



CITY COUNCIL REGULAR AGENDA
TUESDAY, SEPTEMBER 07, 2021
CITY HALL at 7:00 PM

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PLEDGE OF ALLEGIANCE**
- 4. ADDITIONS OR CORRECTIONS TO AGENDA**
- 5. DISCUSSION FROM THE FLOOR**
- 6. CONSENT AGENDA**
 - [A.](#) Approval of Minutes - August 9, 2021 City Council Work Session
 - [B.](#) Approval of Minutes - August 16, 2021 City Council Meeting
 - [C.](#) Mayor's Proclamation - Patriot Day - September 11, 2021
 - [D.](#) Mayor's Proclamation - Constitution Week - September 17-23, 2021
 - [E.](#) Mayor's Proclamation - Domestic Violence Awareness Month - October 2021
 - [F.](#) 2021 Second Half Assessment - Suburban Rate Authority
 - [G.](#) Third Quarter Billing for 2022 Pay 2023 Property Tax Assessment - Ken Tolzmann
 - [H.](#) Contractor's Licenses
- 7. DEPARTMENT REPORTS**
 - [A.](#) Code Enforcement Report
 - [B.](#) Public Works Report
- 8. ORDINANCES AND/OR RESOLUTIONS**
 - [A.](#) Resolution 21-32, Receiving Feasibility Report and Calling Hearing on Improvements - 2022 Street Improvement Project
 - [B.](#) Resolution 21-33, Adopting Proposed 2021 Taxes Collectable in 2022
 - [C.](#) Resolution 21-34, Cancelling or Reducing Bond Levies - 2021/2022
 - [D.](#) Resolution 21-35, Granting Approval of Conditional Use Permit for Infinity Automotive at 8443 University Ave NE
- 9. NEW BUSINESS**
 - [A.](#) Approve Job Description for Firefighter/Fire/Housing/Code Inspector Position and Fill Position
- 10. REPORTS**
 - A. Attorney Report
 - B. Engineer Report
 - C. Administrator Report

**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.

11. OTHER

A. Schedule Administrator's Performance Evaluation

B. Police Hiring Process Update

C. Correspondence

12. ADJOURN

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.

OFFICIAL PROCEEDINGS

Pursuant to due call and notice thereof, the regularly scheduled meeting of the Spring Lake Park City Council Work Session was held on August 9, 2021 at the 1301 81st Ave NE, Spring Lake Park, at 5:30 PM.

1. CALL TO ORDER

Mayor Nelson called the meeting to order at 5:30 PM.

MEMBERS PRESENT

Mayor Nelson
Councilmember Wendling
Councilmember Delfs
Councilmember Goodboe-Bisschoff
Councilmember Dircks

STAFF PRESENT

Chief Antoine, Public Works Director Randall, Building Official Baker, Recreation Director Okey, Accountant Barker, Administrator Buchholtz

OTHERS PRESENT

Bonnie Dircks, 773 83rd Ave NE

2. DISCUSSION ITEMS

A. 2022 General Fund Budget Presentation

Administrator Buchholtz presented the proposed 2022 General Fund budget. He stated that the proposed 2022 budget is balanced, with both revenues and expenditures proposed at \$4,890,665, an increase of 5.59% over the 2021 budget. The proposed property tax levy for General Fund spending and debt service is \$3,829,836, an increase of 5.46% over the 2021 property tax levy.

Administrator Buchholtz noted that there are still a number of unknowns associated with the 2022 budget, particularly with the Classification and Compensation Study underway and union negotiations set to commence this fall. He stated that staff is hopeful to be able to reduce the proposed property tax levy before it is finalized in December.

City Councilmembers discussed the proposed budget, spending significant time on the staffing request to make the Code Enforcement Inspector position full time and a discussion of enhancing the Executive Assistant position to take on Human Resource responsibilities.

CONSENSUS of the City Council is to recommend approval of the proposed 2022 budget and tax levy for City Council action at its September 7, 2021 meeting.

B. Watershed District Boundary Change Concurrence Discussion

Administrator Buchholtz provided an overview of a request from Rice Creek Watershed District for concurrence to their request to adjust their political boundaries to more closely align with the hydrologic boundary of the Rice Creek watershed. He stated that this change will affect 62 parcels within the City, of which 56 parcels will move from Rice Creek Watershed District and into Coon Creek Watershed District and 6 parcels will move from Coon Creek Watershed District into Rice Creek Watershed District. He stated that there would not be a financial impact to the City as a result of the change. He noted that he could not see a reason to not approve Rice Creek Watershed District's request.

CONSENSUS of the City Council was to direct staff to prepare a resolution granting concurrence to the proposed watershed district boundary change.

C. Set Date for Neighborhood Meeting – Garfield/Hayes/80th Avenue Improvements

Administrator Buchholtz asked for feedback from the Council on a date to hold an informal neighborhood meeting on the 2022 Street Improvement Project, which will consist of the reconstruction of Garfield Street, Hayes Street and 80th Avenue. Councilmember Dircks inquired if it was possible to create a video of the presentation for those residents who are not able to attend the neighborhood meeting. Administrator Buchholtz stated that he would coordinate production of the video with North Metro TV.

CONSENSUS of the City Council was to schedule the neighborhood meeting for Monday, September 13, 2021 at 5:30pm.

3. REPORT

A. Council Member Reports -- No reports

B. Administrator Report – No report

4. ADJOURN

Mayor Nelson adjourned the meeting at 7:32pm.

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 on August 16, 2021 at the City Hall, at 7:00 PM.

1. CALL TO ORDER

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

2. ROLL CALL

MEMBERS PRESENT

Mayor Bob Nelson

Councilmember Ken Wendling

Councilmember Brad Delfs

Councilmember Barbara Goodboe-Bisschoff

Councilmember Lisa Dircks

STAFF PRESENT

Building Official Jeff Baker, Public Works Director Terry Randall, Recreation Director Kay Okey, Police Chief Josh Antoine, Administrator Buchholtz

OTHERS PRESENT

Heidi Leaf, 8220 Taylor Street

Bonnie Dircks, 773 83rd Avenue

Friends and Family of Police Chief Josh Antoine

3. PLEDGE OF ALLEGIANCE

4. ADDITIONS OR CORRECTIONS TO AGENDA -- None

5. DISCUSSION FROM THE FLOOR – None

6. PRESENTATIONS

A. Administer Oath of Office - Chief Josh Antoine

Administrator Buchholtz administered the Oath of Office to Josh Antoine as the City's next Police Chief. Chief Antoine's wife, Jessica, pinned his badge.

7. CONSENT AGENDA

A. Approval of Minutes - August 2, 2021 City Council Meeting

B. Approval of Claims - General Disbursements - \$768,133.61

C. Resolution 21-31, Amending 2021 General Fund Budget

D. ROW Permit Application - Centerpoint Energy - 7957 Monroe Street

- E. ROW Permit Application - Centerpoint Energy - 7912 McKinley Street
- F. Sign Permit
- G. Contractor's Licenses

Motion made by Councilmember Wendling to approve the Consent Agenda.

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

8. DEPARTMENT REPORTS

A. Police Report

Chief Antoine reported there were 688 calls for service in July. He said that Officer Corbin Peterson and Records Technician Kim Kiley began work with the City. He stated that Night to Unite happened on August 3 with 10 block parties. He said that the block parties were well attended. He thanked the City Council and Administrator Buchholtz for the opportunity to serve as the City's Police Chief and thanked his family for their support.

B. Recreation Report

Director Okey stated that the Recreation Department held its first day trip in 16 months, where 32 participants enjoyed a Mississippi River cruise. She stated that Mara Olden began employment with the City as the part-time Recreation Support Specialist. She noted that the final Dine and Dance of 2021 is on Wednesday, August 18. She reported that the Fall Recreation Program would be mailed out next week.

9. ORDINANCES AND/OR RESOLUTIONS

A. Resolution 21-30, Granting Approval of Letter of Concurrence for Watershed District Boundary Change/Adjustment

Administrator Buchholtz reported that Rice Creek Watershed District undertook a process to better align its political boundary with the hydrological boundary of the watershed district. He stated that 62 properties would be affected, with 6 moving from Coon Creek Watershed District to Rice Creek Watershed District and 56 properties moving from Rice Creek Watershed District to Coon Creek Watershed District. He noted that Rice Creek Watershed District must receive municipal consent on the proposed change before they can request the State Board on Water and Soil Resources to take final action on the request.

Motion made by Councilmember Dircks to approve Resolution 21-30, Granting Approval of Letter of Concurrence for Watershed District Boundary Change/Adjustment.

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

10. NEW BUSINESSA. Approval of Residential Recycling Service Contract with Walters Recycling and Refuse

Administrator Buchholtz stated that Walters Recycling and Refuse was the low bidder to provide recycling services within the City for the years 2022-2026. He stated that the contract has been reviewed by the League of Minnesota Cities Insurance Trust, City Attorney Thames and the contractor, who had agreed on the language. He recommended approval.

Attorney Thames requested the City Council allow him to further clarify Section 5 of the agreement to further protect the City against future price increases. He recommended the City Council approve the agreement subject to City Attorney approval.

Motion made by Councilmember Delfs to approve the Residential Recycling Service Contract with Walters Recycling and Refuse, subject to City Attorney approval.

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

11. REPORTSA. Attorney Report -- NoneB. Engineer Report -- NoneC. Administrator Report

Administrator Buchholtz stated that the City's official population, as of the 2020 Census, is 7,188, with 6,983 in the Anoka County portion of the City and 205 in the Ramsey County portion of the City. He stated that he was pleased to participate in the retirement celebration for former Police Chief Ebeltoft. He provided a brief overview of the September 7, 2021 City Council meeting.

12. OTHERA. Beyond the Yellow Ribbon Report

Mayor Nelson provided a recap of the month's activities for the Beyond the Yellow Ribbon Committee.

B. Correspondence

13. ADJOURN

Robert Nelson, Mayor

Attest:

Daniel R. Buchholtz, Administrator, Clerk/Treasurer



**MAYOR'S PROCLAMATION
PATRIOT DAY
SEPTEMBER 11, 2021**

WHEREAS, people of all ages and walks of life, across America and across the world, collectively witnessed an event of immense tragedy on September 11, 2001; and

WHEREAS, the events of that day instantly transformed nearly everyone's lives, some through personal loss and many others through an unfamiliar sense of individual and national vulnerability; and

WHEREAS, an unprecedented historic bonding of Americans arose from the collective shock, unifying the country in an outpouring of national spirit, pride, selflessness, generosity, courage and service of our armed forces, public safety responders and citizen heroes; and

WHEREAS, by a joint resolution approved December 18, 2001, the United States Congress designated September 11 of each year as Patriot Day; and, by Public Law 111-13, approved on April 21, 2009, designated the observance of September 11 as an annually recognized National Day of Service and Remembrance; and

WHEREAS, September 11, 2021 will be the 20th anniversary of the 9/11 attacks on America; and

WHEREAS, the City of Spring Lake Park continues to honor the memories of those lost and recognizes the service of all the men and women whose mission it is to protect us.

NOW, THEREFORE, I, Robert Nelson, Mayor of the City of Spring Lake Park, do hereby proclaim September 11, 2021 as

PATRIOT DAY

in the City of Spring Lake Park and call upon all our citizens to engage in activities of tribute, solemn remembrance and charitable service in memory of those who lost their lives on that tragic day.

Dated this 7th day of September, two thousand twenty-one.

Robert Nelson, Mayor

ATTEST:

(SEAL)

Daniel Buchholtz, City Administrator



**MAYOR'S PROCLAMATION
CONSTITUTION WEEK
SEPTEMBER 17 – 23, 2021**

WHEREAS, the Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to rule by law; and

WHEREAS, it is important that all citizens fully understand the provisions and principles contained in the Constitution in order to effectively support, preserve and defend it against all enemies; and

WHEREAS, September 17, 2021, marks the two hundred thirty fourth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document, its memorable anniversary and to the patriotic celebrations commemorating the occasion; and

WHEREAS, Public Law 915 guarantees the issuance of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week.

NOW, THEREFORE, BE IT RESOLVED that I, Robert Nelson, Mayor of the City of Spring Lake Park, officially proclaim the week of September 17 through September 23, 2021 as

CONSTITUTION WEEK

in the City of Spring Lake Park and ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through the Constitution.

Dated this 7th day of September, two thousand twenty one.

Robert Nelson, Mayor

ATTEST:

(SEAL)

Daniel Buchholtz, City Administrator



MAYOR'S PROCLAMATION
DESIGNATION OF OCTOBER 2020 AS
DOMESTIC VIOLENCE AWARENESS MONTH

WHEREAS, the community problem of domestic violence has become a critical public health and welfare concern in Anoka County; and

WHEREAS, domestic violence is a crime, the commission of which will not be tolerated in Anoka County and perpetrators of said crime are subject to prosecution and conviction in accordance with the law; and

WHEREAS, thousands of women, men and children have accessed and will continue to access assistance from Alexandra House, Inc., a domestic violence service provider; and

WHEREAS, domestic violence will be eliminated through community partnerships of concerned individuals and organizations working together to prevent abuse while at the same time effecting social and legal change; and

WHEREAS, October is *National Domestic Violence Awareness Month*; and

WHEREAS, during *National Domestic Violence Awareness Month*, Anoka County organizations will inform area residents about domestic violence, its prevalence, consequences and what we, as a concerned community can do to eliminate its existence.

NOW, THEREFORE, I, Robert Nelson, Mayor of the City of Spring Lake Park, do hereby proclaim October 2021 as

DOMESTIC VIOLENCE AWARENESS MONTH

in the City of Spring Lake Park and do hereby encourage residents of Spring Lake Park to raise awareness about domestic violence in our community, remember those we have lost, and honor the many survivors.

Dated this seventh day of September, two thousand twenty-one.

Robert Nelson, Mayor

ATTEST:

Daniel R. Buchholtz, City Clerk



Offices in
Minneapolis
Saint Paul
St. Cloud

Fifth Street Towers
150 South Fifth Street, Suite 700
Minneapolis, MN 55402
(612) 337-9300 telephone
(612) 337-9310 fax
kennedy-graven.com
Affirmative Action, Equal Opportunity Employer

JAMES M. STROMMEN

Attorney at Law

Direct Dial: (612) 337-9233

Email: jstrommen@kennedy-graven.com

August 17, 2021

Mr. Daniel Buchholtz
City Administrator
City of Spring Lake Park
1301 81st Avenue NE
Spring Lake Park, MN 55432-2116

Re: **2021 Second Half Suburban Rate Authority Assessment**

Dear Mr. Buchholtz:

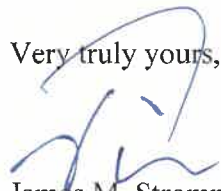
Enclosed is the second half assessment for 2021 membership in the SRA.

This has been a busy year for the Suburban Rate Authority and 2022 promises to be equally important to SRA members and their ratepayers. Xcel Electric, Xcel Gas and CenterPoint Energy have all stated their intention to file for rate increases in November. This year, the SRA has supported another Xcel Electric Stay Out to maintain steady electricity rates to residential and other rate classes to assist in recovery from COVID-related financial effects. Together with many other cities and ratepayer groups, the SRA has also supported Xcel's fifteen-year plan to move significantly towards sustainable electrical generation and away from carbon-producing generation.

Currently, the SRA is closely watching the PUC proceeding that will review the extraordinary gas spike costs occurring in February 2021 due to the nationwide cold and utility failures in Texas. CenterPoint's attempted ratepayer recovery of over \$400 million alone, is being scrutinized by the PUC and will be subject to customer refund if CenterPoint and other utilities, including Xcel Gas, do not demonstrate "prudent" actions before, during and after the price spiking over the one-week period in mid-February.

We thank you for your City's membership in the SRA and value the input from SRA delegates.

Very truly yours,


James M. Strommen
General Counsel

Enclosure

cc: SRA Delegate

SUBURBAN RATE AUTHORITY

150 South Fifth Street, Suite 700
Minneapolis, MN 55402
(612) 337-9233

INVOICE**TO:**

Mr. Daniel Buchholtz
City Administrator
City of Spring Lake Park
1301 81st Avenue NE
Spring Lake Park, MN 55432-2116

DATE: 08/17/2021

<u>DESCRIPTION</u>	<u>NUMBER OF VOTES</u>	<u>AMOUNT</u>
2021 Membership Assessment: (\$461.00 per vote)	2	\$ 922.00
Assessment Paid:		\$ 461.00
<u>Second Half Assessment Due and Payable:</u>		<u>\$ 461.00</u>

Please Send Payment To:

Mr. Darin Nelson
Treasurer
Suburban Rate Authority
Minnetonka City Hall
14600 Minnetonka Boulevard
Minnetonka, MN 55345-1502

Kenneth A. Tolzmann, SAMA

Spring Lake Park City Assessor

August 30, 2021

City of Spring Lake Park
1301 81st Ave NE
Spring Lake Park, Mn 55432
Attn: Mr. Daniel Bucholtz, Admin.

Re: Third Quarter Billing for 2022 Payable 2023 Property Tax Assessment.

Dear Mr. Bucholtz,

The annual cost for assessment services in accordance with our contract is as follows:

1985 Residential improved parcels @ \$10.00 per parcel -----	\$19,850.00
321 Commercial/Ind/Apt parcels @ \$55.00 per parcel -----	17,655.00
44 Unimproved land parcels @ \$ 2.50 per parcel -----	110.00
89 Exempt parcels	nc

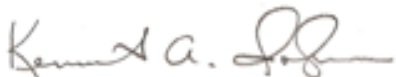
Total Cost for year 2022 assessment payable in 2023: \$37,615.00

Third Quarter Amt. Due: \$ 9,403.75

The above figures are in accordance with our contract for services dated December 17, 2018.

If you have any questions, please give me a call at 651 605-5125.

Sincerely,



Kenneth A. Tolzmann, SAMA#1939
Spring Lake Park City Assessor
13921 45th Ave. N
Plymouth, MN. 55446

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

Contractor's Licenses

September 7, 2021

Concrete Contractor

Anderson Concrete Forming, Inc.

Mechanical Contractor

Liberty Comfort Systems

St. Marie Sheet Metal

Plumbing Contractor

A. Johnson Plumbing, Inc.

Johnson Plumbing & Heating

Sewer & Water Contractor

Jacon, LLC.

J.P. Schmitz Construction Co., LLC.

Tree Contractor

Holloway Tree Service



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 August 2021
DATE: September 1, 2021

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

In March, a total of 17 building, 1 Certificate of Occupancy, 1 Fire Alarm, 0 Fire Suppression, 7 mechanical, 6 plumbing, 2 sign and 3 zoning for a total of 37 permits issued compared to a total of 50 in 2020. Code Enforcement conducted 152 inspections in the month of August including 19 rental, 15 fire, 50 Building and 61 nuisance inspections.

11 Administrative Offense tickets were issued and 2 homes were posted as unfit for human habitation.

The Code Enforcement Department is working with a vacant home that now seems to be occupied. We have gone to great lengths to reach out to the occupant, as we are concerned for the life safety and structural integrity of the home.

Construction Update:

7818 Monroe Street have been completed and received their Certificate of Occupancy.

525 Osborne Rd has broken ground. The building will go up rather fast as they are using precast construction for the walls.

In August of 2021, I also attended the following appointments:

- City Council meetings August 2nd and 16th.
- City Council workshop August 9th.
- Department head meeting August 3rd.
- Planning Commission meeting August 23rd.
- SBM Fire Marshal meeting August 31st.

This concludes the Code Enforcement Department monthly report for August 2021. If anyone has any questions or concerns regarding my report, I would be happy to answer them at this time.



Memorandum

To: Mayor Nelson and Members of the City Council
From: Terry Randall, Public Works Director
Date: August 27, 2021
Subject: August Public Works Report

During the month of July, the Public Works Department was busy doing the following activities:

- Continued to pick up garbage and recycling throughout the City along with doing general cleaning of all City Properties.
- Installed 150 yds. Of wood chips on the playgrounds
- Four guys spent three weeks with power scrapers scraping the coating off of the tennis courts, the coating that was put down last year was bubbling and that is a safety issue. Staff will start coating the week of August 30-September 3.
- Dragged and lined all of the ballfields.
- Weed whipped all along the fence lines and the trees.
- Weeding the playgrounds in order to add new wood chips.
- Continue to paint crosswalks and stop bars
- All the hydrants have been pressured washed and painted
- We continue to clean out sewers. All the Sanitary Sewers on the west side of Hwy 65 are clean and we are currently working on the east side.

Water main break on the well line at Rosedale & University Avenue. Dave Perkins came in and replaced 75 feet of pipe. The old pipe had holes in it and the bottom was rotting out. PVC was installed and this should not rot out again. Perkins is also installing the new manhole in the front of Wells Fargo bank.

August Appointments:

- August 3– Safety training on confined space and silica dust
- August 4 – Meeting with insurance company and tour of city facilities. He took pictures and measurements
- August 9 – Attended Budget workshop
- August 18 – Meeting with Phil to look at Garfield & Hayes Street Project

RESOLUTION NO. 21-32

RESOLUTION RECEIVING FEASIBILITY REPORT AND CALLING HEARING ON IMPROVEMENT

WHEREAS, pursuant to Resolution 21-27, approved by the City Council on July 19, 2021, a report has been prepared by Stantec with reference to the proposed 2022 Street Improvement Project, the improvement of Garfield Street between the center line of 81st Avenue NE to its terminus at 80th Avenue NE, 80th Avenue NE between the center line of Garfield Street and the centerline of Hayes Street, and Hayes Street NE between the center line of 81st Avenue NE to its terminus at 80th Avenue NE by rehabilitating said streets and performing repairs to the existing public storm sewer system, along with any needed sanitary sewer and water system repairs discovered during the project; and

WHEREAS, the report was received by the City Council on the 7th day of September, 2021; and

WHEREAS, the report provides information regarding whether the proposed improvement is necessary, cost-effective, and feasible; whether it should best be made as proposed or in connection with some other improvement; the estimated cost of the improvement as recommended; and a description of the methodology used to calculate individual assessments for affected parcels.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Spring Lake Park, Minnesota:

1. The council will consider the improvement of such streets in accordance with the report and the assessment of abutting property for all or a portion of the cost of the improvement pursuant to Minnesota Statutes, Chapter 429 at an estimated total cost of the improvement of \$689,000.
2. A public hearing shall be held on such proposed improvement on the 4th day of October, 2021, in the Council Chambers of Spring Lake Park City Hall at 7:00pm, or as soon thereafter as practical, and the Administrator, Clerk/Treasurer shall give mailed and published notice of such hearing and improvement as required by law.

The foregoing resolution was moved for adoption by .

Upon roll call, the following voted aye:

And the following voted nay:

Whereupon the Mayor declared said resolution duly passed and adopted this 19th day of July, 2021.

Robert Nelson, Mayor

ATTEST:

Daniel R. Buchholtz, Administrator

**CITY OF SPRING LAKE PARK
NOTICE OF HEARING ON IMPROVEMENT**

TO WHOM IT MAY CONCERN:

Notice is hereby given that the Spring Lake Park City Council will meet in the Council Chambers of City Hall at 7:00pm, or as soon thereafter, on Monday, October 4, 2021 to consider the making of the 2022 Street Improvement Project, the improvement of Garfield Street between the center line of 81st Avenue NE to its terminus at 80th Avenue NE, 80th Avenue NE between the center line of Garfield Street and the centerline of Hayes Street, and Hayes Street NE between the center line of 81st Avenue NE to its terminus at 80th Avenue NE by rehabilitating said streets and performing repairs to the existing public storm sewer system, along with any needed sanitary sewer and water system repairs discovered during the project;, pursuant to Minn. Stat. 429.011 to 429.111. The area to be assessed for such improvement is all properties abutting the project area. The estimated cost of the improvement is \$689,000. A reasonable estimate of the impact of the assessment will be available at the hearing. Such persons who desire to be heard with reference to the proposed improvement will be heard at this meeting.

Administrator, Clerk/Treasurer

Published in the Blaine/SLP Life on September 24, 2021 and October 1, 2021.



City of Spring Lake Park Feasibility Report

2022 Street Improvements Project Hayes Avenue NE, 80th Avenue NE, and Garfield Avenue NE.

September 2021

Stantec Project No. 193805383



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

September 7, 2021

Honorable Mayor and City Council
City of Spring Lake Park
1301 81st Avenue NE
Spring Lake Park, MN 55432-2116

Re: Feasibility Report
2022 Street Improvements Project
Stantec Project No.: 193805383

Dear Mayor and Council:

Submitted herewith is our Report on providing improvements on

- Hayes Avenue NE,
- 80th Avenue NE, and
- Garfield Avenue NE.

The streets are in the Spring Lake Estates neighborhood. The report was authorized by the City Council on July 19, 2021 (Resolution 21-27).

The Report includes a discussion of the existing condition of the streets, as well as a description of the improvements recommended for inclusion in this project. The improvements primarily include street rehabilitation and select repairs to the existing public storm sewer system.

A planning-level cost estimate for the recommended improvements is also included in the Report, along with a possible method of cost allocation for division of cost between the City, properties that will benefit from the improvements.

We would be pleased to meet with the City Council and Staff at any mutually convenient time to discuss the findings of this Report.

Sincerely,
STANTEC

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

Phil Gravel, City Engineer

I hereby certify that this report, plan, or specification was prepared by me or under my direct supervision and that I am a duly Registered Professional Engineer under the laws of the State of Minnesota.

DRAFT

Phil Gravel, P.E.

Date: September 7, 2021 Registration No. 19864

Table of Contents

Letter of Transmittal	1
Table of Contents	3
Executive Summary	4
Introduction and Existing Roadway Conditions	4
Roadway Design Considerations	5
Storm Sewer	5
Water Main	5
Sanitary Sewer	5
Permits	6
Project Schedule	6
Opinion of Probable Project Costs	7
Cost Allocation and Assessments	7
City Assessment Policy and Practice	7
Assessment Rate Assumptions for This Project	8
Assessment Rate Calculations	8
Proposed Assessment Rates	8
Area to be Assessed	8
Conclusions and Recommendations	9
Figure 1 – Project Location – Area To Be Assessed	
Figure 2 – Typical Section	
Appendix A – Opinions of Probable Project Costs	
Appendix B – Preliminary Assessment Roll	

Executive Summary

Since the late 1990's, the City of Spring Lake Park has undertaken a comprehensive city-wide street maintenance program. Street Improvement Projects were completed from 2002-2015. This report presents information for completing improvements on the remaining street segments in the Spring Lake Estates area of the City:

- Hayes Avenue NE,
- 80th Avenue NE, and
- Garfield Avenue NE.

