lake Park
1301 81st Avenue NE
Spring Lake Park, MN 55432

Reference: Municipal State System Revisions for 81st Avenue

Dear Dan,

The City has been discussing the possibility of removing a portion of 81st Avenue NE from the Municipal State Aid System (MSAS) for several years. This change is desired to reduce truck traffic on 81st Avenue.

Originally the proposal was to remove the segment of 81st Avenue between TH47 and Terrace Road from the MSAS system.

At a Council Workshop on March 9, 2020 the possibility of removing the segment from TH47 to Able Street was raised. This option was pursued with MnDOT and received initial approval. However, we recently discovered that removal of the 81st Avenue segment between Terrace and Able would require a substantial MnDOT reimbursement as MSAS funds were used for the reconstruction of that segment in 2015. The amount of reimbursement required would be \$285,223.

At this time, the city has two options for proceeding with the 81st Avenue truck situation:

1. Include the segment of 81st Avenue from TH 47 to Able Street in the MSAS system revision request to MnDOT. This would allow for the east end of the truck restrictions to begin at Able Street. This would also result in an additional payback of \$285,223 in future MSAS funds.
2. Include only the segment of 81st Avenue from TH 47 to Terrace Road in the MSAS system revision request. This would require passing a new Resolution. This would also mean that the \$285,223 would not be withheld from future MSAS funds.

The paperwork for an MSAS system revision needs to be submitted to MnDOT in May. A Resolution for Option 1 was recently approved. A new Resolution will need to be passed to proceed with Option 2.

Feel free to contact Jeff Preston or me if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink that reads 'Phil Gravel'.

Phil Gravel, City Engineer



Minnesota Department of Transportation
 395 John Ireland Boulevard
 Saint Paul, MN 55155

Memo

TO: Mr. Phil Gravel
 Spring Lake Park City Engineer

FROM: William Lanoux
 Manager, Municipal State Aid Needs Unit

DATE: February 12, 2020 (Revised March 18, and April 28th with another payback)

SUBJECT: Municipal State Aid Designations & Revocations (*payback on a revocations*)

The following Municipal State Aid Street revocations will be approved when the City Council resolution has been received. (as of 4/28/2020 this revision as not been approved)

Part of MSAS 101: 81st Avenue NE- from TH 47 to Able Street (0.78 miles)

Part of MSAS 102: University Avenue Service Drive- from 81st Avenue NE to 83rd Avenue NE (0.27 miles)

MSAS 104: Elm Drive- from Sanburnol Drive to Able Street (0.11 miles)

The following Municipal State Aid Street designation will be approved when the City Council resolution has been received.

MSAS 110: Able Street NE- from Osborne Road (CSAH 8) to north city limits (1.16 miles)

A Commissioner's Order will follow. (*See information on payback on the next page*)

Needs Update Comments:

Routes can receive Needs and be used in the calculation of your 2021 allotment. Include these revisions with your 2020 spring Needs update.

Certification of Mileage Update Comments:

You can include these revisions on the *2020 Annual Certification of Mileage* that is due in January 2021.

	Available Mileage	0.04	2019 Certified Mileage
+	Revoked Mileage	1.16	
-	<u>Designated Mileage</u>	1.16	
	Remaining Available Mileage	0.04	

If you have any questions, contact your DSAE or Bill Lanoux at (651) 366-3817 for instructions.

cc. District State Aid Engineer

An Equal Opportunity Employer



The city has agreed to the following payback for project 183-102-002

Amount (from SAAS reports) = \$257,730;

Awarded 1996

Reconstruction Project (25 years of life): 2020-1996 = 24, so one year of life left.

1) PRORATE BY LIFE LEFT: $1/25 * \$257,730 = \underline{\$10,309 \text{ of PAYBACK}}$
(city will be "pay short" this amount on their next payment request)

The city has NOT YET agreed to the following payback for project 183-101-011

Project 183-101-011

Project Total= \$559,632

Payment Short = \$184,338

Base payback off of \$559,632 - \$184,338 = \$375,294

Award year 2014, so 19 years left on a 25 year project

$19/25 * \$375,294 = \underline{\$285,223}$

An Equal Opportunity Employer





Spring Lake Park
History. Community. Home.