The proposed improvements presented herein are similar to the improvements that were completed in 2014 and 2015. It is proposed to complete the project in one construction season.

The estimated total project cost is \$689,000. The estimated amount to be assessed is \$258,345. The net estimated City share of the project is \$430,655.

The proposed assessment rates presented herein are consistent with the city's assessment practice. The proposed assessment rates are similar to rates from previous projects when adjusted for inflation.

If the Council wishes to proceed with the project, the next steps would include preparation of a detailed financial analysis, sharing information with the public, and preparation of plans and specifications.

Introduction and Existing Roadway Conditions

In July of 2021, the City Council authorized preparation of a Feasibility Report to complete a street improvements project on the streets in the project area.

The streets in the project area are existing urban, bituminous roadways with concrete curb and gutter. The streets are 34-feet wide (back of curb to back of curb) and were originally constructed in 1984. Per the original project plans, the streets were constructed with 4-inches of aggregate base and 3-inches of bituminous.

Following is a summary of the characteristics of the existing streets:

Street Width	34-feet (back of curb to back of curb)
Number of Driving Lanes	2 (one in each direction)
Parking	Allowable
Sidewalk	None

Based on a current inspection, the existing curb and gutter along the roads is generally in fair condition, with minor cracks and settlements. Areas of curb recommended for replacement as part of this project will primarily occur storm sewer catch basin locations. Various other spot curb repairs will be minor.

Storm sewer catch basin structures, located in the existing gutter, are in need of repair or replacement throughout the project. The storm sewer piping which connects the catch basins to the main storm sewer lines is generally in fair shape.

Roadway Design Considerations

STREET SECTION

According to available record documents, the existing bituminous section on the streets in the project area is 3.0-inches of bituminous over 4.0-inches of Class 5 aggregate. The subgrade is silty sand.

The proposed construction will include reclamation of the existing bituminous. This process involves grinding the existing bituminous into a granular material to use as a base for new bituminous. The proposed design section will include 4.0-inches of new bituminous over 8-inches of Class 5 or reclaimed material.

Storm Sewer

The existing storm sewer structures have been inspected by the Public Works Director to determine pipe conditions and identify necessary repairs.

The majority of the catch basins and leads throughout the project are deemed to be in acceptable condition. Some catch basin structures will be removed and replaced with new structures. All storm sewer structures will receive new castings and concrete adjustment rings.

Water Main

The existing water distribution system in the project area is deemed to be in an acceptable condition based on the history of past repairs in the neighborhood. The existing water main is 6-inches in diameter.

No significant improvements or extensions will be made to the water distribution system as part of this project. Work on the system will be limited to adjustment of valve boxes or hydrants as part of the street improvements, and the addition of gate valves in key locations determined by the Public Works Director.

Sanitary Sewer

Sanitary sewer mains exist along the length of the streets in the project area. The existing sewer mains are 8-inch diameter and are made Polyvinyl Chloride (PVC).

No extensions or upgrades to the sanitary sewer system are proposed as part of this project. Any sanitary sewer work included in this project would be only for the maintenance or repair of the existing sanitary sewer system.

Permits

To construct the proposed improvements discussed herein, it is anticipated the following permits will need to be obtained prior to the start of construction:

- Minnesota Pollution Control Agency: A NPDES General Storm Water Permit for Construction Activities will be required from the Minnesota Pollution Control Agency.
- Rice Creek Watershed District (RCWD):
Per the current RCWD rules, an erosion and sediment control plan will be required, but a Rule C permit should not be required:
[RCWD Rule C - Stormwater Management](#)
 - Construction activity other than Public Linear projects that results in 10,000 square feet or more of new or reconstructed impervious surface area. The following are exceptions to this threshold:
 - Mill, Reclamation & Overlay project areas.
 - Sidewalks and trails 10 feet wide or less with 5 feet of vegetated area down-gradient.
 - Development on an individual lot within a residential subdivision if it conforms to a development plan approved by the district.
 - Water quality treatment and rate control requirements do not apply to single family residential subdivisions creating 7 or fewer lots that establish no new public roadway or private roadway serving 3 or more lots.

Project Schedule

The following schedule outlines the major project tasks necessary to complete the project.

Authorize Preparation of Feasibility Report	July 19, 2021
Accept Feasibility Report and Call for Public Improvement Hearing	September 7, 2021
Public Improvement Hearing	October 4, 2021
Authorize Preparation of Plans and Specifications	October 18, 2021
City Council Approve Plans and Specifications	December 6, 2021
Open Bids	January 2022
Declare Costs to Be Assessed and Order Final Assessment Roll	February 7, 2022
Receive Assessment Roll and Order Assessment Hearing	February 22, 2022
Public Assessment Hearing	March 21, 2022
Award Contract (Award Bids)	March 21, 2022
Begin Construction	May 2022
Final Wear Course Paving	August 2022

Opinion of Probable Project Costs

An opinion of Probable Project Costs has been prepared for the proposed improvements based on current information, including an allowance for engineering, administrative fees, financing. Costs are not included for capitalized interest that will accrue during the construction period. It is anticipated that a separate financing analysis of the project will be prepared when funding and financing decisions are made.

A detailed list of the estimated improvement costs is included in an attachment to this report. The total estimated project cost is \$689,000. The project cost estimate will be updated and refined as part of the design process.

Cost Allocation and Assessments

The costs for the improvements will be recovered through a combination of assessment to the properties benefiting from this project and City funding.

CITY ASSESSMENT POLICY AND PRACTICE

The City Council adopted Resolution 98-48 on November 16, 1998 establishing a Pavement Management Policy. The City adopted an addendum to the policy in January 1999 to clarify construction issues. Resolution 98-48 established assessment policy to be applied to street improvement projects. This policy provides that commercial, industrial, school, and church properties shall pay 100 percent of the actual cost based on the front footage of the property adjacent to the streets being improved. For purposes of this report, public lands are treated in a manner identical to school and church. This includes City-owned properties.

In residential areas, the policy says that costs will be split, with approximately 45% being assigned to the residential properties, and approximately 55% being funded by the City. The assignment of costs to residential properties will be made based on the total number of equivalent units involved in the project. For this method, a single-family lot is assigned a value of one unit. Multiple housing lots (if any) are counted as proportions of equivalent single-family lots. Duplex units are counted at a rate of 0.8 single-family lots per unit, town homes are counted at a rate of 0.6 single-family lots per unit, and apartments are counted as 0.4 single-family lots per unit. No differentiation will be made between attached and detached town home units.

In accordance with the Pavement Management Policy, all costs of public utility improvements incurred on this project, including sanitary sewer, water main, and storm sewer, will be completely funded by the City, with no portion assessed. Finally, the City will fund the costs for all signing improvements on this project, with no portion directly assessed.

Residential lots are only to be assessed for one street improvement project. Therefore, corner lots that have been assessed for a previous street improvement project are not assessed twice. No corner lots within the 2022 Street Improvements Project area have previously been assessed. .

ASSESSMENT RATE ASSUMPTIONS FOR THIS PROJECT

The streets in the 2022 Street Improvements project are typical residential streets with no oversizing of the street width or street section included.

ASSESSMENT RATE CALCULATIONS

To determine the proposed assessment rate for this project, an Opinion of Probable Construction Costs estimate was prepared. The final assessment rate will be based on costs received as part of a competitive construction bid for the project.

The total estimated project cost is \$689,000. However, the city assessment practice does not include all project costs in the assessments (no storm, sanitary, or water main costs). The net assessable cost for the project is \$574,100. The City assessment practice calls for assessing 45% of the net assessable project cost.

45-percent of \$574,100 is \$258,345.

There are 76 assessable parcels in the project area. \$258,345 divided by 76 parcels equals \$3,399.28 per parcel. For purposes of this report and related discussions, the amount can be rounded to \$3,400 per parcel.

Estimated Per Parcel Assessment: $\$258,345 \div 76 \text{ parcels} = \$3,400 \text{ per parcel}$

PROPOSED ASSESSMENT RATES

Based on the assumptions and methodology presented above, the resulting estimated assessment rates for a standard residential street are shown below. An analysis of financing and funding options should be prepared based on the information contained herein.

PROPOSED ASSESSMENT RATES: 2022 STREET IMPROVEMENTS PROJECT

Unit Assessment Rate	\$3,400 / parcel
----------------------	------------------

ESTIMATED TOTAL ASSESSMENTS: 2022 STREET IMPROVEMENTS PROJECT

Per Parcel Assessments	<u>\$258,345</u>
Total Estimated Project Assessments	\$258,345

AREA TO BE ASSESSED

The area proposed to be assessed included the parcels adjacent to the improvements. The parcels are located in the Spring Lake Estates development. The area to be assessed is shown on Figure 1 of this report. The parcels are listed in the Preliminary Assessment Roll.

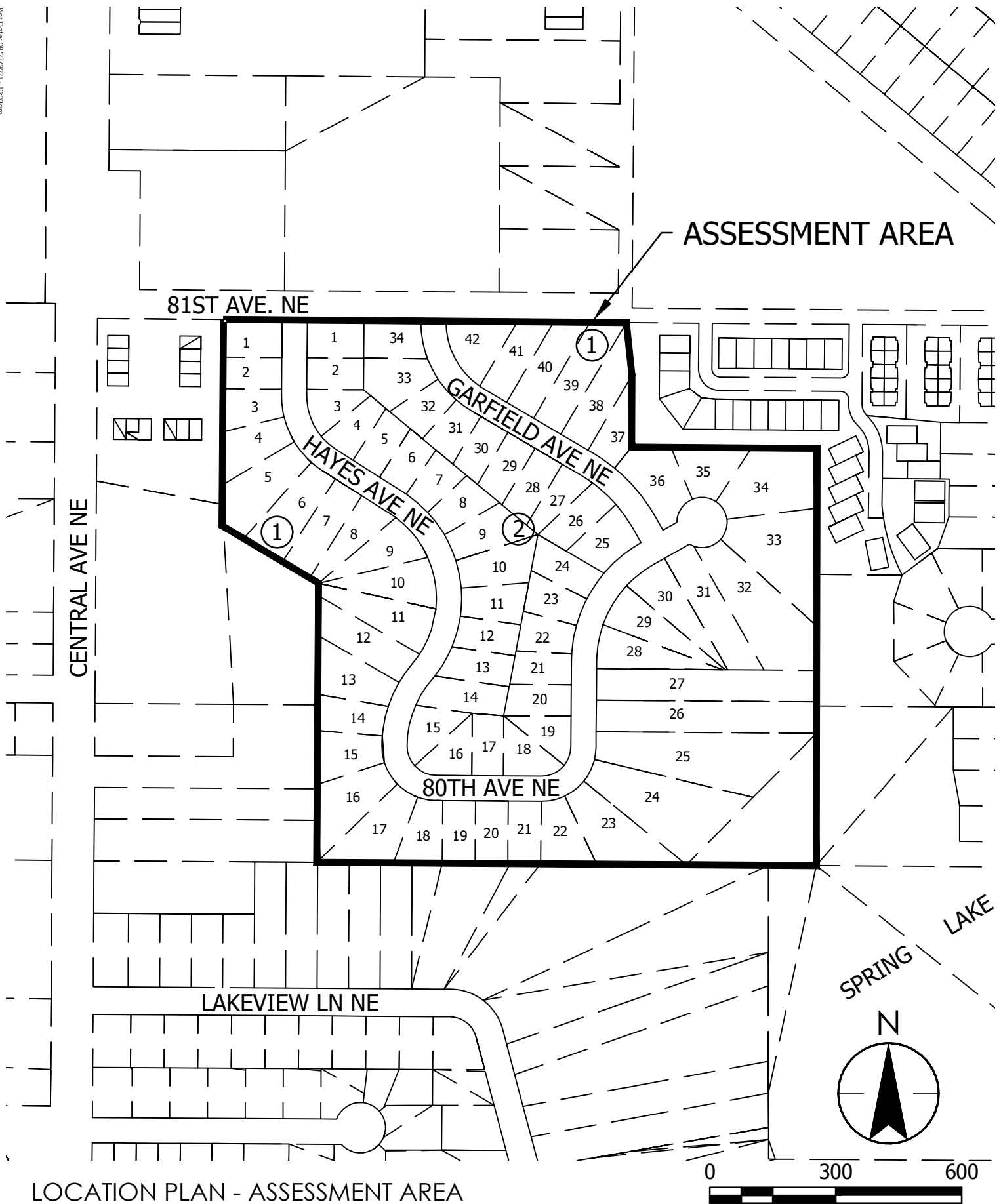
Conclusions and Recommendations

This Feasibility Report was ordered by the City Council based on the age and condition of streets included in the project. Through the course of this Report, it has been determined that a capital improvement project to reconstruct these streets should be undertaken. The project is necessary, cost effective and feasible.

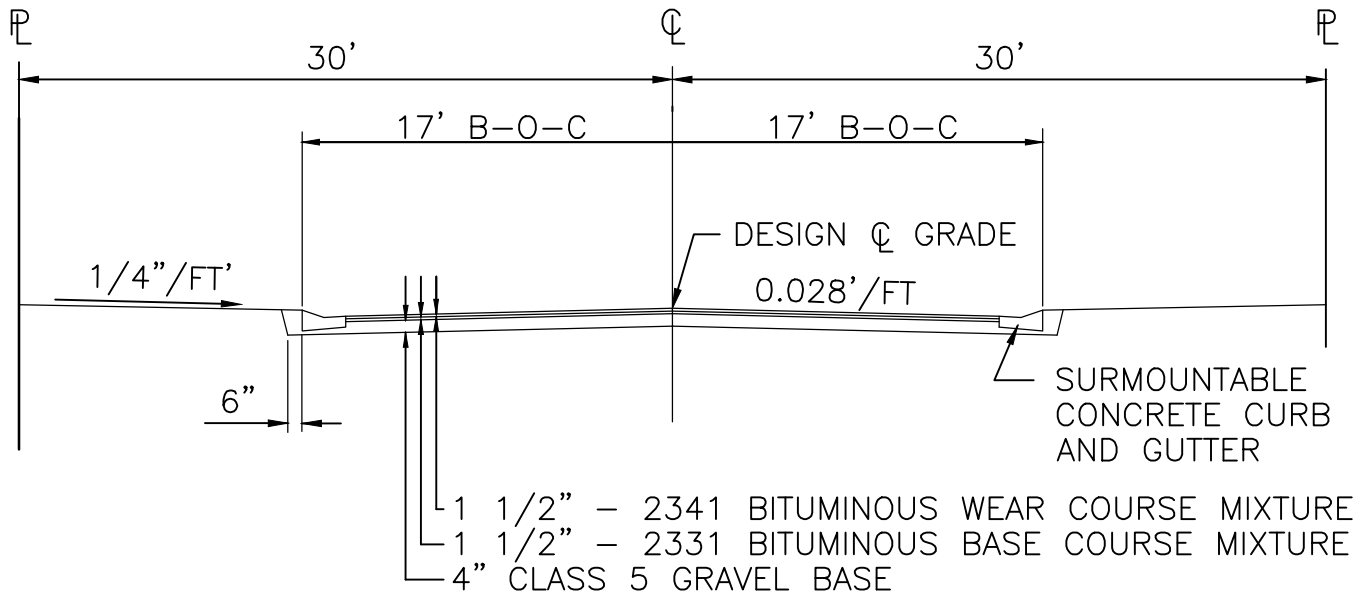
A project schedule has been presented for completing the improvements in one construction season.

The following recommendations are presented for consideration by the Spring Lake Park City Council:

- A financing analysis for the project should be prepared.
- The City should accept this Report and adopt it as a guide for completion of the proposed improvements.
- The City should consider assessing a portion of the cost of this project to abutting properties in accordance with approved City policy.
- The City should hold informal neighborhood open house meetings to present the available information to the property owners along the streets included in the project.
- The City should schedule a public improvement hearing to receive input on the proposed improvements.
- Upon completion of the public hearing, if the City wishes to proceed, the City Council should formally order the project.

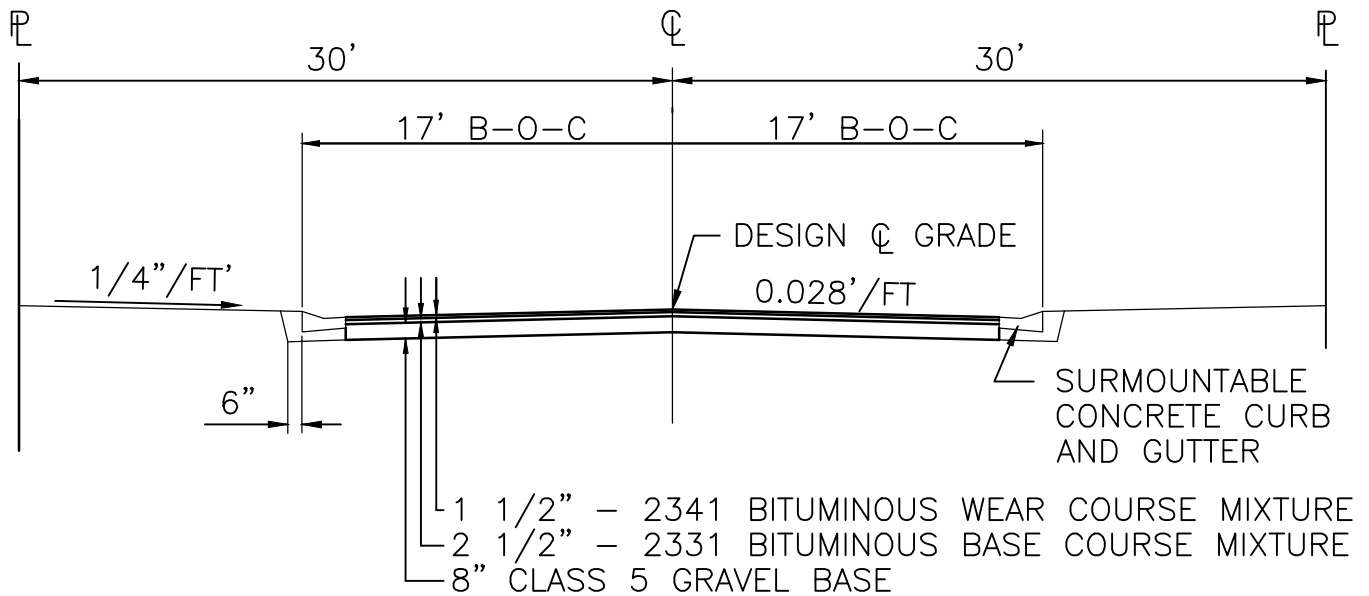


LOCATION PLAN - ASSESSMENT AREA



EXIST. TYPICAL SECTION

NO SCALE



PROPOSED TYPICAL SECTION

NO SCALE

TYPICAL SECTIONS

SPRING LAKE PARK, MN
 2022 STREET IMPROVEMENTS

FIGURE: 2



733 Marquette Avenue, Suite 1000
 Minneapolis, MN 55402
 www.stantec.com

DATE 8-23-21

PROJ. NO. 193805383



**OPINION OF PROBABLE PROJECT COSTS
2022 STREET IMPROVEMENTS PROJECT**

PROJECT NO. 193805383

SPRING LAKE PARK, MINNESOTA

September 2022

No.	Item	Units	Qty	Unit Price	Total Price
BASE BID					
1	MOBILIZATION	LS	1 \$	25,000.00 \$	25,000.00
2	TRAFFIC CONTROL	LS	1 \$	5,000.00 \$	5,000.00
3	EROSION AND SEDIMENT CONTROL	LS	1 \$	10,000.00 \$	10,000.00
8	REMOVE STRUCTURE (STORM)	EACH	2 \$	1,500.00 \$	3,000.00
9	REMOVE CURB AND GUTTER	LIN FT	650 \$	20.00 \$	13,000.00
11	REMOVE BITUMINOUS STREET PAVEMENT (P)	SQ FT	104,100 \$	0.50 \$	52,050.00
12	REMOVE BITUMINOUS NON-STREET PAVEMENT	SQ FT	150 \$	1.00 \$	150.00
13	SAWCUT BITUMINOUS PAVEMENT	LIN FT	30 \$	5.00 \$	150.00
16	ADJUST EXISTING VALVE BOX	EACH	5 \$	300.00 \$	1,500.00
16	ADD VALVE TO EXIST HYDRANT LEAD	LS	7 \$	4,000.00 \$	28,000.00
17	ADJUST EXISTING MANHOLE FRAME, CASTING, AND RINGS	EACH	25 \$	1,000.00 \$	25,000.00
17	ADJUST EXISTING CB WITH NEW CASTING, FRAME AND RINGS	EACH	5 \$	1,000.00 \$	5,000.00
18	COMMON EXCAVATION - STREETS (P)	CU YD	2850 \$	15.00 \$	42,750.00
22	LOAM TOPSOIL BORROW (LV)	CU YD	100 \$	40.00 \$	4,000.00
23	AGGREGATE BASE (CV) CLASS 5 (ROADWAY)	CU YD	2840 \$	28.00 \$	79,520.00
24	AGGREGATE BASE (CV) CLASS 5 (DRIVEWAY)	CU YD	5 \$	100.00 \$	500.00
26	TYPE SP 9.5 WEARING COURSE MIXTURE (3,B) - STREET	TON	1050 \$	83.00 \$	87,150.00

No.	Item	Units	Qty	Unit Price	Total Price
27	TYPE SP 12.5 NON WEARING COURSE MIXTURE (3,B) - STREET	TON	1750	\$ 70.00	\$ 122,500.00
28	TYPE SP 9.5 WEARING COURSE MIXTURE (3, B) - DRIVEWAY	TON	4	\$ 200.00	\$ 800.00
30	PREPARE SURFACE FOR WEAR PAVING	LS	1	\$ 5,000.00	\$ 5,000.00
31	TACK COAT	GAL	725	\$ 3.00	\$ 2,175.00
35	CONCRETE CURB & GUTTER DESIGN B618	LIN FT	650	\$ 25.00	\$ 16,250.00
37	18" RC PIPE SEWER DESIGN 3006 CLASS V	LIN FT	60	\$ 100.00	\$ 6,000.00
38	CONSTRUCT DRAINAGE STRUCTURE DESIGN 48-4020	EACH	3	\$ 2,500.00	\$ 7,500.00
40	CONNECT TO EXISTING STORM SEWER	EACH	3	\$ 500.00	\$ 1,500.00
41	CONNECT TO EXISTING STORM STRUCTURE (CORE DRILL)	EACH	1	\$ 935.00	\$ 935.00
4	BULKHEAD EXISTING STORM SEWER	EACH	2	\$ 500.00	\$ 1,000.00
12	2-INCH THICK POLYSTYRENE INSULATION	SQ FT	80	\$ 4.00	\$ 320.00
57	SOD	SQ YD	650	\$ 5.00	\$ 3,250.00
TOTAL ESTIMATED CONSTRUCTION					\$ 549,000.00
CONTINGENCY					\$ 25,000.00
LEGAL, ADMINISTRATIVE, AND ENGINEERING					\$ 115,000.00
TOTAL ESTIMATED PROJECT COST					\$ 689,000.00

PRELIMINARY ASSESSMENT ROLL
2022 STREET IMPROVEMENTS PROJECT
 SPRING LAKE PARK, MINNESOTA
 September 2022

NAME	PARCEL ID#	ADDRESS	PROPOSED ASSESSMENT
PHAM TRUC B & HOA T	PIN: 01-30-24-42-0035	8017 GARFIELD ST NE	\$ 3,400.00
JOHNSON KURT E & JEAN M	PIN: 01-30-24-42-0055	8025 HAYES ST NE	\$ 3,400.00
NEHRING, ROBERT IVAN	PIN: 01-30-24-42-0052	8039 HAYES ST NE	\$ 3,400.00
BOHL, PETER J	PIN: 01-30-24-42-0023	8006 HAYES ST NE	\$ 3,400.00
HOWELL GREGORY G & D J KANIS-	PIN: 01-30-24-42-0074	8090 GARFIELD ST NE	\$ 3,400.00
BREISTER-BOLF, SUSAN	PIN: 01-30-24-42-0061	8008 GARFIELD ST NE	\$ 3,400.00
LATHE, KARI A	PIN: 01-30-24-42-0056	8019 HAYES ST NE	\$ 3,400.00
NOVY, BRADLEY J	PIN: 01-30-24-42-0028	1452 80TH AVE NE	\$ 3,400.00
BISCH, ROSE ANN	PIN: 01-30-24-42-0057	8015 HAYES ST NE	\$ 3,400.00
LOESCH WILLIAM & LEEANN	PIN: 01-30-24-42-0024	8000 HAYES ST NE	\$ 3,400.00
MOHAMOUD, HODON A	PIN: 01-30-24-42-0059	1455 80TH AVE NE	\$ 3,400.00
DIAZ, TANYA M	PIN: 01-30-24-42-0018	8036 HAYES ST NE	\$ 3,400.00
KHANGKYI, TSERING S	PIN: 01-30-24-42-0033	8005 GARFIELD ST NE	\$ 3,400.00
BOROWITZ, PETER	PIN: 01-30-24-42-0068	PO BOX 32341	\$ 3,400.00
EGGERT TRUSTEE, JOHN G	PIN: 01-30-24-41-0043	8065 GARFIELD ST NE	\$ 3,400.00
HYDEMAN, JOANN E	PIN: 01-30-24-42-0063	8020 GARFIELD ST NE	\$ 3,400.00
STIMPEL, RICHARD	PIN: 01-30-24-42-0044	8085 HAYES ST NE	\$ 3,400.00
HAUKOM, JOSHUA R	PIN: 01-30-24-41-0039	8041 GARFIELD ST NE	\$ 3,400.00
LAMPI, SHANE A	PIN: 01-30-24-42-0070	8072 GARFIELD ST NE	\$ 3,400.00
TEEKASINGH C & SINGH G	PIN: 01-30-24-42-0048	8049 HAYES ST NE	\$ 3,400.00
WESTLING, ROBIN K	PIN: 01-30-24-42-0011	8078 HAYES ST NE	\$ 3,400.00
CHESLEY RENAE E	PIN: 01-30-24-42-0019	8030 HAYES ST NE	\$ 3,400.00
MCMAHON TERRANCE & JERRI	PIN: 01-30-24-42-0038	8073 GARFIELD ST NE	\$ 3,400.00
GAASLAND, KRISTIAN PEDAR	PIN: 01-30-24-42-0062	8016 GARFIELD ST NE	\$ 3,400.00
POLKINGHORNE, JEANNETTE	PIN: 01-30-24-42-0064	8024 GARFIELD ST NE	\$ 3,400.00
POLAND GUY B & BEVERLY N	PIN: 01-30-24-42-0040	8085 GARFIELD ST NE	\$ 3,400.00
BANICK-OLIVEROS MEGAN ELIZABETH	PIN: 01-30-24-42-0041	8089 GARFIELD ST NE	\$ 3,400.00
RETKA, ANITA J	PIN: 01-30-24-42-0042	8097 GARFIELD ST NE	\$ 3,400.00
DOMINO MICHAEL L & DIANE C	PIN: 01-30-24-41-0040	8049 GARFIELD ST NE	\$ 3,400.00
SALO LORI J	PIN: 01-30-24-42-0069	8068 GARFIELD ST NE	\$ 3,400.00
AHMED, ABDI FARAH	PIN: 01-30-24-42-0014	8060 HAYES ST NE	\$ 3,400.00
LOEGERING JAMES M & SANDRA M	PIN: 01-30-24-42-0010	8084 HAYES ST NE	\$ 3,400.00
MARTIN, KENNETH L	PIN: 01-30-24-42-0067	8050 GARFIELD ST NE	\$ 3,400.00
WONG-ELDREDGE, LICHEEH	PIN: 01-30-24-42-0051	8041 HAYES ST NE	\$ 3,400.00
KHANGCHUNG, TINLEY C	PIN: 01-30-24-42-0013	8066 HAYES ST NE	\$ 3,400.00
DESHAW, KIMBERLY A	PIN: 01-30-24-42-0036	8021 GARFIELD ST NE	\$ 3,400.00
FOSSUM TIMOTHY & JANET	PIN: 01-30-24-41-0037	8033 GARFIELD ST NE	\$ 3,400.00
TRAVIS RONALD G & JANET L	PIN: 01-30-24-42-0075	8094 GARFIELD ST NE	\$ 3,400.00
LECY JOHN A & GALE E	PIN: 01-30-24-42-0050	8045 HAYES ST NE	\$ 3,400.00
HAFERMAN, JACOB	PIN: 01-30-24-42-0012	8072 HAYES ST NE	\$ 3,400.00
WORKMAN, TIMOTHY S	PIN: 01-30-24-42-0045	8075 HAYES ST NE	\$ 3,400.00
HAMMER, MARK F	PIN: 01-30-24-42-0025	1410 80TH AVE NE	\$ 3,400.00
ALHAMMOURI, SHARIF	PIN: 01-30-24-42-0060	1477 80TH AVE NE	\$ 3,400.00
SCAVO, ANTHONY M	PIN: 01-30-24-42-0022	8012 HAYES ST NE	\$ 3,400.00
LAWRENCE, BRIAN J	PIN: 01-30-24-42-0020	8024 HAYES ST NE	\$ 3,400.00
SHIMANSKI TRUSTEE, MARY LOU	PIN: 01-30-24-41-0036	8025 GARFIELD ST NE	\$ 3,400.00
POGOARELY RICHARD & DOROTHY	PIN: 01-30-24-42-0053	8035 HAYES ST NE	\$ 3,400.00
OSTERLUND JENNIFER L & JAY P	PIN: 01-30-24-42-0016	8048 HAYES ST NE	\$ 3,400.00

RADISEWITZ, GWEN M	PIN: 01-30-24-42-0049	8047 HAYES ST NE	\$	3,400.00
KOWALZEK JEFFREY & TAMMY	PIN: 01-30-24-42-0076	8098 GARFIELD ST NE	\$	3,400.00
EYER, GLORIA	PIN: 01-30-24-42-0072	8086 GARFIELD ST NE	\$	3,400.00
GAPINSKI, SANDRA KIM	PIN: 01-30-24-42-0030	1480 80TH AVE NE	\$	3,400.00
CAFFARI, JULIE ANNE	PIN: 01-30-24-42-0054	8031 HAYES ST NE	\$	3,400.00
EICHER, ROBERT W	PIN: 01-30-24-42-0015	8054 HAYES ST NE	\$	3,400.00
HODET, MICHAEL PRESTON	PIN: 01-30-24-42-0071	8082 GARFIELD ST NE	\$	3,400.00
LEE RYAN	PIN: 01-30-24-42-0029	1466 80TH AVE NE	\$	3,400.00
LUECK, JENNIFER K	PIN: 01-30-24-42-0032	8001 GARFIELD ST NE	\$	3,400.00
JOHNSON LEE R & NANCY J	PIN: 01-30-24-42-0058	1433 80TH AVE NE	\$	3,400.00
MILLER TRUSTEE, SANDRA ANN	PIN: 01-30-24-41-0038	8037 GARFIELD ST NE	\$	3,400.00
BOETTCHER TRUSTEE, DOREEN LOUISE	PIN: 01-30-24-42-0027	1438 80TH AVE NE	\$	3,400.00
AALUND, STEVEN G	PIN: 01-30-24-42-0026	1424 80TH AVE NE	\$	3,400.00
CALL JOSEPH RICHARD	PIN: 01-30-24-42-0034	8009 GARFIELD ST NE	\$	3,400.00
SAINIO DANIEL	PIN: 01-30-24-42-0073	8088 GARFIELD ST NE	\$	3,400.00
HARTSOOK JANICE J & GOTSCH P	PIN: 01-30-24-42-0046	8063 HAYES ST NE	\$	3,400.00
WILLIAMS CLARE L & STEVEN B	PIN: 01-30-24-42-0037	8069 GARFIELD ST NE	\$	3,400.00
MONSON-HOKENSON S W & L A	PIN: 01-30-24-42-0066	8030 GARFIELD ST NE	\$	3,400.00
HAGEN PAMELA S	PIN: 01-30-24-42-0017	8042 HAYES ST NE	\$	3,400.00
ELBARHAMTOSHI, JOULAN A	PIN: 01-30-24-41-0042	8057 GARFIELD ST NE	\$	3,400.00
HAGEN, ASHLEY J	PIN: 01-30-24-42-0047	8055 HAYES ST NE	\$	3,400.00
PUPO-QUIALA, WILLIAM	PIN: 01-30-24-42-0043	8091 HAYES ST NE	\$	3,400.00
LARSON TRUSTEE, ROBYN F	PIN: 01-30-24-42-0031	1494 80TH AVE NE	\$	3,400.00
DUFEK PATRICK A & LYNETTE J	PIN: 01-30-24-42-0021	8018 HAYES ST NE	\$	3,400.00
DOLMA, YONTEN	PIN: 01-30-24-42-0065	8028 GARFIELD ST NE	\$	3,400.00
WYATT, JACQUELINE R	PIN: 01-30-24-41-0041	8053 GARFIELD ST NE	\$	3,400.00
JONES CHRISTINE	PIN: 01-30-24-42-0039	8081 GARFIELD ST NE	\$	3,400.00
DENYES TRUSTEE, SHIRLEY	PIN: 01-30-24-42-0009	8090 HAYES ST NE	\$	3,400.00



Memorandum

To: Mayor Nelson and Members of the City Council

From: Daniel R. Buchholtz, MMC, Administrator, Clerk/Treasurer

Date: August 27, 2021

Subject: Resolution Adopting Proposed Levy for Taxes Collected in 2022

The City Council, at its August 9, 2021 workshop, reviewed the proposed 2022 Administrator's budget proposal. As the preliminary levy is required to be submitted no later than September 30, 2020, it is necessary for the City Council to take action to set the preliminary levy.

Resolution 21-33 establishes the proposed 2021, pay 2022, tax levy at \$3,829,837. This is an increase of 5.46% from the 2020, pay 2021, tax levy. The increase is due to a number of factors including employee salary and benefits, implementation of the compensation and classification study currently underway, mental health services for our public safety employees, and general inflationary increases.

The Resolution sets the date of the annual Truth-in-Taxation (TNT) public hearing for Monday, December 6, 2021 at 7:00pm at City Hall.

The preliminary tax levy establishes the maximum tax levy for 2021, pay 2022. The final tax levy, which will be set on December 20, 2021, can be the same or lower than the preliminary tax levy.

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

RESOLUTION NO. 21-33

RESOLUTION ADOPTING PROPOSED 2021 TAX LEVY COLLECTIBLE IN 2022

BE IT RESOLVED by the City Council of the City of Spring Lake Park, Anoka and Ramsey Counties, Minnesota, that the following sums of money be levied for the current year, collectible in 2022, upon the taxable property in said City of Spring Lake Park, Minnesota:

General Revenue	\$3,573,295
2018A G.O. Equipment Certificate	\$ 176,542
2014A G.O. Improvement Bonds	<u>\$ 80,000</u>
TOTAL LEVY:	\$3,829,837

BE IT FURTHER RESOLVED that the City Clerk of the City of Spring Lake Park is hereby instructed to transmit a certified copy of this resolution to the County Auditors of Anoka and Ramsey Counties, Minnesota; and

BE IT FURTHER RESOLVED that the annual Truth in Taxation Public Hearing is scheduled to be held at 7:00 P.M. on Monday, December 6, 2021 in the Council Chambers, Spring Lake Park City Hall.

The foregoing resolution was moved for adoption by Councilmember .

Upon roll call, the following voted aye: Councilmembers .

And the following voted nay:

Whereupon the Mayor declared said resolution duly passed and adopted this 7th day of September, 2021.

Robert Nelson, Mayor

ATTEST:

Daniel R. Buchholtz, Administrator

State of Minnesota)
 Counties of Anoka and Ramsey)ss
 City of Spring Lake Park)

I, Daniel R. Buchholtz, duly appointed and qualified City Administrator in and for the City of Spring Lake Park, Anoka and Ramsey Counties, Minnesota, do hereby certify that the foregoing is a true and correct copy of Resolution No. 21-33, A Resolution Adopting Proposed 2021 Taxes Collectible in 2022, adopted by the Spring Lake Park City Council at their regular meeting on the 7th day of September 2021.

Daniel R. Buchholtz, Administrator

(SEAL)

Dated: _____



Memorandum

To: Mayor Nelson and Members of the City Council

From: Daniel R. Buchholtz, MMC, Administrator, Clerk/Treasurer

Date: August 31, 2021

Subject: Cancel Bond Levies

State Law requires the County Auditor to levy the amount of debt service originally certified unless the City passes a resolution cancelling the levy. Resolution 20-29 would cancel three debt service levies and reduce a fourth due to the City having funds on-hand to make the debt service payment.

The following debt service levies would be reduced by the proposed resolution:

<u>Issue</u>	<u>Original</u>	<u>Proposed</u>
2013B GO CIP Bond (Public Works Building)	\$ 82,000	\$ 0
2014A GO Improvement Bond (Street Projects)	\$233,000	\$ 90,000
2016A GO Capital Note (NMTV cable upgrade)	\$ 13,341.89	\$ 0
2017A GO Equipment Certificate (SBM Equipment)	\$250,582.50	\$ 0

The following bonds are reduced due to a combination of Local Government Aid, Public Utilities funds, Special Assessments, Municipal State Aid funds, and General Fund budget allocations.

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

RESOLUTION NO. 21-34

RESOLUTION CANCELLING OR REDUCING BOND LEVIES – 2021/2022

BE IT RESOLVED by the City Council of the City of Spring Lake Park, Anoka and Ramsey Counties, Minnesota, that there is irrevocably available and on-hand funds for the following General Obligation bonds:

1. The sum of \$83,000.00 for the 2022 installment of the 2013B G.O. Capital Improvement Plan Bond.
2. The sum of \$13,099.97 for the 2022 installment of the 2016A GO Capital Note
3. The sum of \$248,745.00 for the 2022 installment of the 2017A GO Equipment Certificate
4. The sum of \$196,854.30 for the 2022 installment of the 2021A G.O. Improvement Refunding Bond.

BE IT FURTHER RESOLVED that, in accordance with Minnesota Statutes Section 475.61, as amended from time to time, the County Auditors of Anoka and Ramsey Counties are hereby authorized and directed to reduce by the amounts above mentioned the tax that would otherwise be included on the rolls for 2021, collectable in 2022.

BE IT FURTHER RESOLVED that the City Clerk of the City of Spring Lake Park is hereby instructed to transmit a certified copy of this resolution to the County Auditors of Anoka and Ramsey Counties, Minnesota.

The foregoing resolution was moved for adoption by.

Upon roll call, the following voted aye: Councilmembers

And the following voted nay: .

Whereupon the Mayor declared said resolution duly passed and adopted this 7th day of September, 2021.

Robert Nelson, Mayor

ATTEST:

Daniel R. Buchholtz, Administrator

State of Minnesota)
 Counties of Anoka and Ramsey)ss
 City of Spring Lake Park)

I, Daniel R. Buchholtz, duly appointed and qualified City Administrator in and for the City of Spring Lake Park, Anoka and Ramsey Counties, Minnesota, do hereby certify that the foregoing is a true and correct copy of Resolution No. 21-34, A Resolution Cancelling Bond Levies – 2021/2022, adopted by the Spring Lake Park City Council at their regular meeting on the 7th day of September 2021.

Daniel R. Buchholtz, Administrator

(SEAL)

Dated: _____

City of Spring Lake Park
=====

BOND ISSUES	ORIGINAL PRINCIPAL	DATE ISSUED	Levy year 2021 PAYABLE 2022 DEBT LEVY	ADDITIONS OR REDUCTIONS BY RESOLUTION	CERTIFIED DEBT LEVY
GO CIP 2005A	8,050,000	1-Dec-05	-	-	-
GO CIP 2013B	685,000	1-Dec-13	83,000.00	(83,000.00)	-
GO Imp 2014A	2,845,000	15-Jun-14	-	-	-
GO Capital Note 2016A	102,816	12-Apr-16	13,099.97	(13,099.97)	-
GO Equip Cert of Debt 2017A	1,090,000	21-Mar-17	248,745.00	(248,745.00)	-
GO Equip Cert of Debt 2018A	790,000	4-Jan-18	176,541.75	-	176,541.75
GO IMPROV REFUND, 2021A	1,455,000	17-Feb-21	276,854.30	(196,854.30)	80,000.00
			\$798,241.02	(541,699.27)	\$256,541.75

I hereby certify that the above schedule of bond levies to be spread on the payable 2022 tax rolls agrees with the City records and is true and correct. Copies of any resolutions which increase or reduce these levies are attached.

Signed: _____

Date: _____



Memorandum

To: Mayor Nelson and Members of the City Council

From: Daniel R. Buchholtz, MMC, Administrator, Clerk/Treasurer

Date: August 31, 2021

Subject: Infinity Automotive CUP Update

Enclosed with this memorandum is the following:

- Resolution 21-35, Approval of Conditional Use Permit for Infinity Automotive.
- Staff memorandum from Stantec
- Draft Planning Commission minutes from the August 23 meeting
- CUP Application from Infinity Automotive
- Existing CUP permit
- Written testimony from Carolyn Lohman

The Planning Commission spent a significant amount of time on this request, making changes to the City Planner's recommendation before forwarding the matter to the City Council. Differences between the Planner's recommendation and the Commission's was that the Planning Commission increased the number of cars allowed to be parked overnight on site to 34, reduced the operating hours of the permit, and requested the City Council establish a timeline for the planting of the screening (resolution contemplates October 30, 2021).

The business expressed concern about the screening requirement, particularly the fact that they are a tenant and do not own the property. However, the Planning Commission felt strongly about screening the additional parking from University Avenue and beautifying the corridor. The Commission believed this condition was directly connected to the applicant's request.

The applicant currently has over \$12,000 in outstanding fines for violation of the existing SUP. The Commission concurred with staff that compliance is important and has recommended staying the outstanding fines and waiving them if the applicant follows the CUP conditions for a period of a year. This is included in the proposed Resolution, should the City Council concur with that recommendation.

The Planning Commission recommends approval of the CUP for Infinity Automotive, subject to reasonable conditions as outlined in the resolution.

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

RESOLUTION NO. 21-35

RESOLUTION GRANTING APPROVAL OF CONDITIONAL USE PERMIT FOR INFINITY AUTOMOTIVE AT 8443 UNIVERSITY AVENUE NE

WHEREAS, Infinity Automotive (the “Applicant”) has applied for approval of a conditional use permit to permit the operation of an automotive repair and detailing business at 8443 University Avenue NE; and

WHEREAS, the legal description for the property is as follows:

Outlot 11, Terrace Manor 4th Addition, except south 30 feet thereof, subject to easement of record; and

WHEREAS, the Planning Commission considered the Applicant’s request at a duly noticed Public Hearing which took place on August 23, 2021; and

WHEREAS, the Planning Commission recommended approval of the application to the City Council; and

WHEREAS, the City Council considered the application at its September 7, 2021 meeting and has made the following findings in support of approval of the conditional use permit application:

1. The proposed use is a reasonable use of the property, anticipated as a Conditional Use in the C-2 zoning district;
2. Keeping the site attractive and reasonably free from too many cars parked overnight is a reasonable expectation in keeping with improving the visual appearance of the City’s business district;
3. Adding landscaping to the front of the property is a reasonable condition directly related to the limit on parked cars and improving the visual appearance of the commercial corridor along University Avenue;
4. The proposed use under the recommended conditions meets the criteria for approving a Conditional Use Permit in the City’s Zoning Code.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Spring Lake Park that the City Council does hereby approve the application made by Infinity Automotive for a conditional use permit to permit the operation of an automotive repair and detailing business at 8443 University Avenue NE, subject to the following conditions:

1. The previous special use permit is voided with approval of this Conditional Use Permit.
2. Hours of operation shall be 7AM to 7PM, Monday through Saturday.
3. Overhead doors are to be closed and all work on vehicles shall be performed inside the building.
4. There shall be no outside storage of parts or equipment.

5. No more than ten vehicles will be parked overnight (24 hours) on the front (west) side of the property and no more than twenty-four vehicles shall be parked overnight in the rear (east) side of the building.
6. New landscaping shall be installed pursuant to a landscape plan approved by the City Planner no later than October 30, 2021 on the boulevard at the front (west) side of the property, consisting of at least four overstory trees and at least twelve shrubs that will be 3 to 5 feet in height at maturity. All plant materials will be maintained for the duration of the Conditional Use Permit and will be replaced with approved equal if dead, damaged or destroyed.
7. If, in the opinion of the City's Building Official, the business satisfactorily follows the conditions in this Conditional Use Permit for a period of one year, the amounts owing on the outstanding administrative offense tickets will be waived by the City. If the conditions are not followed, new tickets may be issued and the additional amounts owing will be added to the existing amounts, with all such amounts to be certified to the property taxes to be paid in full
8. If the conditions of this permit are not met, the City Council may revoke the Conditional Use Permit under the provisions and process set forth in the City's Zoning 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 7th day of September, 2021.

APPROVED BY:

Robert Nelson, Mayor

ATTEST:

Daniel R. Buchholtz, City Administrator

State of Minnesota)
 Counties of Anoka and Ramsey) ss
 City of Spring Lake Park)

I, Daniel R. Buchholtz, duly appointed and qualified City Clerk in and for the City of Spring Lake Park, Anoka and Ramsey Counties, Minnesota, do hereby Certify that the foregoing is a true and correct copy of Resolution No. 21-35, A Resolution Approving Application for Conditional Use Permit for Infinity Automotive, at 8443 University Avenue NE, adopted by the Spring Lake Park City Council at their regular meeting on the 7th day of September, 2021.

(SEAL)

Daniel R. Buchholtz, Administrator, Clerk/Treasurer

Dated: _____

To:	Planning Commission City of Spring Lake Park	From:	Phil Carlson Stantec
File:	Infinity Automotive – Conditional Use Permit (Nancy Singh, Owner)	Date:	August 23, 2021

Re: Infinity Automotive | 8433 University Avenue NE

BACKGROUND

Infinity Automotive operates an auto detailing business on a commercial site at 8433 University Avenue NE. The site is zoned C-2 Neighborhood and Service Center Commercial, which is intended for businesses close to a major roadway. The property fronts University Avenue with access from University Avenue Service Road NE. To the north and east of the property are single family residential uses zoned R-1, to the south is commercial property, also zoned C-2 like the subject site.

The property has an existing Special Use Permit (SUP) from 2002, updated in 2003, also for light auto repair businesses. The conditions for that SUP are attached to this report. *[A Special Use Permit is the same as a Conditional Use Permit/ CUP. The name was changed in an updated zoning code some time ago].*

The original 2002 SUP was for Life Time Auto Repair; the amended 2003 SUP was for Aurora Tech. The 2003 SUP, still in effect, has the following conditions:

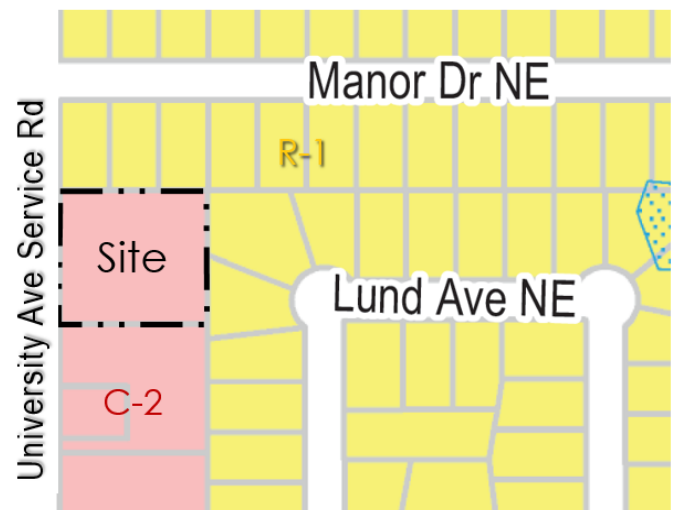
1. Hours 7AM/9PM M/F 7AM/9PM Sat.
2. Overhead doors to be closed.
3. No more than 5 key drop vehicles parked overnight (24 hours) on west side of property w/ a max of 6 vehicles in rear (east) parking lot for no more than 5 days & no outside storage of parts or equipment.
4. Installation of a 4 foot chain link fence w/ rolling gate on the NE corner of the building.

The SUP notes that use of the site as a used car lot use was denied.

The current operator, Infinity Automotive, has leased the property for four years. Since January of 2020 the City's building official has recorded complaints and violations of the SUP on several occasions for having too many cars parked overnight on site. The correction notices and violations attached. Administrative offense tickets (fines) have accumulated totaling \$12,000. If not paid, these fines can be certified onto property taxes to be collected by the City. The owner has agreed to apply for a new CUP to resolve the situation.



Zoning Map



Reference: Infinity Automotive CUP | 8433 University Avenue NE

PLANNING ISSUES

The site has space for 40 cars to be parked on site, front and rear, but the concern is that too many cars parked overnight will make it look like a used car lot or junk yard and we believe this is the rationale for the limit on cars in the current SUP. Applicant/owner Nancy Singh has requested up to 10 cars in the front and 10 cars in the rear. Her request and other information about the business are included in the email attachment to this report. Allowing a certain number of cars on site for an auto service business is reasonable, but too many parked overnight is not. Improving the aesthetic appeal of this stretch of University Avenue is also desirable. Considering the repeated complaints and violations with the current SUP it may be hard to consider increasing the number of cars allowed. But in discussion with the City Administrator and Building Official there might be an approach that would present a win/win:

- 1) Approve a new CUP allowing 10 cars in front and 10 cars in back overnight as requested, with other conditions as in the current SUP.
- 2) Require new landscaping along University Avenue to screen cars and improve the view along that corridor.
- 3) Hold off collecting on the current administrative offense tickets for a year. If the business can comply with the new terms of the CUP for a year, the fines would be waived.

RECOMMENDATION

We recommend that the Planning Commission recommend approval of the Conditional Use Permit for 8843 University Avenue as outlined in this report with the following conditions:

- 1) The previous Special Use Permit is voided with approval of this Conditional Use Permit.
- 2) Hours of operation shall be 7 AM to 9 PM seven days a week (or as modified by the City Council).
- 3) Overhead doors are to be closed and all work on vehicles shall be performed inside the building. There shall be no outside storage of parts or equipment.
- 4) No more than ten vehicles will be parked overnight (24 hours) on the front (west) side of the property and no more than ten vehicles shall be parked overnight in the rear (east) side of the building.
- 5) New landscaping shall be installed as soon as practical after approval of this permit on the boulevard at the front (west) side of the property, consisting of at least four overstory trees and at least twelve shrubs that will be 3 to 5 feet in height at maturity, such plan to be reviewed and approved by the City Planner. All plant materials will be maintained for the duration of the Conditional Use Permit and will be replaced with approved equal if dead, damaged, or destroyed.
- 6) The pending administrative offense tickets due to be paid to the City at this time will be certified to the property taxes of this lot if this Conditional Use Permit is not approved and conditions followed.
- 7) If the business follows satisfactorily the conditions in this Conditional Use Permit, in the opinion of the City building official, for one year from approval, the amounts owing on administrative offense tickets will be waived by the City. If the conditions are not followed, new tickets may be issued and the additional amounts owing will be added to the existing amounts, all such amounts to be certified to the property taxes to be paid in full.
- 8) If the conditions of this permit are not met, the City Council may revoke the Conditional Use Permit under the provisions and process in the City Zoning Code.