Memorandum

To: Mayor Nelson and Members of the City Council
From: Daniel R. Buchholtz, MMC, Administrator, Clerk/Treasurer
Date: April 29, 2020
Subject: Municipal State Aid System Revisions for 81st Avenue

City Engineer Gravel did a good job explaining the situation regarding the fiscal impact of implementing the state aid designation change. I wanted to provide a fuller picture of the matter to assist the City Council in their decision making.

The 2014A GO Improvement Bond repayment is funded by three sources: special assessments, property tax levy and State Aid funds. The repayment was also assisted with \$400,000 in unused project funds, which were used to reduce the property tax levy.

	<u>Expense</u>	<u>Revenue</u>
Principal and Interest (bond repayments)	\$ 3,294,081	
Assessment Income		\$ 951,653
Investment Income		\$ 111,945
Project Fund Transfer (<i>excess project funds – 12/31/16</i>)		\$ 400,000
Municipal State Aid (<i>fulfilled as of 2/5/20</i>)		\$ 1,034,506
Property Tax Levy	<u> </u>	<u>\$ 870,000</u>
Total	<u>\$ 3,294,081</u>	<u>\$ 3,368,104</u>
Anticipated Fund Surplus December 31, 2025		\$74,023

As of December 31, 2019, we have received the Municipal State Aid anticipated from the bond fund. This is due to the fact that there were other previous projects submitted to our MSA account that had not been previously reimbursed. As of 4/29/20, there is \$508,350 left to be disbursed over the next three years. If the City Council continued moving forward with Option 1, the City’s remaining reimbursement would be reduced from \$508,350 to \$212,127. The foregone reimbursement does not go away. It will be available the next time we do a State Aid street project. If the City Council wishes to move forward with Option 2, we would need to adopt a new State Aid resolution (as referenced in Engineer Gravel’s memo) and amend the weight restriction ordinance approved on April 16 to reduce the weight restricted area of 81st Avenue from University Avenue to Terrace Road.

If you have any questions, please don’t hesitate to contact me at 763-784-6491.

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City of Spring Lake Park
Engineer's Project Status Report

To: Council Members and Staff
From: Phil Gravel

Re: **Status Report for 5.4.20 Meeting**
File No.: R-18GEN

Note: Updated information is shown in *italics*.

2020 MS4 Permit (193802936). MS4 deadlines: Annual Report and Public Meeting due by June 31st (*Hold Public Meeting on June 5th, complete draft report by May 8th, and send in final report after June 5th Public Meeting*). Pond, structural BMP, and outfall inspections by July 31st. Annual Training and program analysis due in December.

2019 Sanitary Sewer Lining Project (193804547). This project includes lining in the area near TH65 and Osborne Rd. *Need project close-out information from contractor. Terry Randall is monitoring this project.*

Arthur Street Water Treatment Plant Evaluation (193801776 Task 300). Plans for a comprehensive project to repair damage from a chlorine leak and to complete ongoing maintenance were ordered in January. Final plans were approved for bidding in March. *Bids are due this week.*

Garfield Pond Improvements Project (193804750). Construction started on March 6, 2020. Tree clearing is complete. Storm sewer pipe work is complete except for punch-list work. *Pond excavation is essentially complete. Restoration and clean-up work continues. As a reminder, the city will look at possible tree planting later this summer for fall planting.*

81st Avenue Signing Plan and State Aid System revisions (193804889). A road signing plan to prohibit trucks on 81st Avenue west of Able has been prepared. *A MnDOT payback is required if the segment of 81st Ave. between terrace and Able is removed from the MSAS system. See separate letter.*

Stormwater Utility Plan (193804944). The city is considering a stormwater utility charge. *A report and draft ordinance are being prepared.*

2020 Street Seal Coat and Crack Repair Plan (193804979). Design has started. *Bids will be opened on May 1st. Bid results will be presented at May 20th meeting. Need to verify street patch areas and obtain separate street patch quotes.*

2020 Sewer Lining Plan (193804980). *Video inspection of recommended lines has started and will be completed in March. Priority lining segments will be determined based on the inspection. Terry Randall is monitoring this project.*

525 Osborn Road Project. *Continue discussions with developer regarding site plan issues. A topographic survey of the possible water main looping area has been completed.*

Hy-Vee Project: *Initial inspection lists for site, 81st Avenue/Highway 65, and CSAH 35 work have been prepared and sent to Hy-Vee.*

Feel free to contact Harlan Olson, Phil Carlson, Jim Engfer, Jeff Preston, Marc Janovec, Peter Allen, or me if you have any questions or require any additional information.