Reference: Infinity Automotive CUP | 8433 University Avenue NE

FINDINGS OF FACT

We recommend the following findings of fact for approval of the Conditional Use Permit:

- 1) The proposed use is a reasonable use of the property, anticipated as a Conditional Use in the C-2 zoning district.
- 2) Keeping the site attractive and reasonable free from too many cars parked overnight is a reasonable expectation in keeping with improving the visual appearance of the City's business district.
- 3) Adding landscaping to the front of the property is a reasonable condition directly related to the limit on parked cars and improving the visual appearance of the commercial corridor along University Avenue.
- 4) The proposed use under the recommended conditions meets the criteria for approving a Conditional Use Permit in the City's Zoning Code.

60-DAY LIMIT

The CUP application was complete on August 18, 2021. Final deadline for action by the City Council is October 18, 2021.

CONDITIONAL USE PERMIT CRITERIA

Section §153.202 of the Spring Lake Park zoning code outlines the requirements to approve a conditional use permit:

- (a) The proposed use at the particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community;
- (b) The use will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity or injurious to property values or improvements in the vicinity;
- (c) The proposed use will comply with the regulations specified in this chapter for the district in which the proposed use is to be located;
- (d) The use is one of the conditional uses specifically listed for the district in which it is to be located;
- (e) The proposed use shall not have a detrimental effect on the use and enjoyment of other property in the immediate vicinity;
- (f) The use will not lower property values or impact scenic views in the surrounding area;
- (g) Existing streets and highways and proposed access roads will be adequate to accommodate anticipated traffic;
- (h) Sufficient off-street parking and loading space will be provided to serve the proposed use;
- (i) The use includes adequate protection for the natural drainage system and natural topography;
- (j) The proposed use includes adequate measures to prevent or control offensive odor, fumes, dust, noise, or vibration so that none of these will constitute a nuisance; and
- (k) The proposed use will not stimulate growth incompatible with prevailing density standards.



Code Enforcement Division
1301 81st Avenue NE
Spring Lake Park, MN 55434
www.slpmn.org

Caspian Ventures LLC
301 Concorde Place
Burnsville, MN 55337

January 11, 2021

Inspection Location: 8443 University Ave NE
Initial Inspection Date: 3/30/2020
Re-inspection Date: 1/07/2021

Correction Notice

Action(s) necessary to abate violation(s)

(1) All vehicles waiting for repair or pick-up shall be stored within an enclosed building or in designated off-street parking spaces. (2) All work shall be performed within a completely enclosed building. (3) All vehicles parked or stored on site shall display a current license plate with a current license tab. Outside storage of automobile parts or storage of inoperable or salvage vehicles shall be prohibited. (4) The sale of vehicles shall be prohibited, unless permitted by this chapter or allowed by conditional use. (5) The use shall employ best management practices regarding the venting of odors, gas and fumes. Such vents shall be located a minimum of ten feet above grade and shall be directed away from residential uses. All storage tanks shall be equipped with vapor tight fittings to eliminate the escape of gas vapors. (SLPCO 153.120 (B)).

-Per your Special Use Permit dated 9/12/2002. No more than 5 key drop off vehicles parked overnight (24 hours) on the west side of the property with a maximum of 6 vehicles in the rear (east) parking lot for no more than 5 days. ***-Please remove the correct number of vehicles to comply with the restrictions of your Special Use Permit.***

The City of Spring Lake Park reached out to you with an Ongoing Violation Notice dated 10/27/2020. The letter informed you of two acceptable options for abatement, with a deadline of no later than 4:30 p.m. on November 13, 2020. The City has not received any word from Infinity Automotive and will be moving forward with a second double Administrative Offense Citation. These two options are still available for compliance.

The Spring Lake Park Police Department stopped out at the above location on 1/07/2021. The west side lot had 19 vehicles (**14 Over**) and the East side lot had 19 vehicles (**13 Over**). Total of 27 violations.

Please find a third Double Administrative Offense ticket for failure to correct the violations listed above. You are hereby directed to remove the above violations by **March 1, 2021**. Failure will result in issuance of a third Administrative Offense Ticket carrying a double fine for each violation (Per Vehicle). Your immediate attention and correction of these violations is required.

If you have any questions or concerns regarding your violation, please contact me at jbaker@slpmn.org or 763-792-7212.

Sincerely,

Jeff Baker
Code Enforcement Director

Cc: Address file
Jenny Gooden, Executive Assistance



Code Enforcement Division
1301 81st Avenue NE
Spring Lake Park, MN 55434
www.slpmn.org

Caspian Ventures LLC
301 Concorde Place
Burnsville, MN 55337

December 1, 2020

Inspection Location: 8443 University Ave NE
Initial Inspection Date: 3/30/2020
Re-inspection Date: 5/12/2020

Correction Notice

Action(s) necessary to abate violation(s)

(1) All vehicles waiting for repair or pick-up shall be stored within an enclosed building or in designated off-street parking spaces. (2) All work shall be performed within a completely enclosed building. (3) All vehicles parked or stored on site shall display a current license plate with a current license tab. Outside storage of automobile parts or storage of inoperable or salvage vehicles shall be prohibited. (4) The sale of vehicles shall be prohibited, unless permitted by this chapter or allowed by conditional use. (5) The use shall employ best management practices regarding the venting of odors, gas and fumes. Such vents shall be located a minimum of ten feet above grade and shall be directed away from residential uses. All storage tanks shall be equipped with vapor tight fittings to eliminate the escape of gas vapors. (SLPCO 153.120 (B)).

-Per your Special Use Permit dated 9/12/2002. No more than 5 key drop off vehicles parked overnight (24 hours) on the west side of the property with a maximum of 6 vehicles in the rear (east) parking lot for no more than 5 days. ***-Please remove the correct number of vehicles to comply with the restrictions of your Special Use Permit.***

The City of Spring Lake Park reached out to you with an Ongoing Violation Notice dated 10/27/2020. The letter informed you of two acceptable options for abatement, with a deadline of no later than 4:30 p.m. on November 13, 2020. The City has not received any word from Infinity Automotive and will be moving forward with a second double Administrative Offense Citation.

The Spring Lake Park Police Department stopped out at the above location on 11/25/2020 @ 00:15. The west side lot had 19 vehicles (**14 Over**) and the East side lot had 19 vehicles (**13 Over**). Total of **27** violations.

Please find a second Double Administrative Offense ticket for failure to correct the violations listed above. You are hereby directed to remove the above violations by **January 1, 2021**. Failure will result in issuance of a third Administrative Offense Ticket carrying a double fine for each violation (Per Vehicle). Your immediate attention and correction of these violations is required.

If you have any questions or concerns regarding your violation, please contact me at jbaker@slpmn.org or 763-792-7212.

Sincerely,

Jeff Baker
Code Enforcement Official

Cc: Address file
Jenny Gooden, Executive Assistance

Jeff Baker

From: Dustin Lemke
Sent: Wednesday, November 25, 2020 12:29 AM
To: Jeff Baker
Subject: Car Count

8443 University-
Front-19
Rear-19

8301 Sunset
15 total

D. Lemke



Code Enforcement Division
1301 81st Avenue NE
Spring Lake Park, MN 55434
www.slpmn.org

Caspian Ventures LLC
301 Concorde Place
Burnsville, MN 55337

October 27, 2020

Property Location: 8443 University Ave NE

Ongoing Violation Notice

Dear Property Owner,

This letter is in regards to past and ongoing violations of your Special Use Permit (SUP) dated September 12, 2002. This letter is intended to lay out a recent history of the violations and suggest acceptable options for abatement.

Recent History of Violations

In January of this year, the City received a complaint alleging a violation of your SUP on your property. I conducted an inspection of the property on January 6 and found that numerous vehicles were being stored on both the west and east sides of your property, well in excess of the storage permitted by your existing SUP. I spoke with a manager and advised the manager of this issue and presented a copy of the current SUP, which permits five vehicles to be parked on the west side of the property and six vehicles to be parked on the east side of the property.

Thereafter, and during the following week, I spoke with you about the need to bring the property into compliance with the current SUP, and you indicated an intent to apply for a new CUP from the City. When a new complaint was received on March 27, you had still not made application for a new CUP nor abated the violations. Code Enforcement sent you a formal compliance letter dated March 30 which gave you until April 6 to abate the violations. An inspection of your property upon expiration of that deadline revealed the presence of 21 vehicles on the west side of the property and 16 vehicles on the east side (26 total vehicles over that permitted by your current SUP). An Administrative Offense citation was issued to you for these violations on May 13 in the total amount of \$1,300.

In July, you contacted the City Administrator about the violations and he also suggested that you apply for a new CUP to assist with your vehicle storage issues on the property. You indicated an intent to do so. To date, no such application has been made.

On September 28, during a fire inspection on your property, Code Enforcement again observed that your property continued to be out of compliance with your SUP. On that date, staff observed 29 vehicles in excess of your permitted storage were being stored on the property. An Administrative Offense citation was issued to you for this violation on October 1. As this was a repeated violation, the ticket amount per violating vehicle doubled, per City policy, bringing the citation amount to \$2,900. The letter also advised you that your property would be re-inspected for compliance on October 30.

Acceptable Options for Abatement

The City of Spring Lake Park is trying to work with you to gain compliance. The City suggests one of the two following options for this:

The first option is to swiftly bring your property into compliance with your existing SUP, which permits outdoor parking up to the limits stated above. Should you commit yourself to this path and diligently follow through on an approved formal plan to do so, the City is willing to stay future ongoing enforcement citations while you abate the existing violations. If you desire to pursue this option, the City suggests that you submit, **by 4:30 p.m. November 13, 2020**, a reasonable written proposal for your phased abatement of the violations on the property. This plan should be

detailed and include vehicle count thresholds and the dates by which you will reduce your storage to said counts and the date for full compliance with the plan and your SUP. This plan will be subject to my review and approval.

Alternatively, (and as you have discussed with me and the City Administrator on separate occasions) you may apply for a new Conditional Use Permit (CUP) and request that the City permit additional vehicle storage on the property. The City Council would ultimately determine whether or not to approve such a request. If you intend to pursue this option, you must submit your completed CUP application and all applicable fees, costs and escrow to the City **no later than 4:30 p.m. on November 13, 2020**. The City is willing to stay further citations for these violations (provided the violations are not expanded – i.e. car counts cannot increase for this stay to apply) until November 13 if you provide written indication to me of an intent to make CUP application by that date.

Immediate Response Required

Compliance is the City's main goal when Administrative Offense citations are issued. Administrator Buchholtz and I have informed you about the violations and the CUP process, yet there has been no response from you, and the violations have continued. Rather than continue to issue further citations with progressively greater fine amounts, it is the City's hope that this letter prompts an immediate response, plan creation, and abatement of the violations so that further enforcement becomes unnecessary.

The City is willing to work with you on a reasonable and appropriate timeline for the overall correction and abatement of these violations but will require an immediate response and action from you. A follow-up inspection will be conducted on **November 13, 2020**, to monitor your compliance. If you have not indicated an abatement plan to the City in compliance with the terms of this letter by the above date, or you are not in compliance with said plan or your SUP, a second **double** Administrative Offense citation will be issued. Please be advised that ongoing compliance issues may also result in the City taking potential action on your SUP including, but not limited to, revocation of the same.

The City looks forward to your immediate cooperation in abating these ongoing violations. If you have any questions or concerns regarding compliance, please contact me at jbaker@slpmn.org 763-792-7212. Or Dan Buchholtz at dbuchholtz@slpmn.org 763-784-6491

Sincerely,



Jeff Baker
Code Enforcement Official

Cc: Address file
Jenny Gooden, Executive Assistance
John Thames, Attorney
Dan Buchholtz, Administrator



Code Enforcement Division
1301 81st Avenue NE
Spring Lake Park, MN 55434
www.slpmn.org

October 1, 2020

Caspian Ventures LLC
301 Concorde Place
Burnsville, MN 55337

Inspection Location: 8443 University Ave NE

Initial Inspection Date: 03/30/2020

2nd Inspection Date: 05/12/2020

3rd Inspection Date: 09/28/2020

Confirmation by SLP PD of vehicle count left after hours: 09/30/2020

Third Violation Notice

Action(s) necessary to abate violation(s)

(1) All vehicles waiting for repair or pick-up shall be stored within an enclosed building or in designated off-street parking spaces. (2) All work shall be performed within a completely enclosed building. (3) All vehicles parked or stored on site shall display a current license plate with a current license tab. Outside storage of automobile parts or storage of inoperable or salvage vehicles shall be prohibited. (4) The sale of vehicles shall be prohibited, unless permitted by this chapter or allowed by conditional use. (5) The use shall employ best management practices regarding the venting of odors, gas and fumes. Such vents shall be located a minimum of ten feet above grade and shall be directed away from residential uses. All storage tanks shall be equipped with vapor tight fittings to eliminate the escape of gas vapors. (SLPCO 153.120 (B)).

-Per your Special Use Permit dated 9/12/2002. No more than 5 key drop off vehicles parked overnight (24 hours) on the west side of the property with a maximum of 6 vehicles in the rear (east) parking lot for no more than 5 days. **-Please remove the correct number of vehicles to comply with the restrictions of your Special Use Permit.**

The Spring Lake Park Police Department stopped out at the above location on 09/30/2020. The west side lot had 21 vehicles **(16 over)** and the east side **(13 over)** lot had 19 vehicles and a trailer parked. **Total of 29 violations.**

Please find an Administrative Offense tickets for failure to correct the violations listed above. You are hereby directed to remove the above violations by **October 30, 2020**. Failure will result in issuance of an Administrative Offense Ticket carrying a double fine for each violation (Per Vehicle). Your immediate attention and correction of these violations is required.

Only one information notice will be issued within a 12-month period. All subsequent violations of noted sections will dictate the issuance of an Administrative Citation with fine(s).

If you have any questions or concerns regarding your violation, please contact me at WMorris@slpmn.org or 763-792-7236.

Sincerely,

Walter Morris
Fire Inspector

Cc: Address file
Jenny Gooden, Executive Assistant

Spring Lake Park Police Department

1301 81st Ave NE Spring Lake Park, MN 55432

763-792-7200



Case #:20139684

Incident #: 20139684

Event

8443 UNIVERSITY AVE NE SPRING LAKE PARK, MINNESOTA 55432

Description of Incident: MISCELLANEOUS OFFICER
Reported Date: 06/12/2020 01:07:58
Time Assigned: 01:07
Time Arrived: 01:07
Time Cleared: 01:15
Incident Start Date: 06/12/2020 01:07:58
Exceptional Clearance: NOT APPLICABLE
Latitude: 45.121881
Longitude: -93.262771
Case Summary: Misc Officer - Code Enforcement FU
Confidential?: No

Owner Data (1)

INFINITY AUTOMOTIVE W

Related Offenses: MISCOFF MISCELLANEOUS OFFICER
Address: 8443 UNIVERSITY AVE NE
City: SPRING LAKE PARK
State: Minnesota
Zip Code: 55432
Latitude: 45.12188871302654
Longitude: -93.26277873936864
Business Phone: (763)-213-9548

Offenses (1)

MISCOFF MISCELLANEOUS OFFICER

UCR/NIBRS Code: 999 NIBRS non-reportable
Location Type: Commercial/Office Building
Bias Motivation: NONE
Attempted/Completed: Completed
Offender Suspected of Using: Not Applicable
Weapon Types:
Weapon Automatic1:

Vehicle (0)

Related Offense:
Towed By:

Narrative (1)

ORIGINAL OFFICER NARRATIVE



Code Enforcement Division
1301 81st Avenue NE
Spring Lake Park, MN 55434
www.slpmn.org

Caspian Ventures LLC
301 Concorde Place
Burnsville, MN 55337

May 13, 2020

Inspection Location: 8443 University Ave NE
Initial Inspection Date: 3/30/2020
Re-inspection Date: 5/12/2020

Second Notice

Action(s) necessary to abate violation(s)

(1) All vehicles waiting for repair or pick-up shall be stored within an enclosed building or in designated off-street parking spaces. (2) All work shall be performed within a completely enclosed building. (3) All vehicles parked or stored on site shall display a current license plate with a current license tab. Outside storage of automobile parts or storage of inoperable or salvage vehicles shall be prohibited. (4) The sale of vehicles shall be prohibited, unless permitted by this chapter or allowed by conditional use. (5) The use shall employ best management practices regarding the venting of odors, gas and fumes. Such vents shall be located a minimum of ten feet above grade and shall be directed away from residential uses. All storage tanks shall be equipped with vapor tight fittings to eliminate the escape of gas vapors. (SLPCO 153.120 (B)).

-Per your Special Use Permit dated 9/12/2002. No more than 5 key drop off vehicles parked overnight (24 hours) on the west side of the property with a maximum of 6 vehicles in the rear (east) parking lot for no more than 5 days. ***-Please remove the correct number of vehicles to comply with the restrictions of your Special Use Permit.***

The Spring Lake Park Police Department stopped out at the above location on 5/13/2020 @ 02:14. The west side lot had 21 vehicles (16 Over) and the East side lot had 16 vehicles (10 Over). Total of 26 violations.

Please find an Administrative Offense tickets for failure to correct the violations listed above. You are hereby directed to remove the above violations by **May 29, 2020**. Failure will result in issuance of an Administrative Offense Ticket carrying a double fine for each violation (Per Vehicle). Your immediate attention and correction of these violations is required.

Only one information notice will be issued within a 12-month period. All subsequent violations of noted sections will dictate the issuance of an Administrative Citation with fine(s).

If you have any questions or concerns regarding your violation, please contact me at jbaker@slpmn.org or 763-792-7212.

Sincerely,

Jeff Baker
Code Enforcement Official

Cc: Address file
Jenny Gooden, Executive Assistance

Spring Lake Park Police Department

1301 81st Ave NE Spring Lake Park, MN 55432

763-792-7200



Case #:20109666

Incident #: 20109666

Event

8445 UNIVERSITY AVE NE SPRING LAKE PARK, MINNESOTA 55432

Description of Incident: MISCELLANEOUS OFFICER
Reported Date: 05/13/2020 02:04:17
Time Assigned: 02:04
Time Arrived: 02:04
Time Cleared: 02:11
Incident Start Date: 05/13/2020 02:04:17
Exceptional Clearance: NOT APPLICABLE
Latitude: 45.122052
Longitude: -93.262708
Case Summary: Misc Officer
Confidential?: No

Owner Data (1)

INFINITY AUTOMOTIVE W

Related Offenses: MISCOFF MISCELLANEOUS OFFICER
Address: 8443 UNIVERSITY AVE NE
City: SPRING LAKE PARK
State: Minnesota
Zip Code: 55432
Latitude: 45.12188871302661
Longitude: -93.26277874084505
Business Phone: (763)-213-9548

Offenses (1)

MISCOFF MISCELLANEOUS OFFICER

UCR/NIBRS Code: 999 NIBRS non-reportable
Location Type: Commercial/Office Building
Bias Motivation: NONE
Attempted/Completed: Completed
Offender Suspected of Using: Not Applicable
Weapon Types:
Weapon Automatic1:

Vehicle (0)

Related Offense:
Towed By:

Narrative (1)

ORIGINAL OFFICER NARRATIVE



Code Enforcement Division
1301 81st Avenue NE
Spring Lake Park, MN 55434
www.slpmn.org

Caspian Ventures LLC
301 Concorde Place
Burnsville, MN 55337

April 30, 2020

Inspection Location: 8443 University Ave NE
Inspection Date: 3/9/2020
Follow Up: 4/6/2020

Enclosed you will find a correction notice for the above listed address. I am not sure if you are aware of these violations. Nothing has been done to resolve them and below you will find a timeline of how everything transpired.

1/3/2020 - I received a complaint regarding the number of vehicles being parked at 8443 University Avenue. After some investigating, I found the SUP that was connected in Laserfiche to Infinity Automotive Certificate of Occupancy. (See attached)

1/6/2020 – I stopped out at the property to verify the number of vehicles. I went into the business and spoke with a gentleman saying he was the manager. I let him know about the complaint and he made a copy of the SUP. I asked if I could take some pictures of the vehicles for documentation and he complied.

1/6/2020 – 1/10/2020 – During this week I received a phone call from Nancy stating she was the owner. She had questions about the SUP, since it is dated 9/12/2002. I let her know that when a business changes owner but not uses, a SUP and/or CUP stays with the building. She stated that she was going to look into applying for a new/more updated CUP.

3/27/2020 – I received a complaint regarding the number of vehicles being parked at 8443 University Avenue.

3/30/2020 – I drove by the property and notice multiple cars in both lots.

3/30/2020 – I mailed out a correction letter, (See attached)

3/30/2020 – 4/3/2020 - During this week I received a phone call from Nancy the owner. She told me about not being able to get payment from some customers. I told her that I understood the difficulties, but still need to follow up on complaints from the residents of Spring Lake Park.

4/6/2020 – I requested the Spring Lake Park police department to get a vehicle count outside of business hours.

4/7/2020 – I received a police report stating that there were twenty cars in the rear lot and fourteen in the front lot. The SUP states that five vehicles can be parked overnight in the front lot and six vehicles parked overnight in the rear lot.

This letter is to let you know that any Administrative Offense tickets issued will be issued to the owner of the property. My apologies for not sending the enclosed violation letter to you directly.

A follow-up inspection will be conducted on **May 12, 2020** to verify compliance. Failure will result in issuance of an Administrative Offense Ticket carrying a fine of \$50.00 for each violation (Per Vehicle). Your immediate attention and correction of this violation is required.

If you have any questions or concerns regarding your violation, please contact me at jbaker@slpmn.org or 763-792-7212.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeff Baker', followed by a horizontal line.

Jeff Baker
Code Enforcement Director

Cc: Address file
Jenny Gooden, Executive Assistance



Code Enforcement Division
1301 81st Avenue NE
Spring Lake Park, MN 55434
www.slpmn.org

Infinity Automotive
8443 University Ave NE
Spring Lake Park, MN 55432

March 30, 2020

Inspection Location: 8443 University Ave NE
Inspection Date: 3/30/2020

This letter is in follow-up to a complaint the Code Enforcement department received concerning a code violation(s) at the above referenced address.

Action(s) necessary to abate violation(s)

(1) All vehicles waiting for repair or pick-up shall be stored within an enclosed building or in designated off-street parking spaces. (2) All work shall be performed within a completely enclosed building. (3) All vehicles parked or stored on site shall display a current license plate with a current license tab. Outside storage of automobile parts or storage of inoperable or salvage vehicles shall be prohibited. (4) The sale of vehicles shall be prohibited, unless permitted by this chapter or allowed by conditional use. (5) The use shall employ best management practices regarding the venting of odors, gas and fumes. Such vents shall be located a minimum of ten feet above grade and shall be directed away from residential uses. All storage tanks shall be equipped with vapor tight fittings to eliminate the escape of gas vapors. (SLPCO 153.120 (B)1-5).

-Per your Special Use Permit dated 9/12/2002 (Enclosed with this letter). No more than 5 key drop off vehicles parked overnight (24 hours) on the west side of the property with a maximum of 6 vehicles in the rear (east) parking lot for no more than 5 days. ***-Please remove the correct number of vehicles to comply with the restrictions of your Special Use Permit.***

A follow-up inspection will be conducted on **April 6, 2020** to verify compliance. Failure will result in issuance of an Administrative Offense Ticket carrying a fine of \$50.00 for each violation (Per Car). Your immediate attention and correction of this violation is required.

Only one information notice will be issued within a 12-month period. All subsequent violations of noted sections will dictate the issuance of an Administrative Citation with fine(s).

If you have any questions or concerns regarding your violation, please contact me at jbaker@slpmn.org or 763-792-7212.

Sincerely,

Jeff Baker
Code Enforcement Director

Cc: Address file
Jenny Gooden, Executive Assistance

Spring Lake Park Police Department

1301 81st Ave NE Spring Lake Park, MN 55432

763-792-7200



Case #:20079481

Incident #: 20079481

Event

8443 UNIVERSITY AVE NE SPRING LAKE PARK, MINNESOTA 55432

Description of Incident: MISCELLANEOUS OFFICER
Reported Date: 04/07/2020 00:55:07
Time Assigned: 00:55
Time Arrived: 00:55
Time Cleared: 00:59
Incident Start Date: 04/07/2020 00:55:07
Exceptional Clearance: NOT APPLICABLE
Latitude: 45.121881
Longitude: -93.262771
Case Summary: FU For Code Enforcement
Confidential?: No

Owner Data (1)

INFINITY AUTOMOTIVE W

Related Offenses: MISCOFF MISCELLANEOUS OFFICER
Address: 8443 UNIVERSITY AVE NE
City: SPRING LAKE PARK
State: Minnesota
Zip Code: 55432
Latitude: 45.12188871302661
Longitude: -93.26277874084505
Business Phone: (763)-213-9548

Offenses (1)

MISCOFF MISCELLANEOUS OFFICER

UCR/NIBRS Code: 999 NIBRS non-reportable
Location Type: Commercial/Office Building
Bias Motivation: NONE
Attempted/Completed: Completed
Offender Suspected of Using: Not Applicable
Weapon Types:
Weapon Automatic1:

Vehicle (0)

Related Offense:
Towed By:

Narrative (1)

ORIGINAL OFFICER NARRATIVE

SPECIAL USE PERMIT CONDITIONS FOR: 8443 UNIVERSITY AVENUE N.E.

Life Time Auto Repair: 9/12/2002

An amended SUP for the approval to operate a light auto repair business w/ conditions;

1. Hours 7AM/9PM M/F 8AM/6PM Sat.
2. Overhead doors to be closed.
3. Dumpster enclosure.
4. Light plan to be submitted to council.
5. No outside storage of vehicles, equipment or parts.
6. Service vehicles may be parked on the west or rear of the building per plan dated 4/7/95.
7. Restripe per plan of 4/7/95.
8. Noise during the normal business hours must be maintained at a level so as not to disturb and residents if a problem arises hours of operation may be adjusted.

Aurora Tech: 11/3/2003

An amended SUP for the approval to operate a light auto repair business w/ conditions;

1. Hours 7AM/9PM M/F 7AM/4PM Sat.
2. Overhead doors to be closed.
3. No more than 5 key drop off vehicles parked overnight (24 hours) on west side of property w/ a max of 6 vehicles in rear (east) parking lot for no more than 5 days & no outside storage of parts or equipment.
4. Installation of a 4 foot chain link fence w/ rolling gate on the NE corner of the building.

**Denied for a used car sales lot.

BEAUBARY OIL INFINITY
AUTO 8443
5W30 60 - 180 gallons
5W20 60 - 180 gallons * REAR
ATF 50 - 120 gallons ROOM
Anti-Freeze 2 x 55 gallons STORAGE
OW20 }
5W30 } 50 - 120 gallons
WASHER fluid 50 - 120 gallons

8443 University Avenue

Life time Auto Repair Special Use Permit Issued: 9/19/2002

an amended SUP for the approval to operate a light auto repair business w/ conditions; 1] hours 7AM/9PM M/F 8AM/6PM Sat, 2] OH doors to be closed, 3] dumpster enclosure, 4] light plan to be submitted to council, 5] no outside storage of vehicles, equipment or parts, 6] service vehicles may be parked on the W or rear of the bldg., per plan dated 4/7/95, 7] restripe per plan of 4/7/95, 8] noise during the normal business hours must be maintained at a level so as not to disturb and residents if a problem arises hours of operation may be adjusted.

Aurora Tech Special Use Permit Issued: 11/3/2003

an amended SUP for the approval to operate a light auto repair business w/ conditions; 1] hours 7AM/9PM M/F 7AM/4PM Sat, 2] OH doors to be closed, 3] no more than 5 key drop off vehicles parked overnight (24 hours) on W side of property w/ a max of 6 vehicles in rear (east) parking lot for no more than 5 days & no outside storage of parts or equipment, 4] installation of a 4 foot chain link fence w/ rolling gate on the NE corner of the building.

OFFICIAL PROCEEDINGS

Pursuant to due call and notice thereof, the regularly scheduled meeting of the Spring Lake Park Planning Commission was held on August 23, 2021 at the City Hall, at 7:00 PM.

1. CALL TO ORDER

Chair Hansen called the meeting to order at 7:00 PM.

2. ROLL CALL

MEMBERS PRESENT

Commissioner Aisha Ali
Commissioner Jeff Bernhagen
Commissioner Rick Cobbs
Commissioner Doug Eischens
Commissioner Hans Hansen
Commissioner Eric Julien

STAFF PRESENT

Building Official Jeff Baker; Administrator Daniel Buchholtz; Planner Lauren Walburg, Stantec

OTHERS PRESENT

Dinesh Singh, Infinity Automotive
Dave Singh, Infinity Automotive
Nancy Singh, Infinity Automotive
Brad Delfs, City Council

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF MINUTES

A. Approval of Minutes - June 28, 2021

Motion made by Commissioner Bernhagen, seconded by Commissioner Cobbs, to approve the minutes from the June 28, 2021 Planning Commission meeting.

Voting Yea: Chairperson Hansen, Commissioner Ali, Commissioner Bernhagen, Commissioner Cobbs, Commissioner Eischens, Commissioner Julien. Motion carried.

5. PUBLIC HEARING

A. Public Hearing - Conditional Use Permit for Auto Repair/Detailing - Infinity Automotive, 8443 University Avenue NE

Planner Walburg provided an overview of the request for a conditional use permit (CUP) for automotive repair and detailing. She stated that there is an existing special use permit (SUP) on the property that limits overnight parking to six cars in the rear parking lot and five cars in the front parking lot. She said that the applicant is requesting the right to park 10 cars in the front parking lot and 10 cars in the rear parking lot. She noted that since January 2020, City Code Enforcement has recorded complaints and violations of the SUP on several occasions for having too many cars parked overnight on site, resulting in administrative offense tickets of over \$12,000. She said that the goal of the CUP is to help resolve this situation.

Planner Walburg stated that she is recommending approval of this request with conditions that include voiding the previous SUP upon approval of the new CUP, limit of operational hours between 7am and 9pm seven days per week, repair work done inside the building with overhead doors closed, and installation of new landscaping to screen the parking lot from University Avenue. She recommended staying the outstanding administrative offense tickets and waiving those tickets if the business satisfactorily follows the conditions in the CUP.

Commissioner Cobbs inquired if the applicant would be able to comply with the overnight parking restrictions in the proposed CUP. Dave Singh, Infinity Automotive, requested the ability to use their entire lot of 43 spaces for overnight storage of cars. Administrator Buchholtz noted that the recommendation was based on the original request from Nancy Singh to allow 20 cars to be parked overnight. He stated that it is not feasible to permit the entire lot to be used for overnight vehicle storage as parking spaces need to be available for employees and customers. Administrator Buchholtz inquired how many employees work at Infinity Auto during the major shift. Dave Singh responded twelve employees. Administrator Buchholtz recommended the Commission reserve twelve to fifteen spaces for employees and customers.

Commissioner Eischens inquired about hours of operation. Dinesh Singh, Infinity Automotive, stated that their hours of operation are Monday through Friday from 7am to 6pm. Eischens suggested limiting hours to more closely correspond to their hours of operation.

Commissioner Julien inquired about the requirement for the overhead doors to be closed while working on vehicles. He expressed his opinion that the requirement be removed as it can get very hot inside the shop during the summer months. Administrator Buchholtz stated that the requirement is in the Zoning Code.

Nancy Singh, Infinity Automotive, expressed concern about the landscaping requirement, noting that they do not own the building. Commissioner Cobbs stated his belief that it was a reasonable condition in light of the City granting Infinity Automotive the ability to store

additional cars overnight. He recommended the permit outline a specific timeline for submittal of a landscaping plan and the planting of the trees and shrubs.

Chair Hansen opened the public hearing at 7:32pm. He noted that the City received an email from Carolyn Lohman, 359 Manor Drive, expressing support for the application. Hearing no additional comments, Chair Hansen closed the public hearing at 7:33pm.

Motion made by Commissioner Cobbs, seconded by Commissioner Eischens, to recommend approval of a Conditional Use Permit for Infinity Automotive at 8443 University Avenue NE subject to the following conditions: 1) the previous Special Use Permit is voided upon approval of this Conditional Use Permit; 2) hours of operation shall be from 7:00 AM to 7:00 PM, Monday through Saturday; 3) overhead doors are to be closed and all work on vehicles shall be performed inside the building; 4) there shall be no outside storage of parts or equipment; 5) No more than ten (10) vehicles will be parked overnight (24 hours) on the front (west) side of the property and no more than twenty-four (24) vehicles shall be parked overnight in the rear (east) side of the building; 6) new landscaping shall be installed pursuant to a landscape plan approved by the City Planner within a timeframe established by the City Council on the boulevard at the front (west) side of the property, consisting of at least four overstory trees and at least twelve shrubs that will be 3 to 5 feet in height at maturity. All plant materials will be maintained for the duration of the Conditional Use Permit and will be replaced with approved equal if dead, damaged or destroyed; 7) if, in the opinion of the City's Building Official, the business satisfactorily follows the conditions in this Conditional Use Permit for a period of one year, the amounts owing on the outstanding administrative offense tickets will be waived by the City. If the conditions are not followed, new tickets may be issued and the additional amounts owing will be added to the existing amounts, with all such amounts to be certified to the property taxes to be paid in full; and 8) if the conditions of this permit are not met, the City Council may revoke the Conditional Use Permit under the provisions and process set forth under the City's Zoning Code.

Voting Yea: Chairperson Hansen, Commissioner Ali, Commissioner Bernhagen, Commissioner Cobbs, Commissioner Eischens, Commissioner Julien. Motion carried.

6. OTHER

A. Administrator Report

Administrator Buchholtz stated that the City has received three zoning application for consideration at the September 27 Planning Commission meeting. He noted that the Commission would also review the 2022 Street Improvement Project for conformance with the City's Comprehensive Plan.

Commissioner Cobbs inquired about proposed Metro Transit route changes. Administrator Buchholtz stated that due to ongoing litigation between the ownership of Northtown Mall and Metro Transit, the 10N bus route will be modified to remove the segment of Monroe Street between 81st Avenue and Sanburnol Drive and replace it with a segment along 81st Avenue between Monroe Street and University Avenue.

7. ADJOURN

Motion made by Commissioner Julien, seconded by Commissioner Eischens to adjourn the meeting.

Voting Yea: Chairperson Hansen, Commissioner Ali, Commissioner Bernhagen, Commissioner Cobbs, Commissioner Eischens, Commissioner Julien. Motion carried.

The meeting adjourned at 7:59 PM.



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: _____
Received by: _____
Date Filed: _____
Date Complete: _____
Base Fee: _____ Escrow: _____

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 checked="" type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Preliminary Plat |
| <input type="checkbox"/> Rezoning | <input 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: 8443 UNIVERSITY AVENUE NE SPRING LAKE PARK
Property Identification Number (PIN#): _____ Current Zoning: Choose Current
Legal Description
(Attach if necessary): _____

APPLICANT INFORMATION

Name: NANCY SINGH Business Name: INFINITY AUTOMOTIVE
Address: 8443 UNIVERSITY AVENUE NE State: MN Zip Code: 55432
City: SPRING LAKE PARK E-mail: nancy@infinityautoshop.com
Telephone: 763-229-1295 Fax: 763-784-6494 Title: _____
Contact: Nancy Singh

OWNER INFORMATION (if different from applicant)

Name: RPG Auto Mall / Shirzad Raimi Business Name: RPG Auto Mall
Address: 501 Concorde Place State: MN Zip Code: 55337
City: Burnsville E-mail: _____
Telephone: 952-595-9261 Fax: _____ Title: _____
Contact: Stephanie Aldana

DESCRIPTION OF REQUEST (attach additional information if needed)

Existing Use of Property: Automotive Repair & Detail
Nature of Proposed Use: Automotive Repair & Detail
Reason(s) to Approve Request: Old CUP is outdated, doesn't currently support our business structure

PREVIOUS APPLICATIONS PERTAINING TO THE SUBJECT SITE

Project Name: _____ Date of Application: _____
Nature of Request: _____

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

APPLICATION FEES AND EXPENSES:

The City of Spring Lake Park required 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.

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 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

charmya@infinityautoshop.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. Failure on my part to supply all necessary information as requested by the City may be cause for denying this application.

Applicant:

MSingh

Date:

6/15/2020

Owner:

Shirad Rai

Date:

6/16/2020

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

City of Spring Lake Park
Conditional Use Permit Worksheet

A conditional use permit cannot be approved unless the Planning and Zoning Commission and the City Council make certain findings and recommendations. Please provide a response on how/why your project meets the below stated criteria. Use additional sheets if necessary. If some items are not applicable for your project, write N/A. Contact the Zoning Administrator with any questions.

1. That the proposed use at the particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community. Our automotive repair & detail facility is a huge benefit to our community and has become a staple for automotive needs. We have become very well known for our services.
2. That the use will not be detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity of the use or injurious to property values/improvements within the vicinity of the use. Our facility is very safe & we perform safety protocols daily, weekly & monthly. Due to the nature of our business, it is protocol
3. That the proposed use will comply with the regulations specified in Chapter 153 of the Zoning Code. Chapter 153 - Inspection Access - yes it will comply with access to inspections.
4. That the proposed use shall not have a detrimental effect on the use and enjoyment of other property in the immediate vicinity. The proposed use will not have a detrimental effect on the use & enjoyment of other property in the immediate vicinity

5. That the use will not lower property values or impact scenic views in the surrounding area. The use will not lower property values or impact scenic views.
6. That existing utilities, streets, highways and proposed access roads will be adequate to accommodate anticipated traffic. yes all existing utilities will be adequate
7. That the use includes adequate protection for the natural drainage system and natural topography. yes
8. That the proposed use includes adequate measures to prevent or control offensive odor, fumes, dust, noise or vibration so that none of these will constitute a nuisance. yes - all measures to prevent nuisances of all kinds.
9. That the proposed use will not stimulate growth incompatible with prevailing density standards. The use will not contribute to any growth incompatible with prevailing density standards -

Daniel Buchholtz

From: Nancy Singh <nancy@infinityautoshop.com>
Sent: Wednesday, August 18, 2021 12:37 PM
To: Carlson, Phil
Cc: Lisa Dircks; Wanda Brown; Jeff Baker; Daniel Buchholtz
Subject: RE: CUP application

Phil,

Ideally, 10 vehicles in the rear of the building would be good. 8-10 vehicles in the front would suffice to keep our business moving. At this stage in our business, we are so busy that we've fallen behind in repairs due to staff taking vacations/Covid, so we are attempting to play catch up.

We are certain we can comply with that SUP and I will ensure I do everything to abide by that.

In regards to your comment about failure to comply with the SUP, we didn't even know it existed until 2020, 4 years after we opened for business. We scrambled to get the work out that was pending during that time it was brought to our attention. I did everything in my power to contact the customers that 'abandoned' their vehicles due to non-payment etc., before finally agreeing to impound the vehicles.

I hope this clears things up and we can come to a resolution that benefits everyone.

Thank you,
Nancy

From: Carlson, Phil <Phil.Carlson@stantec.com>
Sent: Wednesday, August 18, 2021 9:17 AM
To: Nancy Singh <nancy@infinityautoshop.com>
Cc: Lisa Dircks <ldircks@slpmn.org>; Wanda Brown <wbrown@slpmn.org>; Jeff Baker <jbaker@slpmn.org>; Daniel Buchholtz <dbuchholtz@slpmn.org>
Subject: RE: CUP application
Importance: High

Nancy,

I am the city planner working with Dan Buchholtz and Jeff Baker to review your request for a new conditional use permit (CUP) application. Your email below is helpful to understand what you want to accomplish, but we need a specific request in order to present the request to the Planning Commission and City Council. The current SUP (special use permit, same as a conditional use permit, just renamed) allows for 5 cars parked overnight in front and 6 cars in the rear. Do you have a specific number that you would like to have permitted? We need that for our review.

Given the long history of failure to comply with the current SUP it may be difficult for the Planning Commission and City Council to seriously consider increasing the number of vehicles allowed. Let me know as soon as you can on what you want to do, along with your assurance that you can abide by that plan if approved.

Thanks,

Phil Carlson
Associate
Spring Lake Park City Planner
He/Him/His

Direct: 612 712-2028
Mobile: 612 202-6474
Phil.Carlson@stantec.com

Stantec
733 Marquette Ave S, Suite 1000
Minneapolis MN 55402



The content of this email is the confidential property of Stantec and should not be copied, modified, retransmitted, or used for any purpose except with Stantec's written authorization. If you are not the intended recipient, please delete all copies and notify us immediately.

From: Nancy Singh <nancy@infinityautoshop.com>
Sent: Monday, August 9, 2021 1:08 PM
To: Daniel Buchholtz <dbuchholtz@slpmn.org>
Cc: Lisa Dircks <ldircks@slpmn.org>; Carlson, Phil <Phil.Carlson@stantec.com>; Wanda Brown <wbrown@slpmn.org>; Jeff Baker <jbaker@slpmn.org>
Subject: RE: CUP application

Dan,

Typically, over the weekends, we do not fill the front lot up with too many vehicles to deter from theft (as you already know, we've encountered numerous thefts over the course of the last year). The current SUP states that we can only have 5 vehicles stored on the lot and that's not feasible. The business has anywhere from 10 to 15 customer vehicles that are in for service. I work with over 10 dealers in SLP and surrounding areas performing service and detail to get the vehicles lot ready. The rule of thumb when performing service is 3 days, from mechanical to detail and then delivery. These vehicles are not sitting for extended periods of time unless, as of recently, due to Covid, there's delays in parts. I typically park vehicles in the back if it's pending parts. Some jobs require longer repair times and that is also a factor if a vehicle sits there. Some of the vehicles have been abandoned and due to mechanic's lien and timely process that is, that is also a factor.

So, in lesser words, I just need to be able to meet the needs of our business along with meeting the city's needs as well without receiving repercussions or backlashes on those needs.

Let me know if you have any further questions. You can reach out my email, phone or text.

Thank you,
Nancy

From: Daniel Buchholtz <dbuchholtz@slpmn.org>
Sent: Thursday, August 5, 2021 3:26 PM
To: Nancy Singh <nancy@infinityautoshop.com>
Cc: Lisa Dircks <ldircks@slpmn.org>; Philip Carlson (phil.carlson@stantec.com) <phil.carlson@stantec.com>; Wanda Brown <wbrown@slpmn.org>; Jeff Baker <jbaker@slpmn.org>
Subject: RE: CUP application

Nancy,

The application you submitted isn't clear as to what your request is. My understanding is that you wish to continue your auto repair business but that you are seeking flexibility from the requirements in the existing SUP regarding the outdoor

parking of vehicles. If that is correct, what are you looking for in terms of the number of vehicles stored on site? Where would you park them – in the rear lot, the front lot or both? Those are the types of details that are missing from your application.

I've included an aerial photo of the property to assist you. Let me know if you have any questions. You can share that information with us via e-mail.

Thanks!

Dan

From: Nancy Singh <nancy@infinityautoshop.com>
Sent: Thursday, August 5, 2021 10:24 AM
To: Daniel Buchholtz <dbuchholtz@slpmn.org>
Cc: Lisa Dircks <ldircks@slpmn.org>; Philip Carlson (phil.carlson@stantec.com) <phil.carlson@stantec.com>; Wanda Brown <wbrown@slpmn.org>; Jeff Baker <jbaker@slpmn.org>
Subject: RE: CUP application

Hi Dan,

Thank you for letting me know. Do I need to attend the August 23rd City Council meeting? Let me know.

Nancy

From: Daniel Buchholtz <dbuchholtz@slpmn.org>
Sent: Thursday, August 5, 2021 9:48 AM
To: Nancy Singh <nancy@infinityautoshop.com>
Cc: Lisa Dircks <ldircks@slpmn.org>; Philip Carlson (phil.carlson@stantec.com) <phil.carlson@stantec.com>; Wanda Brown <wbrown@slpmn.org>; Jeff Baker <jbaker@slpmn.org>
Subject: RE: CUP application

Nancy,

I received the check for the CUP application fee. We will proceed with the review of your CUP application.

Thanks!

Dan

From: Daniel Buchholtz
Sent: Tuesday, August 3, 2021 4:14 PM
To: Nancy Singh <nancy@infinityautoshop.com>
Cc: Lisa Dircks <ldircks@slpmn.org>; Philip Carlson (phil.carlson@stantec.com) <phil.carlson@stantec.com>; Wanda Brown (wbrown@slpmn.org) <wbrown@slpmn.org>; Jeff Baker <jbaker@slpmn.org>
Subject: RE: CUP application

Nancy,

I just want to confirm that you received this. If I receive the remaining \$500 by tomorrow, we can proceed with the Planning Commission meeting on August 23. Otherwise, we will need to wait until the September 27 meeting.

Thanks!

Dan

From: Daniel Buchholtz

Sent: Monday, July 26, 2021 1:02 PM

To: Nancy Singh <nancy@infinityautoshop.com>

Cc: Lisa Dircks <ldircks@slpmn.org>; Philip Carlson (phil.carlson@stantec.com) <phil.carlson@stantec.com>; Wanda Brown (wbrown@slpmn.org) <wbrown@slpmn.org>; Jeff Baker <jbaker@slpmn.org>

Subject: CUP application

Nancy,

The City received your application for a CUP amendment on July 15, 2021. In reviewing the application, the escrow amount (\$1,500) was paid but the CUP application fee (\$500) has not been paid. As such, pursuant to M.S. 15.99, the application is deemed incomplete. Please submit the \$500 application fee at your earliest convenience. If we receive the application fee by August 4, 2021, we can proceed with the public hearing at the August 23, 2021 City Council meeting.

Please let me know if you have any questions.

Thank you!

Dan

Daniel R. Buchholtz
Administrator, Clerk/Treasurer
City of Spring Lake Park
1301 81st Avenue NE
Spring Lake Park, MN 55432
(763) 784-6491

10. New Business:A. Planning and Zoning:1. Amended Special Use Permit to Operate an Automotive Window Tinting and Automotive Accessory Business in a C-2 Commercial District Adjacent to a Residential District. 8445 University Avenue. Tom Yang. Street Scenes Tint.

Mayor Wells reported that the Planning and Zoning Commission recommended approval of the request at its October 27, 2003 meeting.

Mr. Yang stated that he proposes to operate an automotive window tinting business at 8445 University Avenue and he will also install car stereo and alarm systems and offer automotive accessories for sale.

Mr. Yang explained that vehicles will be brought into the building where film is placed on the window(s) with a mixture of water and baby shampoo therefore, there are no toxic materials used or stored within the facility. Mr. Yang stated that the process takes approximately four hours to dry and cure before the vehicle is moved out of the building and into the parking lot.

Councilmember Mason asked if tires will be mounted at this facility. Mr. Yang replied positively explaining that tire repair will be done at another location and the tire is merely replaced on the vehicle at his facility. Mr. Yang stated that the doors of the building will be closed at all times adding that the work area is air conditioned so there should be no need to have the doors open except to drive vehicles in and out.

Mayor Wells read the Planning Commission's motion for approval of the Special Use Permit for Street Scenes Tint.

Councilmember Carlson stated that she would prefer No. 4 to read, "Noise during the normal business hours must be maintained at a level so as not to disturb any residents" rather than "Noise outside the"... The Council agreed.

MOTION BY COUNCILMEMBER HAWLEY APPROVING A SPECIAL USE PERMIT TO OPERATE AN AUTOMOTIVE WINDOW TINTING AND AUTOMOTIVE ACCESSORY BUSINESS AT 8445 UNIVERSITY AVENUE NE, AS REQUESTED BY TOM YANG, WITH THE FOLLOWING CONDITIONS: (1) HOURS OF OPERATION: MONDAY THROUGH FRIDAY: 9 AM TO 6:30 PM, SATURDAY AND SUNDAY: 12 NOON TO 5:30 PM; (2) NO OUTSIDE STORAGE OF VEHICLES OR MATERIALS; (3) OVERHEAD DOORS TO BE KEPT CLOSED AT ALL TIMES EXCEPT FOR THE MOVEMENT OF VEHICLES IN AND OUT OF THE BUILDING; AND (4) NOISE DURING THE NORMAL BUSINESS HOURS MUST BE MAINTAINED AT A LEVEL SO AS NOT TO DISTURB ANY RESIDENTS. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

2. Amended Special Use Permit to Provide Light Auto Repair Services Adjacent to a Residential District. 8443 University Avenue NE. Paul Johnson/T. J. Murphy. Aurora Tech

Mayor Wells reported that the Planning and Zoning Commission recommended approval of the Amended Special Use Permit at their October 27, 2003 meeting.

Mr. Paul Johnson stated that he is proposing to establish as automotive service center for light, general auto repair work including brakes, oil changes, shocks and alignments at 8443 University Avenue.

Mr. Johnson explained that until the rolling gate is installed at the northeast corner of the building two posts with a chain between them will be installed to deter vehicular traffic to the rear parking lot after hours.

Mayor Wells, referring to the condition regarding outside storage, asked Attorney Carson for a definition of storage.

Attorney Carson stated his belief that a vehicle currently being worked on is not considered to be stored however, the Council could state the number of days a vehicle can be parked in the back lot.

Councilmember Carlson pointed out that other Special Use Permits have stated a certain number of vehicles that can be stored outside. Mayor Wells suggested that the condition could state that there could be outside storage of a certain number of vehicles for a certain period of time but no storage of equipment or parts.

Building Official Brainard pointed out that the Planning Commission preferred no vehicle parking in front of the building after hours, with all vehicles behind the rolling gate which would secure the rear area.

Attorney Carson suggested that vehicles should not be parked more than 24 hours on the University Avenue side of the site.

Councilmember Mason stated her opinion that the number of bays inside should coincide with the number of vehicles outside. Brief discussion regarding the number of vehicles stored outside for a specified period of time.

MOTION BY COUNCILMEMBER HAWLEY APPROVING AN AMENDED SPECIAL USE PERMIT TO PROVIDE LIGHT AUTO REPAIR SERVICES ADJACENT TO A RESIDENTIAL DISTRICT AT 8443 UNIVERSITY AVENUE NE, AS REQUESTED BY PAUL JOHNSON AND T.J. MURPHY, (AURORA TECH) WITH THE FOLLOWING CONDITIONS: (1) HOURS OF OPERATION: MONDAY THROUGH FRIDAY: 7 AM TO 9 PM; SATURDAY 7AM TO 4 PM AND NO SUNDAY HOURS; (2) DOORS MUST BE CLOSED DURING HOURS OF OPERATION (3) NO MORE THAN FIVE (5) KEY DROP OFF VEHICLES PARKED OVERNIGHT (24 HOUR PERIOD) ON THE UNIVERSITY SIDE (WEST) OF THE SITE; MAXIMUM OF SIX (6) VEHICLES IN REAR (EAST) PARKING LOT FOR NO MORE THAN FIVE (5) DAYS AND NO OUTSIDE STORAGE OF PARTS OR EQUIPMENT AND (4) INSTALLATION OF A FOUR FOOT CHAIN LINK FENCE WITH ROLLING GATE ON THE NORTHEAST CORNER OF BUILDING. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

3. Special Use Permit to Operate a Motorcycle Manufacturing and Repair Business in an I-1 District. 8421 Center Drive NE. Tom Tengerdy. Blue Flame Custom Cycles

Mayor Wells reported that the Planning and Zoning Commission recommended approval of the Special Use Permit at their October 27, 2003 meeting.

Mr. Tom Tengerdy stated that his prospective tenant, Jeff Miles, proposes to conduct a custom motorcycle manufacturing and repair business at 8421 Center Drive. Mr. Tengerdy explained that the 3500 square foot space will contain a showroom, a parts department, office, manufacturing and storage areas. Mr. Tengerdy stated that the manufacturing area is equipped to build custom motorbikes, is ventilated to eliminate odors and the three workstations contain an overhead exhaust fan to vent fumes outside.

Mayor Wells asked Mr. Miles to explain how he conducts his business. Mr. Miles stated that he builds custom ordered motorcycles from "scratch" and performs motorcycle repair.

Daniel Buchholtz

From: CAROLYN LOHMAN <cal3419@yahoo.com>
Sent: Tuesday, August 17, 2021 7:51 AM
To: Daniel Buchholtz
Cc: Wanda Brown
Subject: Public Hearing - 8/23 - Infinity Automotive

Mr. Buchholtz,

I am unable to attend the Public Hearing and am providing these written comments instead.

I support Infinity Automotive's petition to obtain a conditional use permit to operate their automotive repair and detailing business. Infinity Automotive provides a great auto repair and detailing service to the residents of Spring Lake Park. They have been at this location several years, providing this stable service. Previously, several similar type businesses came and went. One even went door-to-door selling and oil change program that then was worthless when they went out of business. (I know I bought one to support the local business). Dave Singh is a friendly and knowledgeable business owner - he is fair and he knows his business and his customers.

Most employers in the nation are small business owners, like Dave. I would suspect that most of the businesses in Spring Lake Park are also small business owners... they provide a stable tax base for our city. I urge the SLP City Council to approve this petition.

Regards,
Carolyn A. Lohman
359 Manor Dr NE
Spring Lake Park, MN 55432
Cell 612-554-5454

[Sent from Yahoo Mail for iPad](#)



Memorandum

To: Mayor Nelson and Members of the City Council

From: Daniel R. Buchholtz, MMC, Administrator, Clerk/Treasurer

Date: August 26, 2021

Subject: Approve Job Description – Code Inspector/Firefighter and Appoint Position

The City Council approved amendments to the City's rental housing ordinance and established new policies to strengthen oversight on rental housing. To assist in that oversight, the City Council has included funding for a new Code Inspector/Firefighter position in the proposed 2022 budget. City staff has identified funding from a vacant position in Administration that could be used to hire the position in September 2021.

Staff has developed a job description for the Firefighter/Fire/Housing/Code Inspector position. The Firefighter/Fire/Housing/Code Inspector position will conduct fire inspections, rental housing inspections, property maintenance and code enforcement inspections and follow-up with property owners to ensure compliance. The position will also be a daytime responder to the SBM Fire Department, assisting the Department with response to major calls during the work day.

Staff recommends approval of the job description and the appointment of Walter Morris to this new position.

Walter is currently the City's part time code enforcement officer, serving in that role over the past year. In that time, Walter has demonstrated great skill and ability in resolving code issues within the community. He has performed rental inspections, nuisance inspections, and code compliance in his current role. Walter is also a volunteer firefighter with SBM Fire Department, responding out of Station 4 in Blaine. He is close to qualifying to test for the Certified Building Official Limited license, which would allow him to provide building inspection support to Building Official Baker when he is on vacation or during busy times.

Building Official Baker and I have been impressed with his performance over the past year and would like to see him continue his service with the City in this role.

Staff also recommends approval of 21-36, Firefighter Declaration on a Dual Position for PERA of Minnesota. This would allow this position to participate in the Police and Fire Plan, which is consistent with daytime responding positions in both the City of Blaine and the City of Mounds View.

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

CITY OF SPRING LAKE PARK
JOB DESCRIPTION

JOB TITLE: Firefighter/Fire/Housing/Code Inspector
DEPARTMENT: Code Enforcement
REPORTS TO: Building Official
FLSA STATUS: Full Time, Non-Exempt

POSITION SUMMARY

Under general supervision and direction of the Building Official, this person responds to fire and emergency calls, performs rescue operations and conducts fire inspections under the Fire Marshal, in addition to other duties which include performing rental housing inspections, property maintenance and nuisance inspections.

ESSENTIAL DUTIES AND RESPONSIBILITIES

Firefighter

1. Responds to fire and emergency calls for SBM Fire Department, performing protective services work by responding to emergency situations
2. Under the direction of an SBM Fire Department supervisor, administers life and property saving actions.
3. Maintains fire department equipment, apparatus, facilities and property.
4. Work involves frequent strenuous physical involvement
5. Performs other related duties and responsibilities as assigned.
6. This position is unscheduled and will occur at various times throughout the work week.

Fire/Housing/Code Inspector

7. Conducts commercial fire inspections as directed by the fire marshal.
8. Responds to fire alarms and follow-up with corrective actions.
9. Inspects rental housing to identify and correct violations of property maintenance, housing, nuisance, licensing and other city ordinances.
10. Monitors, inspects and enforces residential and commercial properties for compliance with applicable state and city codes and ordinances.
11. Investigates reports of code and nuisance violations, issues citations, resolves disputes and conducts follow-up to ensure corrections.
12. Participates in legal proceedings, including producing documents/evidence for prosecution of code violations.
13. Stays abreast of updated inspection practices and code changes and make recommendations on department procedures and code modifications.
14. Educates contractors, homeowners, business owners and community members on fire and property maintenance codes and related ordinances, policies and procedures.
15. Maintains a variety of inspection and enforcement logs and records.
16. Informs the Building Official of any inspection related activities that require immediate attention or action.
17. Performs other duties as assigned or apparent.

MINIMUM QUALIFICATIONS

1. High school degree or GED equivalent
2. Service as a volunteer firefighter with SBM Fire Department
3. Fire Inspector I certificate
4. Firefighter I and Firefighter II certification
5. Valid Minnesota Class D driver's license
6. Knowledge of property maintenance and fire codes and code enforcement

DESIRED QUALIFICATIONS

1. Completion of a Building Inspection Technology program at an accredited institution.
2. General knowledge of housing codes and the International Property Maintenance Code

KNOWLEDGE, SKILLS AND ABILITIES

1. Knowledge of practices, principles and techniques of effective code enforcement principles.
2. Ability to establish and maintain effective working relationships with City staff, contractors, architects, engineers, landowners, developers and the general public.
3. Ability to enforce applicable laws and ordinances, firmly, tactfully and impartially.
4. Skill in public presentations and negotiation skills.
5. Proficiency in computer software applications, including Microsoft Office applications, Adobe Acrobat, and databases.
6. Knowledge of practices, principles and techniques of effective code enforcement
7. Ability to express ideas effectively, orally and in writing.

PHYSICAL DEMANDS & WORK ENVIRONMENT

The physical demands and work environment listed below are representative of those that must be met by an employee to perform the essential functions of this job successfully.

1. Work is performed both outdoors and in office settings. Outdoor work is required in the inspection of various properties within the city and in firefighting operations. Hand-eye coordination is necessary to operate computers, various pieces of office equipment and firefighting equipment/apparatus.
2. While performing the duties of this job, the employee is occasionally required to stand; walk; use hands to finger, handle, feel or operate objects, tools or controls; and reach with hands and arms. The employee is occasionally required to sit, climb or balance; stoop; kneel, crouch or crawl; and talk or hear.
3. The employee must frequently lift and/or move up to 25 pounds and occasionally lift and/or move up to 100 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception and the ability to adjust focus. The employee must have a sense of smell.
4. The employee must be able to perform all physical duties normally expected of a firefighter, including meeting medical requirements as established by NFPA Standard 1582 for medical and physical fitness standards. The employee must comply with OSHA respirator requirements on an annual basis.

5. While performing the duties of this job, the employee frequently works in outside weather conditions. The employee occasionally works near moving mechanical parts and in high, precarious places and is occasionally exposed to wet and/or humid conditions, or risk of electrical shock.
6. The noise level in the work environment is usually quiet in the office and moderate to loud in the field.

Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

**CITY OF SPRING LAKE PARK, MINNESOTA
RESOLUTION NO. 21-36**

**FIREFIGHTER DECLARATION ON A DUAL POSITION FOR PUBLIC EMPLOYEES
RETIREMENT ASSOCIATION OF MINNESOTA**

WHEREAS, the policy of the State of Minnesota as declared in Minn. Stat. Section 353.63 is to give special consideration to firefighters who are required to perform hazardous work and who devote their time and skills to protecting the property and personal safety of others; and

WHEREAS, Minnesota Statutes Chapter 353 permits the governing body of a governmental subdivision to request coverage in the Public Employees Police and Fire Plan for all services rendered by an employee holding a fire service position that requires firefighting on a primary basis and related non-fire firefighting duties on a secondary basis; provided further, that none of the firefighting services rendered by the employee are earning credits in a relief association that operates under Chapter 424A; and

WHEREAS, for the governing body to declare to the Public Employees Retirement Association that a fire department position with dual roles is that of a firefighter who is eligible to participate in the Police and Fire Plan, the duties and training qualifications of the position and employee must meet the following minimum requirements:

1. The position requires and the employee holds a Firefighter I or Firefighter II state certification or meets equivalent training standards established by the SBM Fire Department; and
2. The primary services of the position are firefighting. Primary is understood to mean the highest priority task and a job requirement that the employee respond on a regular basis to the fire calls (and medical emergencies if applicable) that are received at the fire station to which the employee is assigned during the employee's established work hours.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Spring Lake Park, Minnesota that the City Council hereby declares that the position titled Firefighter/Fire/Housing/Code Inspector currently held by Walter Morris is for primary services that of a firefighter who qualifies for membership in the Police and Fire Plan; and

BE IT FURTHER RESOLVED that the City Council does hereby request that the employee holding this position be accepted as a member of the Police and Fire Plan effective the date of this employee's initial Police and Fire Plan salary deduction by the City of Spring Lake Park.

The foregoing resolution was moved for adoption by .

Upon roll call, the following voted aye:

And the following voted nay:

Whereupon the Mayor declared said resolution duly passed and adopted this 7th day of September, 2021.

Robert Nelson, Mayor

ATTEST:

Daniel R. Buchholtz, Administrator



Memorandum

September 7, 2021

To: Mayor and City Council

From: Chief Josh Antoine

Re: Officer Hiring Process/Sergeant Promotional Process

Mayor and City Council Members,

With the recent retirement's in the Police Department we have been very busy with the Officer's hiring process that the City Council approved on July 6, 2021. The Officer hiring process is progressing very well and we have a tentative date of September 9th, 2021 set for conducting interviews.

I also wanted to keep the council informed on our current Sergeant vacancy due to my promotion as Police Chief. I posted internally for the Sergeant promotion process on August 19, 2021 to create a list of interested officers and will start the promotion process immediately.

I will return with the results of the process to the City Council with my recommendation for this position when completed.

If there are any questions please do not hesitate to contact me.

CORRESPONDENCE

August 17, 2021

Daniel Buchholtz, City Administrator
City of Spring Lake Park
1301 81st Ave NE
Spring Lake Park, MN 55432-2188

Dear Mr. Buchholtz:

The U.S. Census Bureau has released 2020 Census counts for your community:

As of April 1, 2020, the City of Spring Lake Park had 3,026 housing units, 2,956 households, and 7,188 people (of whom 31 lived in group quarters facilities). Household size averaged 2.42 persons per household.

The Metropolitan Council is certifying these numbers in lieu of its annual population estimates for 2020, in accordance with *Minnesota Statutes* 473.24. These numbers will be the basis for redrawing legislative district boundaries and for allocating certain kinds of state funding, such as Local Government Aid and the Municipal State Aid Street program. The Council's estimates will resume in May 2022, when preliminary estimates for April 1, 2021 will be released.

This letter includes a detailed report with additional 2020 Census results as well as comparable numbers from the 2010 Census. The Census Bureau's initial release of data includes only the numbers necessary for redistricting; additional information will follow in the coming months, including the full age distribution and household types. They have not determined a release date for that additional data.

In January 2022, the Census Bureau's Count Question Resolution (CQR) program will begin. This provides a process for governments to request corrections to the official counts if they believe the Census Bureau used incorrect geographic boundaries or erroneously excluded some housing units from the data.

We encourage local governments to evaluate the 2020 Census counts within their jurisdiction and to participate in the CQR program if they detect potential issues in the data. Any successful CQR corrections will be incorporated into the Council's subsequent population estimates but will not affect redistricting, which is scheduled to occur before the Census Bureau rules on CQR requests. We will provide more details during technical assistance workshops to be offered later in 2021.

If you would like further information, please visit <https://metro council.org/census2020> or contact me. I can respond most promptly if you email me at Matt.Schroeder@metc.state.mn.us. If this is not possible, you can mail letters to Matt Schroeder, Community Development Research, 390 Robert St N, Saint Paul, MN 55101.

Sincerely,



Matt Schroeder
Principal Researcher

City of Spring Lake Park

Summary of 2020 Census Redistricting Data

Released August 12, 2021



The U.S. Census Bureau has released housing and population counts from the 2020 Census, a complete enumeration of the population as of April 1, 2020. Table 1 provides basic counts of housing units, households, and population for the City of Spring Lake Park.

Table 1: Counts of housing units, households, and population

	Housing units	Households	Total population	Population in households	Persons per household	Population in group quarters
2020 Census	3,026	2,956	7,188	7,157	2.42	31
2010 Census	2,795	2,672	6,412	6,394	2.39	18
Change, 2010-2020	+231	+284	+776	+763	+0.03	+13

Please note: To facilitate comparisons over time, all statistics provided here reflect community boundaries as they existed in 2020. For example, if a city annexed part of a township, then both communities' 2010 and 2020 numbers would reflect their 2020 jurisdictional areas. We also corrected published 2020 counts for a small number of communities where the Census Bureau's geographic files were incorrect. For more information, see the materials available at <https://www.metrocouncil.org/census2020>.

Race and Hispanic/Latino origin

Table 2 describes Spring Lake Park's population by race and Hispanic/Latino origin. BIPOC residents (Black / Indigenous / people of color) are 31.4% of Spring Lake Park's total population, compared with 31.2% for the seven-county Twin Cities region as a whole.

Table 2: Race and Hispanic/Latino origin, 2010 and 2020

Group*	2010 Census		2020 Census		Change, 2010 to 2020	
	Number	Percent	Number	Percent	Number	Percentage points
Total population	6,412	100.0%	7,188	100.0%	+776	NA
White, non-Latino	5,222	81.4%	4,928	68.6%	-294	-12.9
All BIPOC residents (Black / Indigenous / People of color)	1,190	18.6%	2,260	31.4%	+1,070	+12.9
Black or African American, non-Latino	243	3.8%	906	12.6%	+663	+8.8
Asian or Pacific Islander, non-Latino	325	5.1%	426	5.9%	+101	+0.9
Hispanic or Latino	379	5.9%	539	7.5%	+160	+1.6
American Indian or Alaska Native, non-Latino	49	0.8%	56	0.8%	+7	+0.0
Other race not listed above, non-Latino	15	0.2%	41	0.6%	+26	+0.3
More than one race, non-Latino	179	2.8%	292	4.1%	+113	+1.3

* - Group names are those used by the federal government; many people prefer different terminology. See additional notes below.

Race and Hispanic/Latino origin by age

As many have noted, the population under age 18 highlights how our future population will be increasingly diverse. Table 3 provides the same breakdown by race and Hispanic/Latino origin of Spring Lake Park's population under age 18 and age 18+.

Table 3: Race and Hispanic/Latino origin by age

Group*	Under age 18		Age 18+	
	Number	Percent	Number	Percent
Total population	1,491	100.0%	5,697	100.0%
White, non-Latino	753	50.5%	4,175	73.3%
All BIPOC residents (Black / Indigenous / People of color)	738	49.5%	1,522	26.7%
Black or African American, non-Latino	292	19.6%	614	10.8%
Asian or Pacific Islander, non-Latino	130	8.7%	296	5.2%
Hispanic or Latino	176	11.8%	363	6.4%
American Indian or Alaska Native, non-Latino	6	0.4%	50	0.9%
Other race not listed above, non-Latino	13	0.9%	28	0.5%
More than one race, non-Latino	121	8.1%	171	3.0%

* - Group names are those used by the federal government; many people prefer different terminology. See additional notes below.

About the data

- The above tables contain the official terms for race groups as defined by the U.S. Office of Management and Budget. We use these for consistency with the data as reported by the Census Bureau while emphasizing the following:
 - Each of the groups has considerable diversity within it. For example, the Black population includes both descendants of enslaved people and recent African immigrants, while the Asian population includes Asian Indian, Chinese, Hmong, and Vietnamese residents along with many other groups. Many people prefer to be called by those more specific cultural community names rather than the federal government's broad labels. The redistricting dataset does not allow for distinctions among communities within these race groups; please see the Council's Equity Considerations dataset (<https://metro council.org/Data-and-Maps/Research-and-Data/Place-based-Equity-Research.aspx>) for more information.
 - Many people prefer different language for these broad labels. For example, in place of "Latino," some use "Latino/a," "Chicano/a," or gender-neutral alternatives like "Latinx" or "Latine." And in place of "American Indian," some use "Native American" or "Indigenous."
- Several factors may complicate the comparison of 2010 and 2020 race data; you can find an overview at <https://www.census.gov/newsroom/blogs/random-samplings.html>.
- This data release contains only the numbers needed for redrawing legislative districts. Additional data, like household type and full age breakdowns, will be released later.

For additional information, please see our interactive maps and charts, available at <https://metrotransitm.n.shinyapps.io/census-2020>. This application provides data for all cities and townships in 1990, 2000, 2010, and 2020. You can access additional detail on people who identify more than one race and examine trends for areas *within* communities (census tracts and block groups).

We are happy to discuss any additional questions you have; please contact Research@metc.state.mn.us.



Minnesota Board of Peace Officer Standards and Training

1600 University Avenue, Suite 200
St. Paul, MN 55104-3825
(651) 643-3060 • Fax (651) 643-3072
www.post.state.mn.us

August 5, 2021

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

Dear Mr. Buchholtz;

The Minnesota Board of Peace Officer Standards and Training (POST Board) is the occupational regulatory agency charged with the vital responsibility of maintaining selection, education and licensing standards for the 415 Minnesota law enforcement agencies that employ over 10,500 peace officers across our state.

While the POST Board performs many functions, a significant portion of the POST's responsibility is dedicated to conducting "compliance reviews" of Minnesota law enforcement agencies to ensure they are meeting legislatively mandated training and department policies on Use of Force/Firearms training, Emergency Vehicle Operation and Pursuit Driving training and mandated departmental policies.

On 8/5/2021, a POST Board Standards Coordinator conducted a review at the Spring Lake Park Police Department. After a comprehensive review of their records concerning mandated employee training and department policies, I am pleased to inform you that your police department **passed the review**.

Ensuring all law enforcement agencies around the state are in compliance plays a pivotal role in maintaining the high level of professionalism we have enjoyed in Minnesota for many years and that professionalism translates into quality law enforcement services for the citizens of Minnesota.

Please take a moment to recognize your police department for this important accomplishment.

Sincerely,

A handwritten signature in black ink, appearing to read "Erik Misselt".

Erik Misselt
Executive Director

To keep our partners better informed of our activities in the district, we've committed to providing regular snapshots. This installment includes announcements and highlights of recently completed projects and programs.

ACD's mission is to: Holistically conserve and enhance Anoka County's natural resources for the benefit of current and future generations through partnership and innovation.

**Strong partnerships. Innovative solutions.
Healthy environments.**

1318 McKay Dr. NE, Suite 300, Ham Lake, MN 55304

Ph:763-434-2030

www.AnokaSWCD.org



Chloride Trends in the Rum River Watershed

The Metropolitan Council (MCES) put out a report on the trends of chloride in the Rum River Watershed. This report was based on data collected from 2001 to 2019 by both the MCES and Anoka Conservation District. Chloride concentrations have been rapidly rising in many waterbodies, including shallow aquifers, throughout Minnesota. This is a worrying trend because chloride is a permanent water pollutant that is toxic to fish, aquatic bugs, and amphibians. The main sources of chloride pollution in Minnesota comes from livestock excreta, household water softening, synthetic fertilizer, and de-icing salt. Chloride concentrations can be greatly affected by other factors like season, precipitation, and streamflow. During the winter months, concentrations rise with the use of approximately 400,000 tons of de-icing salt on Twin Cities' roads. Precipitation and streamflow also affect the concentration by dilution during high flow and precipitation years and concentration during low flow and precipitation years.

Luckily, the MCES found that concentrations of chloride are generally low in the Rum River. Chloride was increasing from 2001 to 2012 but has remained stable since 2012. Although this is a good sign, climate change is creating a wetter, warmer climate in Minnesota. This will greatly affect the freeze-thaw cycle and will have an unpredictable affect on pollution dynamics. Understanding how pollutants like chloride can affect Minnesota's waterways is an important step in keeping our waterways clean.

ACD Contact: Mollie.Annen@AnokaSWCD.org

Restoring Hydrology and Wetland Habitat at Cedar Creek Conservation Area

The Anoka Conservation District, US Fish and Wildlife Service, and Anoka County Parks are collaborating to restore hydrology and enhance five acres of wetland and one acre of upland prairie at Anoka County Park's Cedar Creek Conservation Area. Two wetland basins were enhanced by installing sheet piling ditch plugs and adding fill material in a private ditch that was draining the wetlands. A berm to prevent water from entering the ditch was constructed to enhance a third wetland basin. Non-native reed canary grass biomass and root sod was scraped from these wetland basins and used to fill the ditch. Construction is complete and vegetation management will occur on these three basins and two additional basins in the area for the next five years using funds from the Lessard-Sams Outdoor Heritage Council. The goal is to convert these once drained wetlands that were dominated by reed canary grass to wetlands with native vegetation and greater water holding capacity. This will provide benefits to water quality and improve wildlife habitat.



See additional photos on our blog here:

www.anokaswcd.org/blog/restoring-hydrology-and-wetland-habitat-at-cedar-creek-conservation-area

ACD Contact: Carrie.Taylor@AnokaSWCD.org

Coon Lake Lakeshore Restoration – One Year Later

One year ago, ACD partnered with the Sunrise River WMO and a homeowner on Coon Lake to restore a damaged and degraded shoreline to improve water quality and lakeshore habitat, as well as promote native plant diversity and pollinator habitat. The shoreline was degraded by waves and ice, mowing of turf grass to the water's edge, and further damaged by tunneling muskrats. To correct these issues, the shoreline was regraded to a more gentle approach to the water, a muskrat deterrent was buried along the shoreline, and turf grass was replaced with native plants ranging from aquatic-emergent at the water's edge, to upland plants further up the bank.

The project was installed in July of 2020, and despite the recent drought, has flourished after one year of growth. Creating a diverse, native lakeshore can often be as simple as no longer mowing turf grass near the water's edge and planting native shoreline plants to create a more natural buffer area. The Anoka Conservation District can offer technical assistance to any landowner interested in creating a more beneficial shoreline, and oftentimes can bring financial assistance to a project as well.

ACD Contact: Jared.Wagner@AnokaSWCD.org



Before



During Planting



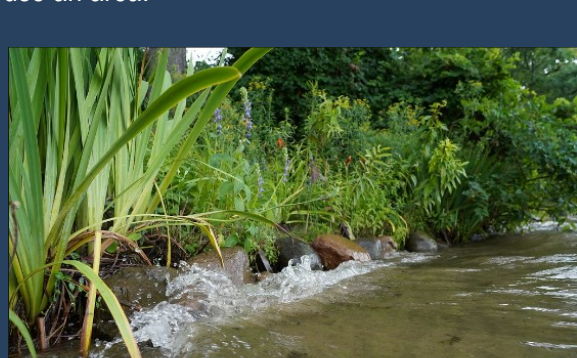
One Month Later



One Year Later

I Used to Mow There ... and Now it's Gone

"See that tree. I used to mow two passes between that tree and the shoreline. Now the tree is in the water." It's a common observation we hear from shoreland landowners. The erosion itself is slow enough that we can't see it immediately. But over time it becomes clear that erosion was happening all along. One measure of land lost is recalling how we used to use an area.



It's striking that the most common measure of erosion is "where we used to mow." Perhaps, it's part of the cause. As a general rule, many grasses have roots as deep as the plant is tall. That means mowed turf has 1-2" deep roots that afford little erosion protection.

As a simple way to slow shoreline erosion, consider an unmowed buffer at the water's edge. It's understood that this may not be feasible in dock, beach, or other active use areas. But in other areas, just let it grow or intentionally plant it with desirable native vegetation. ACD staff can help. Just give us a call.

ACD Contact: Jamie.Schurbon@AnokaSWCD.org

Linwood Lakers Trying Out Native Shoreline Plants

"Try it, and you'll like it. The first one's free." A free trial can be just what's needed to break through to new customers. At this year's Linwood Lake Improvement District distributed picnic, 100 native shoreline plants to be planted all around the lake at around 20 different properties.

Native plants can mean "weeds" to some folks. Or just out of the comfort zone. But the right plant in the right place is beautiful and effective. On shorelines there are a variety of native plants that are the perfect choice – beautiful, strong, and well-adapted to the wet. Good habitat too. They're key to a stable shore and healthy lake.

Thanks to Prairie Restorations, Inc who provided the giveaway plants. ACD offers technical help and grants for those wanting to do a larger shore stabilization or buffer project.

ACD Contact: Jamie.Schurbon@AnokaSWCD.org



Riverbank Stabilization Project

Construction to Begin in

Mississippi River

Community Park



The riverbank stabilization project in Mississippi River Community Park will begin this month. The current schedule forecasts project completion in early October and includes the general process outlined below.

- Clearing and grubbing – Existing vegetation will be removed within areas that will be regraded to achieve a stable slope.
- Erosion control – Protections will be put in place to prevent exposed soil from leaving the site during construction.
- Excavation and riprap placement – This is the primary step in the stabilization process. The steep slopes will be regraded, and riprap will be placed at the bottom of the slope within the zone of frequent water level fluctuation.
- Planting – The regraded slope above the riprap will be stabilized with native vegetation. Seed mixes, plant plugs, shrubs, and trees will all be planted.

The project is funded by a Clean Water Fund grant, a Watershed Based Funding grant, and match from the City of Anoka. Watch for more updates from ACD and the City of Anoka as the project progresses.

ACD Contact: Mitch.Haustein@AnokaSWCD.org





AGENDA

SUPERVISOR REGULAR BOARD MEETING
1318 MCKAY DR. NE SUITE 300 HAM LAKE
MONDAY, AUGUST 16, 2021 5PM

Remotely Join ACD Board Meeting:

We are attempting a new technology to provide the option for the public and partners to join our monthly meetings remotely, while the Board meets on-site. If you are interested in attending remotely, please contact

Kathy.Berkness@AnokaSWCD.org

4:30 Supervisor Training: Mitch Haustein – Lower Rice Creek Subwatershed Retrofit Analysis

5:00 - Regular Meeting – START RECORDING THE MEETING

Public Comments

Approve the August Agenda - Call for additions, deletions, or transferring consent agenda items to the regular agenda

Consent Agenda

- A. Approval of Regular Board Meeting Minutes
- B. Review of Staff Activity Reports and Programs
- C. Approval of July Financial Reports

Committee Meeting

- D. Personnel Committee Meeting – District Technician Interviews

New Business Informational Items

- E. Partner Report
- F. Watersheds

New Business-Action Items

- G. Anoka County Weed Stick Payment
- H. Approve Entering into ASP 7 Grant Agreement
- I. Lawns to Legumes Cost Share Payments
- J. Riparian Pollinator Cost Share Payment
- K. Cedar Creek Conservation Area Payment Approval
- L. Martin Lakeshore Stabilization Deed Restriction
- M. Revetment Installation Agreements – City of Andover
- N. Well Sealing Contract
- O. Well Sealing Cost Share Payment

Additions

- P.
- Q.
- R.
- S.
- T.
- U.

Pay Bills

FYI /Meetings

- Pick Day for Employee and Supervisor Fall Tree Planting at Mississippi Community Park– Late October
- Pick MASWCD Outstanding Conservationist – September 20
- August 25, MCD Virtual Meeting – Time TBD
- September 6 – Labor Day Holiday
- ~~September 15 Canceled~~– Area IV Meeting and Tour details TBD
- September 20 – ACD Board Meeting Office in Ham Lake 5pm
- December 12-14 - MASWCD Convention – Double Tree in Bloomington



BOARD MEETING MINUTES

DATE: JULY 19, 2021

TIME: 5:00 PM

LOCATION: ACD OFFICE: 1318 MCKAY DR NE
HAM LAKE MN 55304

Members Present: Mary Jo Truchon, Chair
Jim Lindahl, Vice Chair
Sharon LeMay, Secretary
Glenda Meixell, Treasurer
Colleen Werdien, Supervisor

Others Present: Chris Lord, District Manager
Kathy Berkness, Office Administrator
Chris Hogge, NRCS District Conservationist (off-site)

Chair Truchon Called the meeting to order 5:08pm

Public Comments – None.

Approve the July Agenda - Call for additions, deletions, or transferring consent agenda items to the regular agenda. Noted as additions: item (P) Pay the Bills (Q) Martin Lake Stabilization Cost Share Grant Application (R) Rum 1W1P Review Process (S) Cedar Creek Conservation Area Habitat Enhancement (T) Rum River OHF WCD Engineering Invoice (U) 2021 RCWD Agreement Amendment (V) Mississippi Riverbank Stabilization 6746 137th Ave NE (X) Supervisor Increase in Per Diem (Y) Anoka County Budget Request.

- Meixell moved to approve the amended July Agenda. Lindahl seconded the motion.

There was a lengthy discussion regarding the order of agenda and consent agenda approval.
All ayes, motion carried.

Consent Agenda

A. Approval of June Minutes

B. Review of the Staff Activity Reports

C. Approval of the June Financial Reports

- Lindahl moved to approve the consent agenda. Werdien seconded the motion. All ayes, motion carried.

New Business-Action Items

D. Sunrise Chain of Lakes Payment Voucher Revision

The Board reviewed a memo prepared by Watershed Projects Manager Jamie Schurbon regarding a revision of a previous Sunrise Chain of Lake voucher. At the April 2021 ACD Board meeting, payment to WSB and Associates for \$6,629.25 for Linwood Lake carp seining was approved. Lord stated that the revision was due to an Anoka County AIS prevention grant that would pay for some of the carp seining thus less would be needed in CWF grant funds.

- Meixell moved to authorize revision of the payment voucher for the \$6,629.25 payment of invoice "R-017420-000-2" dated 3/17/2021 to WSB for services provided to under the 2021 Sunrise River Chain of Lake Carp Management Services contract. As revised, the payment voucher will show use of \$3,750 Anoka County AIS grant funds and match from the Linwood Lake Association and the balance paid by BWSR CWF grant C20- 5613. Werdien seconded the motion. All ayes, motion carried.

E. Lake George Reed-Boniface Shoreline Stabilization

The Board reviewed a memo regarding the Reed-Boniface stabilization project payment. Lord stated that ACD staff furnished the materials, installed the project, and invoiced the landowner.

Schurbon's memo shifts funds between WBIF and District Capacity and authorizes ACD to receive grant funds to cover time and materials.

- Meixell moved to unencumber \$1,116.85 from the 2021 Rum Metro WBIF grant for Lake George, Reed-Boniface Shoreline 2021 project. Encumber the \$937.65 from the 2019 District Capacity Shoreline Stewardship grant for the same project. LeMay seconded the motion. All ayes, motion carried.
- Lindahl moved to authorize ACD to receive \$937.65 of 2019 District Capacity Shoreline Stewardship grant funds for ACD-provided materials and ACD installation of the Lake George, Reed-Boniface Shoreline 2021 project. Owner to pay the remainder. Werdien seconded the motion. All ayes, motion carried.

F. Aqua Weed Stick Reimbursement

The Board reviewed a memo prepared by Outreach and Engagement Coordinator Emily Johnson regarding reimbursement to Anoka County for work and material related to the Aqua Weed Stick Grant. Lord explained that Johnson was contacted by Anoka County Parks Aquatic Invasive Species Coordinator about this grant and suggested that ACD apply for it. If the County applied it would take too long as there are many hoops to jump through. Lord provided detail to the Board about the various locations of the Aqua Sticks.

- Lindahl moved to approve the reimbursement payment of \$3,959.40 to Anoka County Parks. Meixell seconded the motion. All ayes, motion carried.

G. Lawns to Legumes Reimbursements and Authorization to Sign the Financial Report

The Board reviewed a memo prepared by Restoration Ecologist Carrie Taylor related to Lawns to Legumes reimbursements along with the BWSR financial report generated to request reimbursement.

- Werdien moved to reimburse the cost share participants as outlined below and to authorize Truchon to sign the enclosed BWSR eLink financial report. Meixell seconded the motion. All ayes, motion carried.

L2L-2020-21-Anoka-Otto	\$178.00
L2L-2020-2-Coon Rapids-Geyer	\$148.90
L2L-2020-7-Fridley-Hanson	\$419.78
L2L-2020-3-Anoka-Ryden	\$750.00
L2L-2020-16-Fridley-Jordan	\$227.28
L2L-2020-18-Fridley-Carter	\$750.00

H. Riparian Pollinator Cost Share Contract

The Board reviewed a memo prepared by Taylor requesting approval for a District Capacity Riparian and Lakeshore Pollinator Habitat Cost Share. Lord explained that some of the projects will be paired with stabilization projects and be utilizing various pots of money.

- Meixell moved to approve the Riparian Pollinator Project as listed below. Lindahl seconded the motion. All ayes, motion carried.

Cost Share Budget	Landowner Cash	Landowner In Kind	District Capacity	Total
2021-Riparian Pollinator-Mississippi Kinney	\$1,000.00	\$500.00	\$4,500.00	\$6,000.00

I. 2020 Year-end Finances Approval Subject to audit.

Lord provided detail to the Board about the structure of the 2020-year end finances stating that that the finances are almost complete but he still needs the pension numbers provided by Peterson. Lord highlighted within the report the PERA numbers he is waiting for, stating they do not affect the bottom line. Werdien asked about the structure of PERA in which Lord provided

detailed information. All material requested has been provided to Peterson to move forward with the audit. Lord provided a breakdown of the structure of the financial statements.

- Werdien moved to approve the 2020 Financials subject to audit. Meixell seconded the motion. All ayes, motion carried.

J. Martin and Coon Lake Retrofits Contractor Payment

The Board reviewed a memo prepared by Schurbon requesting approval to pay Blackstone Contractors for their completed construction of a Rain Garden installed in East Bethel.

- Meixell moved to approve payment of \$6,688.28 to Blackstone Contractors, LLC for pay application 2 dated 6/18/2021 for the contract entitled "One curb-cut rain garden at 4417 Channel Lane East Bethel, MN and Stormwater pond renovations at 228th Place and 230th Ave in Linwood Township, MN." Lindahl seconded the motion. All ayes, motion carried.

K. Well Sealing Contract Approval

The Board reviewed a memo prepared by Water Resource Technician Kris Larson requesting approval of well sealing contracts. Lord explained that he expects to see at least two bids for each project. Larson was contacted via speaker phone. Larson that additional quotes were mistaken omitted from the table. The suggested grant awards are calculated at 60% of the lowest quote considering all quotes received.

- LeMay moved to approve the Well Sealing Cost Share Contracts listed below. Werdien seconded the motion. All ayes, motion carried.

Activity Name	Bastian Well Service Inc.	Mahnke Well Service	Barott Drilling	Bergerson-Casewell Inc.	Grant Match 60% for resident cost share
CWFWS-2020-5-Spring Lake Park-Nelson (Renewal of Contract)	\$950.00			\$1,220.00	\$570.00
CWFWS-2021-20-Blaine-Hayes			\$1,175.00		\$438.60
CWFWS-2021-21-Coon Rapids-Remick	\$575.00				\$345.00

L. Well Sealing Cost Share Payment

The Board reviewed a memo prepared by Larson requesting approval for well sealing cost share reimbursements. Lord explained staff has done many direct mailings to landowners and it has been extremely hard to get the ball rolling. Many landowners do not know they have a well on the property. Some other marketing ideas discussed by project coordinators are door knocking and passing out flyers at churches.

- Meixell moved to approve reimbursement for Well Sealing Cost Share Contract listed below. LeMay seconded the motion. All ayes, motion carried.

Activity Name	Budget		Remaining Budget
	Reimbursement Amount	Total Project Cost	
CWFWS-2021-15-Centerville-Laidig Sean Laidig	\$ 1,125.00	\$ 2,141.00	
CWFWS-2021-18-Circle Pines-Walker Doreen Walker	\$ 480.00	\$ 800.00	\$ 173,096.30
			\$ 172,616.30

M. Request for GIS Certificate Course Tuition Reimbursement

The Board reviewed a memo prepared by Larson requesting partial reimbursement for a series of advanced online GIS courses. The Board discussed what the current policy is and how it needs to be refined in the handbook. Lord explained the Larson inquired with him about the tuition reimbursement and Lord advised him to complete a request to bring to the board. Larson is going to cover a vast majority of the tuition. Lord explained ACD has not had an employee request tuition reimbursement but the policy outlines that a grade level of "C" is needed along with Board approval. The Board discussed various permutations of providing paid time for doing the courses, tuition reimbursement, and utilization of ACD facilities when completing the courses.

- Werdien moved to authorize a total of \$1,000 in Tuition reimbursement over two years. Meixell seconded the motion. All ayes, motion carried.
- LeMay moved to authorize Larson to use ACD equipment and District facilities when in online class, in addition to ACD paying for 1 hour per week towards coursework. Lindahl seconded the motion. Werdien opposed. LeMay, Lindahl, Truchon and Meixell ayes, motion carried.

The Board directed Lord to include an edit in the handbook of a tuition cap of \$500 per year per employee for future consideration and action.

New Business – Informational Items

N. Partner Report (Covered after item c)

Chris Hogge provided the Board with an overview of the NRCS report. Hogge mentioned he enjoyed meeting with Outreach and Engagement Coordinator Emily Johnson regarding the small farming operation.

Werdien inquired about the NRCS Local Work Group Meeting on July 29, asking if all members should attend. Lord explained ACD has always had the local work group meeting in conjunction with the Board meeting. Having it separate meeting is a little tricky because if all the members attend there will be a quorum. All members can participate as Johnson could create an online survey for the Board to get input needed. Both Werdien and LeMay stated they would attend the work group meeting on the 29th.

O. Watershed Meetings

The Board discussed watershed organization meeting attendance as follows:

- Jim Lindahl; CCWD Advisory Committee Meeting –No Meeting
- Sharon LeMay; Lower St. Croix 1W1P – No Meeting
- Glenda Meixell; Attended the MWMO Citizens Advisory Meeting & the MCD Meeting (virtual)
- Collen Werdien LRRWMO & Rum River 1W1P – Attended the Virtual Meetings for the LRRWMO and Rum River 1W1P

Additions

P. Pay Bills (covered after item Y)

- Meixell moved to approve electronic payments EP1480- EP1495 & DD2155-DD2192 & check numbers 15463-15508 noting the void of previously approved check of 15452. Werdien seconded the motion. All ayes, motion carried.

Q. Martin Lake Stabilization Cost Share Grant Application

The Board reviewed a memo and cost share material for a Martin Lakeshore stabilization cost share grant. Residents Julia Beckstrom and Bob Arvold have applied for cost share funds for a Martin Lakeshore stabilization at their property. The project replaces a failing retaining wall with rip-rap and creates a large shoreline native plant buffer. It also includes a small aquatic planting.

The applicants received two bids for the contracting. Werdien questioned if ACD knows anything about the organizations providing the quotes. Lord explained that he had not heard of either company but is less concerned as ACD provides detailed design that enable us to hold any contractor accountable to install the desired final project. ACD will be overseeing construction. It has been hard to get bids as contractors are busy.

- Lindahl moved to award a \$13,238.81 cost share grant to the Martin Lake, Arvold/Beckstrom shoreline 2021 project. Encumber an equal amount of 2019 District Capacity funds for this project. Authorize the Chair to sign the project contract. Werdien seconded the motion. All ayes, motion carried.

R. Rum River 1W1P

The Board reviewed a memo prepared by Schurbon outlining the Rum River 1W1P Review process. Lord explained the timeline.

- LeMay moved to authorize ACD's representative on the Rum River 1W1P Policy Committee (Supervisor Werdien) or alternate (Supervisor Lindahl) to vote on behalf of ACD regarding sending the draft plan out for official 60-day review. Werdien seconded the motion. All ayes, motion carried.

S. Cedar Creek Conservation Area Habitat Enhancement

The Board reviewed a memo and cost share material prepared by Taylor. Lord outlined the bulleted restoration activities. Lindahl pointed out on the map where the property is located.

- Werdien moved to award the Cedar Creek Conservation Area Habitat Enhancement Contract to Minnesota Native Landscapes. Their quote is within the grant budget and they are qualified for this project and have appropriate equipment. Total compensation to MN Native Landscapes will not exceed \$14,000. Meixell seconded the motion. All ayes, motion carried.

T. OHF Rum Riverbank Stabilization Grant – WCD Invoice #2

The Board reviewed a memo prepared by Water Resource Specialist Jared Wagner regarding payment to WCD for engineering services.

- Werdien moved to approve payment of \$683.01 for WCD invoice #5302 (project invoice #2) for engineering services provided under the WCD-ACD Technical Services Agreement for Rum Riverbank stabilization projects. Meixell seconded the motion. All aye, motion carried.

U. RCWD 2021 Technical Services Agreement Amendment

The Board reviewed a memo and amendment prepared by Stormwater and Shoreland Specialist. Lord explained the amendment provides ACD with an additional \$10,000 to design and construction oversight at six sites in Fridley in conjunction with a street reconstruction project.

- Werdien moved to authorize the Board Chair to execute the 2021 service agreement amendment with the Rice Creek Watershed District. Lindahl seconded the motion. All ayes, motion carried.

V. McKay Enhancements and Maintenance Update

The Board reviewed an update to the budgeted work on McKay in 2021 as listed below. Lord provided a very detailed outline.

Task	Budget	Spent	Anticipated	Description	Update
Paint Common Area 1318	\$2,000	\$0	\$1,000	Touch up worn common areas	To be done by staff when moving into Suite 400.
Flooring Common Area 1318	\$5,000	\$0	\$2,500	Install carpet tiles in all but offices	Getting quotes
Suite 200 Enhancements	\$5,000	\$4,700	\$9,000	Include paint, flooring, cabinets, plumbing, electrical, drywall	Add closet in 200 and 250 and kitchenette in 250 also.
AC Units 1328	\$13,000		\$5,000	Replace AC condensers	Only 1 of 2 units being replaced this year. Push second to 2023
Deck 1328	\$10,000	\$7,461	\$8,500	Maint free deck with ramp and no stairs	Most materials on hand. Staff to build in fall.
Lower Level Walkway	\$0	\$0	\$7,000	Install walkway from upper level to stairs	Scheduled for 2022 but may be needed this winter for safety.
	\$35,000		\$33,000		

W. Mississippi Riverbank Stabilization 6746 137th Ave NW

The Board reviewed a memo and correspondence pertaining to a Mississippi Riverbank Stabilization Project. Werdien pointed out that the residents in the memo applying for cost share funds on the Mississippi are the same as the residents who applied for cost share funds on Martin Lake covered earlier on the agenda. Lord called Schurbon and put him on speaker phone to clarify who exactly are the project participants. Schurbon clarified the participant as Carrie Paaverud stating the motion in the memo outlines the correct person and forgot to update the project participants at the beginning of the memo. The Board reviewed and discussed details of the project with the consensus that there were too many unresolved variables to make a decision. No action taken.

X. Increase Board per diem

The Board discussed new legislation allowing for supervisor per diem up to \$125 per day. After much discussion it was decided that the new increase of \$125 would be used for all meetings instead of the two tiered system currently used. The following language was developed for incorporation into the handbook effective August 1, 2021.

Supervisors will receive per diem for attending meetings/activities related to district business as follows.

- *Total daily compensation for a supervisor is limited by state statute to \$125.*
- *In order to be compensated, Board approval is required for activities other than attendance of board meetings, committee meetings, Board workshops, and other assigned duties.*
- *Compensation for trainings, events and workload assistance require Board approval.*
- *Stopping at the office to sign checks or for other non-meeting purposes does not warrant compensation, although mileage reimbursement is allowed"*
- Werdien moved to approve the updated alterations to the supervisor per diem policy updated as listed above. Lindahl seconded the motion. All ayes, motion carried.

Y. Anoka County Budget Request

The Board reviewed the budget request to the County. Lord pointed out the first part that the first page is a summary table of revenues and expenses using the county provided template.

The cover letter is a little different than past cover letters and more direct. Lord stated that he will forward the budget request and justification to legislators as it directly relates to our discussions about limited levy authority. LeMay inquired if Lord had met with representative Bahr. Lord stated Bahr has not responded and work with Senator Abeler's staff has stalled. Lord pointed out the difference in per capita levy ACD receives from the County compared to the WMO's and Watershed Districts. To cover operational expenses, ACD has received 41 cents per capita for the last 21 years.

- Meixell moved to approve the budget request as presented. Werdien seconded the motion. All ayes, motion carried.

The Board reviewed the FYI meetings.

FYI /Meetings

- August 11, Personnel Committee Meeting – Time TBD
- August 16, ACD Board Meeting Office in Ham Lake 5pm
- September 17 – Outstanding Conservationist Submission Deadline
- December 12-14 - MASWCD Convention – Double Tree in Bloomington
- Anoka County WROC Events - Go to Anoka SWCD website Click on "Outreach" then "Events" from Dropdown (direct link: <https://www.anokaswcd.org/index.php/educational/events.html>)
- Lindahl moved to adjourn at 8:12pm. Meixell seconded the motion. Five ayes, (Werdien, LeMay, Lindahl, Meixell, Truchon), no abstentions, no nays. Motion carried.

Prepared by Kathy Berkness, Office Administrator

Date

Approved as to form and content by Mary Jo Truchon, Chair

Date



MEMORANDUM

To: North Metro Telecommunications Commission
From: Mike Bradley, Michael Athay, and Tou Xiong
Re: August 2021 Legal Report
Date: August 4, 2021

Mike Bradley Selected to Super Lawyers

Mike Bradley was recently selected as a top-rated communications lawyer in Minnesota by [Super Lawyers](#). 2021 is the third consecutive year Mike has received this distinction. Super Lawyers is a rating service of outstanding lawyers from more than 70 practice areas who have attained a high-degree of peer recognition and professional achievement. The rigorous selection process includes independent research, peer nominations and peer evaluations.

Tou Xiong Joins Bradley Law

Bradley Law, LLC is pleased to announce that [Tou Xiong](#) has joined our law office. Prior to joining Bradley Law, LLC, Mr. Xiong was a non-profit executive director in Minneapolis. He brings vast experience in local and state government as a former city elected official and a current member of the Minnesota state legislature. He will be working with Mike Bradley, Michael Athay on municipal telecommunications matters.

Cable Franchising Appeal – Sixth Circuit Denies Petitions for Rehearing

On July 12, 2021, our firm filed a Petition for Panel Rehearing to the original panel that decided [City of Eugene v. FCC \(6th Cir. 2021\)](#) on May 26, 2021. We argued that the Court made an error of law and fact in describing noncash franchise requirements as “exactions” and therefore franchise fees. Two other municipal groups filed petitions for rehearing. All three petitions were denied summarily on August 3, 2021. The parties to the appeal may now petition the United States Supreme Court for a writ of certiorari. That decision will be made in the next couple of weeks.

First Circuit Upholds Maine Cable Law

On August 3, 2021, the First Circuit of the United States Court of Appeals affirmed the United States District Court of Maine in upholding a 2019 Maine cable law. *See NCTA v. FCC* (1st Cir. 2021). The law required that all cable operators provide Public, Educational and Governmental (“PEG”) channels on the basic service tier near local broadcast channels, that PEG channels be carried in high definition (“HD”), that cable operators provide electronic programing guide information for PEG channels; and that every cable operator comply with new line

extension requirements. This decision will impact cable franchise laws and agreements across the country.

Senate Infrastructure Bill Text Addresses Broadband Availability and Digital Inclusion

The text of the “Infrastructure Investment and Jobs Act” was released by the Senate over the weekend, with much that is intended to address broadband availability and digital inclusion. The text draft as of August 2 is available [here](#). The bill was created by a bipartisan working group of senators. The Senate began debating it over the weekend and may vote on it as early as the end of this week. The proposed spending totals nearly \$1 trillion, with \$65 billion set aside specifically for broadband and digital inclusion.

Funding allocations in the bill that are relevant to broadband availability and digital inclusion include:

Digital Equity Act: \$2.75 billion (over 5 years)

- \$60 million for state planning grants
- \$1.44 billion for state implementation grants
- \$1.25 billion (\$250 million a year for 5 years) for competitive grant program.

Broadband Grants for States, DC, Puerto Rico & Territories: \$42.5 billion

- The National Telecommunications and Information Administration (NTIA) will manage this new program. Broadband deployment funds will be issued as block grants to states with NTIA defining the rules.
- States can use grant funds for digital equity, as well as broadband deployment, including deploying affordable networks in low-income, multi-family buildings, and promoting broadband adoption
- Deployment grant recipients (ISPs) must offer a ‘low-cost’/affordable plan for consumers.

Emergency Broadband Benefit Program: \$14.2 billion

- The EBB Program is extended and amended, including changing the name to the “Affordable Connectivity Program,” to pave the way for a permanent program
- All internet service plans are required to be eligible for the Affordable Connectivity Program
- The program benefit is reduced to \$30/month
- Eligibility for the program is increased from 135% of poverty line to 200% of the poverty line.

Tribal Connectivity Program: \$2 billion

- Extends the Tribal Connectivity Program created by Congress in the Consolidated Appropriations Act, 2021.

Middle Mile Connectivity: \$1 billion

- The bill creates a grant program at NTIA for expanding middle mile access to help connect unserved anchor institutions and make last-mile buildout to unserved households easier and cheaper.

Digital Discrimination

- The bill directs the FCC to adopt rules addressing “digital discrimination” (redlining) within two years.

Klobuchar, Grassley Introduce Legislation To Expand Access To Rural Broadband

Sens. Chuck Grassley (R-Iowa) and Amy Klobuchar (D-Minn.) introduced the [*Assisting Broadband Connectivity Act*](#) in the Senate on July 13, 2021. The bipartisan bill is intended to streamline the funding process and remove barriers for broadband connectivity in hard-to-serve rural areas. The Act will make changes to the rural broadband programs at the U.S. Department of Agriculture (USDA) to prevent areas being automatically ineligible for federal funding because the project previously received state funding. Also, states will be able to use federal funds, such as COVID aid, for broadband, fulfilling their requirement in most applications to match federal dollars. The result will be more coordination and funding availability for broadband projects. “This legislation will help bridge the digital divide by ensuring states are able to access the funding they need to provide broadband service in rural and low-income communities.” Klobuchar said.

FCC Authorizes First \$311M in Rural Digital Opportunity Fund Auction Funding

The FCC announced on July 26 that it is ready to authorize over \$311 million in winning bid broadband funding to 36 states from its Rural Digital Opportunity Fund (RDOF) Auction. The auction allocated \$9.2 billion for rural broadband buildouts over the next 10 years.

Full Story: [Next TV/Multichannel News](#)

U.S. Supreme Court Rejects Local Government Appeal of FCC’s 2018 Small Cell Declaratory Ruling

On June 28, 2021, the U.S. Supreme Court denied the [Petition for Writ of Certiorari](#) filed by local governments seeking review of the 9th Circuit’s decision upholding portions of the FCC’s 2018 [Declaratory Ruling](#) related to small wireless facilities deployed in the rights of way. Local governments and their advocacy associations, including NATOA, will continue press for relief at the FCC level, where Acting Chairwoman Rosenworcel has expressed lack of support for the FCC Ruling.

Updated Treasury FAQs on ARPA Funds

The week of July 19, the Treasury Department issued more revisions to the FAQs on use of Coronavirus State and Local Fiscal Recovery Funds authorized in the American recovery Plan Act (ARPA), found at <https://home.treasury.gov/system/files/136/SLFRPFAQ.pdf>. The updated guidance clarifies that the “businesses” that can be connected to broadband using these ARPA

Funds “broadly includes” non-residential broadband users, including, among others, schools, libraries and public safety organizations. The relevant FAQ, which restates the basic rule for using the funds for “underserved” businesses and households, reads:

6.16. May Funds be used to build or upgrade broadband connections to schools or libraries?

As outlined in the IFR [Interim Final Rule], recipients may use Fiscal Recovery Funds to invest in broadband infrastructure that, wherever it is practicable to do so, is designed to deliver service that reliably meets or exceeds symmetrical upload and download speeds of 100 Mbps to households or businesses that are not currently serviced by a wireline connection that reliably delivers at least 25 Mbps download speed and 3 Mbps of upload speed. Treasury interprets “businesses” in this context broadly to include non-residential users of broadband, including private businesses and institutions that serve the public, such as schools, libraries, healthcare facilities, and public safety organizations.

By way of background, the Treasury Department released its [Interim Final Rule](#) on May 13, 2021, conditioning use of the ARPA funds for broadband infrastructure, but providing “flexibility” for state/local decisionmakers and allowing use of funds for broadband and digital inclusion projects. Treasury has since released a series of FAQs, at the link above, that provide more clarity on broadband uses of ARPA funds.

Regulators Deny Centurylink's Bid To Change Landline Rules

The Minnesota Public Utilities Commission unanimously rejected CenturyLink’s petition to ease rules on landline service repairs, saying those customers should not suffer because most people have switched to broadband. The decision was issued July 22. CenturyLink is Minnesota’s largest landline telephone provider. It had petitioned the Commission to eliminate two 1983 regulations covering customer service response times. CenturyLink claimed the current rules were getting in the way of broadband deployment, but the Commission questioned its premise that implementing broadband was inconsistent with its service obligations to landline customers. The Minnesota Attorney General’s Office and Department of Commerce both recommended against the change.

FAIR Act Could Lead To Expanding USF Contributors To Include Big Tech

The Funding Affordable Internet with Reliable (FAIR) Contributions Act would direct the FCC to study expanding the base of contributors to the Universal Service Fund (USF). The effect could be to expand the contribution pool to include providers of internet based services such as Netflix, Google, and other “big tech” companies. The FAIR Act would direct the FCC Direct the FCC to issue a Notice of Inquiry seeking public comment on the feasibility of collecting USF contributions from such internet-based service providers, and issue a final report within 180 days. The FCC would be required to consider, among other things, possible sources of revenue, such as digital advertising and user fees; the impact for Tribal, low-income, and elderly consumers; and the changes to current law necessary to implement this system. Sponsors are Sens. Roger Wicker, R-Miss., Shelley Moore Capito, R-W.V., and Todd Young, R-Ind. Full story: <https://www.telecompetitor.com/fair-act-would-task-fcc-with-studying-if-netflix-google-others-should-pay-into-usf/>.

Bills in U.S. House and Senate Bills Would Mandate Broadband Studies

The National Broadband Plan for the Future Act of 2021 ([S. 279](#); [H.R. 870](#)), introduced by Sen. Markey (MA) and Rep. Eschoo (CA), requires the FCC to update the National Broadband Plan. The Measuring the Economic Impact of Broadband Act of 2021 ([S. 326](#)), introduced by Sen. Klobuchar (MN), would require the Secretary of Commerce to conduct an assessment and analysis of the effects of broadband deployment and adoption on the economy of the United States.

YOUR IMPACT CHANGES LIVES

**STEPPING
Stone**
ending homelessness



COME *fore*
THE PARTEE
STAY *fore*
THE PURPOSE

Thursday, September 9

shotgun start 11:30 am

The Refuge Golf Club

21250 Yellow Pine St NW
Oak Grove, MN

PARTEE *fore* A PURPOSE
Golf • Dinner • Sponsor

Register at SteppingStoneEH.org

JOIN US FOR AN AMAZING DAY

Have you reserved your spot for the ParTee?

Stepping Stone's annual golf tournament, ParTee Fore A Purpose, is coming up soon!

Join us for golf and dinner all while making an impact on the success of our residents who are actively striving towards self-sufficiency. Your participation and support are an integral part of our residents' success!

Golf registration includes a boxed lunch, dinner, and two drink tickets.

Registration Options:

- Foursome - \$450
- Twosome - \$225
- 18-Hole Single - \$125
- Dinner Only - \$25

Add-ons include mulligans, eagles, punch board, raffle tickets, and more!

Register online at SteppingStoneEH.org or scan the QR code.

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All Five Sponsorship Levels Include:

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Self-Sufficiency - \$5,000
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Education - \$250

ONLINE AUCTION!

This year the ParTee silent auction is online!



Place your bid on specialized sport-themed items including an extremely RARE pair of Kevin Garnett signed shoes!

Get your bid in at our website or scan the QR code.

Bidding ends on Thursday, September 9, at 5:45pm!

See our website for more details or scan the QR code.



The Ramsey Lions will be matching first \$10,000 in donations to the ParTee!

A PIVOTAL FIRST STEP

Julie Jeppson, Executive Director

As we wind down the Summer of 2021, I'm reflecting on what we were doing at this point last year and what we will be doing to prepare for this coming winter. This time last year, I had no idea that the worst months of COVID were about to be upon us. We were positioned well, in that half of our residents were living in a hotel. With lessons learned from that hotel experience, we decided earlier this spring that having our residents, all 66 residents, back together at the shelter far outweighed the potential of contracting COVID.

You see, a hotel door is a little less than 2 inches thick. Those couple inches may as well be 100 feet. Seclusion and isolation are debilitating and damaging to a human being. Their personal decision to remain secluded and isolated, added to chemical dependency, mental illness, physical immobility, trauma, depression, etc. is a recipe for personal harm and regression.

Shelter is a massive component to ending homelessness...if done poorly and punitively, shelter can keep a person in the vicious cycle of their current reality. But, if done well, it is a pivotal first step towards stability, self-sufficiency, and never needing to be in this life-place ever again. But what does that mean? What does it mean "to do shelter well?" Two initiatives that started these past two months will help answer that question for Stepping Stone.

Stepping Stone has begun the work in developing our 2022-2025 Strategic Plan. We have partnered with GrayHall to assist us in defining who we are and where we're going over the next three years. As a result of COVID and the eviction moratorium, the number of those who are experiencing homelessness is projected to dramatically increase. Stepping Stone will have

to be proactive in decisions we make with this anticipated increase and the challenges that come with it.

The second initiative is more involved. This past month, I was appointed and elected Chair to the State's Shelter Task Force. This is a year-long initiative directed by the MN legislature to examine existing shelter policies and practices, to engage stakeholders, and to make recommendations to the legislature in order to strengthen the shelter system and ensure that shelters have the ability and resources to provide services essential for someone to end their homelessness once and for all.

As a result of developing Stepping Stone's Strategic Plan and participating in the Shelter Task Force, we will have a clear direction in how we will do shelter well, while carrying out our mission of providing emergency shelter and critical support services while our residents strive towards self-sufficiency.



Picture from our 2021 Real Stories | One Stage Event

THE IMPACT OF EMPOWERMENT

Jatu's Story is summarized from Real Stories | One Stage

When I was 25 years old, I used to work. I used to have my own shop and everything as my father died and my mother was depending on me. I used to do everything for my family.

Then war came to my country in Liberia. I came here and held multiple jobs. I was working in a nursing home and in life insurance. I was doing a lot for myself, because I didn't want to put a burden on anyone or to be a liability on somebody.

But then my Temporary Protected Status (TPS) ended. I tried my best to reapply. I left my children in Liberia for a war. If war had not come to Liberia, I would have gone back long time ago, so I

was hustling to help my mom and my children back home. I send money. I tried for many years to get paper to go back home to go and see my children. I have not seen them in 34 years. It breaks my heart.

Then I was hopping from friend's home to friend's home, but everything kept going downhill. I was blamed for sickness. I was ill-treated. And then I was in and out of the hospital with cancer. I was discharged and I was told to go home. I didn't have anywhere to go.

I have been living like this since 2007 when I lost my TPS status. Last June, I finally came to Stepping Stone. My case

manager has been looking out for me and even helped me to find a lawyer to help me with my paperwork!

Everyone has been very, very, very kind to me. If it wasn't for Stepping Stone, I wouldn't live. There's more to my life. There's more to my story. There's more.

Watch the complete and powerful portrayal at SteppingStoneEH.org.



YOUR SUPPORT IMPACTS LIVES

Your support of Stepping Stone through financial donations, attending fundraisers, donating needed items, and volunteering are an integral part of our residents' success!

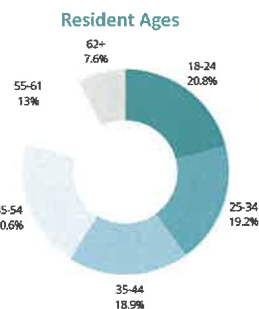
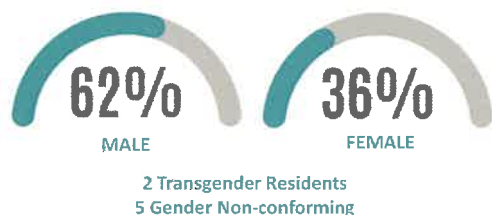
We can't do this without you! We continue to be grateful for your dedication and support. Below is a snapshot from our Annual Report of how you've helped change lives in 2020. The full Annual Report will be available soon on our website.



YOUR IMPACT BY THE NUMBERS 2020 ANNUAL REPORT



RESIDENT DATA



Blessed and grateful for the amazing staff and resources. I've been settled in my studio for the past three weeks and it's been amazing.

-Joseph, Past Resident

EXPANSION NEWS!

Stepping Stone has expanded into Washington County. We hired two new staff to manage our residents in two hotel locations.



The Edna Hoium Education and Support Fund

During the winter of 2013, long-time Anoka County employee and retiree Edna Hoium stepped in to work at Stepping Stone Emergency Housing to help prevent it from closing after a few pivotal employees walked out one day.

Edna's passion and tenacity stabilized Stepping Stone, slowly getting it back on solid financial ground.

In honor of her memory, Edna's family wished to do more to permanently acknowledge her legacy and helped set-up the Edna Hoium Education and Support Fund. This fund is for current and former residents with unmet educational expenses or support, such as equipment needed to gain or retain employment.

HOW YOU CAN SUPPORT

Stepping Stone is accepting donations to the Edna Hoium Education and Support Fund.

Contributions can be made as a memorial to a family member or friend, or in honor of a person on a special occasion such as a birthday. Please note on your donation your intent of restricting it towards this fund.



Edna Hoium Memorial Wall with painting by Edna's granddaughter, Lindsey Grove (pictured).

REAL STORIES | ONE STAGE

Thank you to all who joined us for Real Stories | One Stage this year. If you missed it, you can still watch the replay. Video link is on our homepage and blog at SteppingStoneEH.org



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- Collaborate** with partners in providing services
- Ensure strong **stewardship** in managing resources

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HOUSING INDUSTRY NEWS

THE MINNESOTA HOUSING INDUSTRY NEWS SOURCE BY HOUSING FIRST MINNESOTA • HOUSINGINDUSTRYNEWS.ORG

VOL. 5 ISSUE 4, AUG. 2021

Cities of Corcoran, Dayton sued over building permit fees

Housing First Minnesota sues over \$5 million building permit overcollection

The long-simmering debate over building permit fee surpluses has boiled over, with Housing First Minnesota filing separate civil lawsuits against the Minnesota cities of Corcoran and Dayton for alleged overcollection of building permit revenue.

The lawsuits follow administrative challenges to both cities' fee schedules by Housing First Minnesota, which speaks for more than 1,000 housing industry firms in the state and their homebuyers. The administrative challenge brought the debate to the Minnesota Department of Labor's State Board of Appeals, which declined to take up the issue, saying it was not the proper venue for the challenge and that Housing First Minnesota lacked standing. With that ruling in hand, Housing First Minnesota went to the courts to seek justice for Minnesota homebuyers.

The subject of building permit fees has also been a topic at the state Capitol, with legislation on the topic considered, but not passed, in the two previous sessions.

"Any city engaging in this practice of gouging new residents through building permits is adding to the state's housing problems," said David Siegel, executive director of Housing First Minnesota, in a statement. "At a time when Minnesota is facing a crisis in housing inventory and affordability, illegal housing costs must be addressed. All housing stakeholders, including local governments, should be working to reduce barriers to homeownership."

In its required annual disclosures, the city of Dayton has reported more than \$1.3 million in

CONTINUED >> PAGE 8



Substantive zoning reforms were not included in the final budget deal, dashing housing advocates' hopes for lifting roadblocks to homeownership.

Legislature and governor fall short on meaningful zoning reforms

The housing discussion at the state Capitol featured the most substantive legislative conversation on zoning policy in recent history. Originating in the Minnesota Senate and packaged as SF 915, chief author Sen. Rich Draheim (R-Madison Lake) spearheaded a powerful initiative to address housing affordability roadblocks, an effort that advanced the issue but ultimately fell short of passage.

SF 915 featured several provisions to increase homeownership access and housing affordability. Leading the proposals was a provision that would have prevented local governments from forcing builders and developers into private development contracts, called planned

unit developments (PUD). The measure also banned local governments from imposing requirements that conflict with the Minnesota Building Code. And finally, the bill contained a proposal to ban mandates for aesthetic upgrades, which can significantly add to the cost of new housing.

In advocating for the bill, Draheim focused on the goal of increasing homeownership opportunities.

"Homeownership should be the end goal. For people that desire to own a home we should have a pathway for them. What can we do to get more housing units of all shapes and sizes? We put together a bill that tries to overcome some of the housing

gaps that we have in Minnesota," Draheim said.

"Owning your own home has been proven to lead to more successful outcomes, including kids doing better in school, better mental and physical health, more community involvement and greater generational wealth. These are all things we strive for and homeownership is such an important piece of it," he said. "I'm excited this bipartisan legislation will help to pave the way for homeownership to many Minnesotans by removing barriers and encouraging more diversity in the housing stock."

The bill met strong opposition from local government interest groups who favored the current process versus what

they called a one-size-fits-all approach in SF 915, a characterization with which housing advocates strongly disagreed.

Key provisions of SF 915 were folded into the Omnibus Housing Finance and Policy bill. The measure made its way through the complicated committee process and onto the Senate floor, where it passed with tri-partisan support in a 39-27 vote. Despite this, the key provisions were ultimately dropped in end-of-session conference committee negotiations.

Efforts to harmonize the Senate version of the Omnibus Housing bill with the House version proved to be elusive.

CONTINUED >> PAGE 6

INSIDE THIS ISSUE



New home lot supply hits a new low

PAGE 3

Court denies challenge to Electrical Code

PAGE 4

Housing Leadership Awards announced

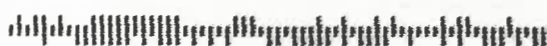
PAGE 7

Legislature dismisses impact fee proposals

The legislature considered two impact fee proposals during the 2021 session and rejected both. The first was a proposal to create a new street impact fee. The second would have expanded park dedication fee authority to redevelopments in cities of the first class. Discussion on both proposals revealed a sharp divide in perspectives on the relationship between the growing regulatory footprint and housing costs.

CONTINUED >> PAGE 9

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HOUSING INDUSTRY NEWS
MINNESOTA

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Legislature holds line on new homeowner costs

As the housing industry knows well, our inventory and affordability challenges have grown over the past 18 months. There is a lot driving these challenges but given the price pressures impacting homeowners, there is simply no room for additional costs that aren't essential.

The legislature appeared to understand this as they reviewed several new proposals that would result in cost increases for new homeowners.

The simple reality that homeowners pay for all the new home construction and remodeling fees and regulations, has not always been understood at the Capitol over the years. But if 2021 is any indicator, things might be changing.

In this session, government groups advocated for the creation of a new impact fee for future, off-site transportation projects and pressed for expansion of park dedication

fee authority for redevelopment in cities of the first class.

The legislative discussion was important and insightful. Proponents of these measures cited the pressures facing local governments who are managing growing and changing cities. Countering that message was opposition to these creation of new, additional fees on top of the dozens that are already taken in the development process.

When the dust settled, the legislature elected not to move forward with the new and expanded fees. This is a victory for housing affordability at a time when new regulatory costs can simply not be absorbed.

In the bigger picture, I was pleased to see a housing debate that prioritized homeownership access and affordability as a balance when considering the role of regulatory fees and requirements. There is a lot of work to do as we modernize housing for the next



Todd Polifka
2021 President, Housing First Minnesota

generation, and prioritizing the homeowner bodes well for making better policies.

Onward,
Todd Polifka

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HOUSING FIRST MINNESOTA

Housing First Minnesota is the voice for homebuilders, remodelers and all who are dedicated to building safe, durable homes at a price Minnesotans can afford.

Housing First Minnesota is dedicated to advancing the American dream of homeownership for Minnesotans and is the leading resource for housing-related issues in Minnesota. This advocacy work has never been more important. The housing industry remains under intense regulatory and political pressures that impact Minnesota homeowners' ability to buy, build, and remodel their dream home. Housing First Minnesota supports reasonable policies, regulations and protections, but our call for affordability for families is a voice that must be heard.

Learn more at HousingFirstMN.org.

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Across the country, there is much talk about housing

HERE ARE SOME OF THE LATEST QUOTES ON THE STATE OF THE INDUSTRY:

“

There is a strong desire for homeownership across this country, but the lack of supply is preventing too many Americans from achieving that dream.”

LAWRENCE YUN
NATIONAL ASSOCIATION OF REALTORS®

“

Additional inventory is the solution to all that ails us at this moment.”

RYAN GORMAN
COLDWELL BANKER CEO

“

Ultimately, less-stringent zoning rules, better funding to recruit and train construction workers, and pro-housing policy will help prevent a large number of Americans from being permanently excluded from homeownership.”

ALI WOLF
ZONDA

“

Soaring home prices can be an opportunity to take on the entrenched interests that make it so difficult to roll back land-use, zoning and permit-related regulations, freeing up land and making it easier and less costly to build houses. More houses mean lower prices.”

MICHAEL R. STRAIN
AMERICAN ENTERPRISE INSTITUTE

“

The goal should be to reduce regulations across the board, so builders can more easily respond to market demand by building whatever consumers want to buy.”

STEVEN GREENHUT
R STREET INSTITUTE

“

Basically, housing scarcity is a force multiplier for other problems. This makes perfect sense if you think of the housing market as a complex system. In a system of interconnected parts, when you break one thing, other things tend to start to break as well.”

DANIEL HERRIGES
STRONG TOWNS

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Flood-proof construction, other states act on GFCI, lead paint rule unfinished, Plumbing Code books ready

Following a failed legislative push to make housing prices more competitive in Minnesota's border cities by reducing required frost depths to match neighboring state requirements, the Minnesota Department of Labor and Industry (DLI) has formed a Technical Advisory Group (TAG) to look into frost depth requirements in certain regions of the state.

According to DLI, the TAG's purpose is "reviewing information, scientific studies and other materials related to frost depth to determine if there has been changes to conditions that necessitate a further review of the minimum footing depths required for frost protection."

TAG members include Dan Kelsey and Greg Metz, DLI staff; Ezra Ballinger, geotechnical engineer; Mark Hallan and Kurt Sandman, structural engineers; Don Dabbert, Jr. and Kurt Welker, homebuilders; and Jack Nyberg, building official.

Flood-resistant design TAG

Since late June, a seven-member TAG has been reviewing changes to Minnesota Rule 1335, related to flood-resistant design for both residential and commercial construction. Meetings are scheduled through August.

TAG members include Greg Metz and Chris Rosival, DLI; Andrea Crabtree Naves, municipal engineer; Vincent DiGiorno, architect; Christian Faste, building official;

Dan Korf, engineer design; and Ceil Strauss, state floodplain manager.

2020 National Electrical Code questioned in other states

In states across the nation, questions are being asked about provisions in the 2020 National Electrical Code (NEC). Several states have found deficiencies with the 2020 NEC, notably section 210.8(F) which requires a GFCI on air conditioner condenser connections.

Iowa and Massachusetts amended their electric codes to correct or remove the section. South Dakota omitted the section when adopting the 2020 NEC. Texas and Washington delayed the enforcement of 210.8(F) until 2023.

Since the entire nation relies on the same supply chain, other states are likely to be forced to address section 210.8(F).

Lead paint rule

The Minnesota Department of Health (MDH) is continuing work on its own version of the Environmental Protection Agency's (EPA) lead paint rule. The state's version of the Renovation, Repair and Painting (RRP) rule released in May is the latest of the proposed regulations for remodeling or renovations, yet may not be the final version of the rule.

According to Housing First Minnesota's Nicholas Erickson, who is leading the



The new plumbing code goes into effect on Dec. 17.

industry's efforts on the rule, the state has moderated its approach from lead abatement to lead remediation.

"While MDH has moved much closer to the current EPA rule, it is likely that the clerical and paperwork requirements will still be considerably more than in the current rule," said Erickson. "Implementing costly and unnecessary RRP rules will drive remodeling projects underground. We've presented several suggestions during this process to bring balance and common sense to this effort."

The final version of Minnesota's RRP rule is expected later this year, with stakeholder

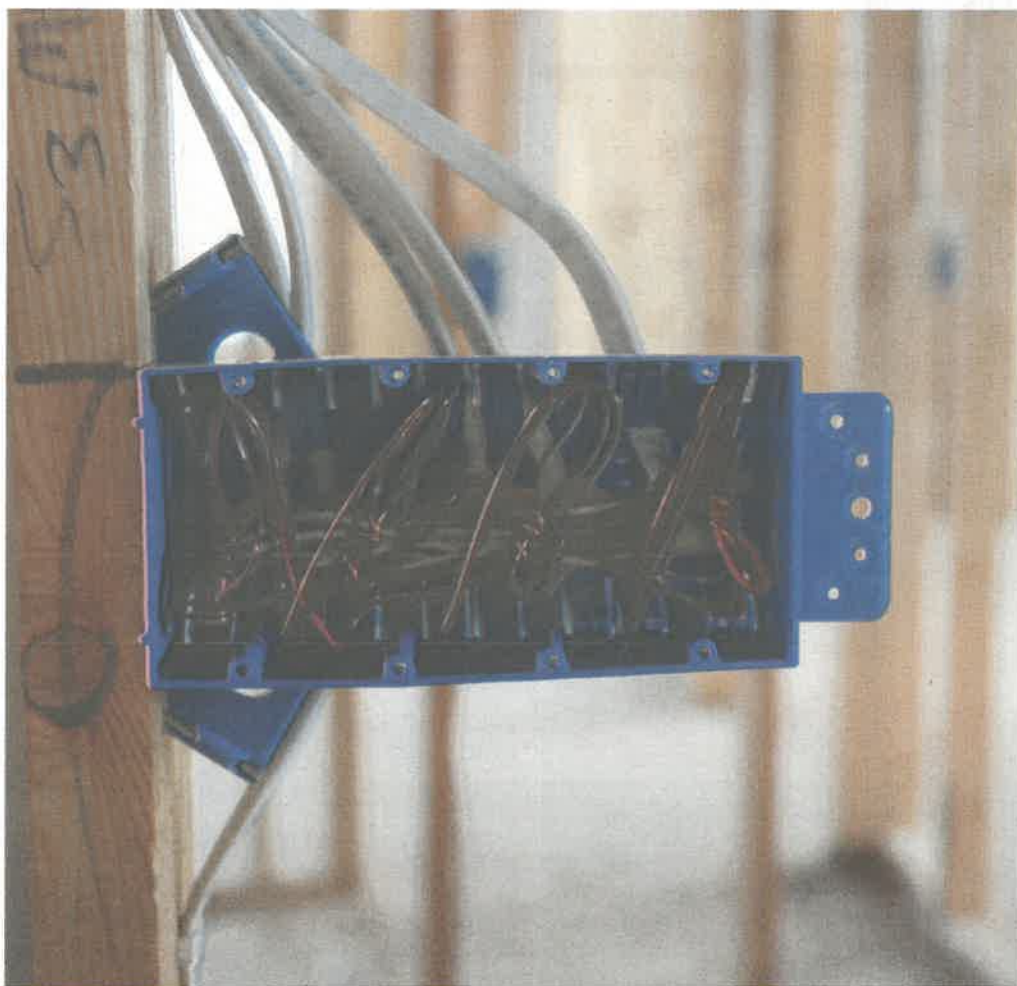
engagement resuming once the proposed final version is released.

Plumbing Code

DLI announced that new codebooks for the 2020 Minnesota Plumbing Code are available for purchase.

The new plumbing code goes into effect on Dec. 17.

The new plumbing code books can be purchased at [IAPM-membership.org/store/2020-minnesota-plumbing-code/1126](https://iapm-membership.org/store/2020-minnesota-plumbing-code/1126)



The Minnesota Court of Appeals ruled in favor of the Minnesota Board of Electricity on July 19.

Court denies challenge to Electrical Code

2020 National Electrical Code remains state's Electrical Code

Despite acknowledging that the Board of Electricity could have done a better job in its adoption process, the Minnesota Court of Appeals ruled in favor of the Minnesota Board of Electricity on July 19. In its decision, the court found that the board followed proper procedure when it adopted the 2020 National Electrical Code (NEC) last year.

Housing First Minnesota appealed the December 2020 ruling of an administrative law judge, saying the rulemaking process used by the board was incomplete. The challenge was filed on procedural grounds regarding how the code was adopted and was not directed at any specific provision adopted by the board.

The Court stated in its opinion, "The board could have better supported its position that failing to adopt the 2020 NEC would cause Minnesota to fall behind in terms of electrical methodology and technology standards. The board could have provided examples of the 2020 NEC's updated methods and technology, for instance, and 'Although the board's Statement of Need and Reasonableness (SONAR) could have included more detail, it adequately addresses each of the considerations set forth by section.'"

The published decision sets the legal standard going forward that any errors and omissions in the SONAR must be deliberate in order to invalidate a rule.

Housing First Minnesota has not yet stated if it will appeal the decision.

Editor's Note: The plaintiff in the case, Housing First Minnesota, is the publisher of Housing Industry News.

Minnesota combats unlicensed contractors in national crackdown

The Minnesota Department of Labor and Industry (DLI) recently took part in a multi-state, coordinated enforcement campaign to combat unlicensed contractors. From June 7-25, eight states of the National Association of State Contractors Licensing Agencies (NASCLA) participated.

In Minnesota, DLI investigators identified 56 unlicensed contractors during the June effort, with 28 cases being investigated for possible enforcement action. In total, this national effort identified nearly 600 unlicensed contractors operating in these eight states.

"The goal of this operation was to elevate consumer protection and deter illegal construction practices. The shared commitment of our state members brought awareness to unlicensed activity and spotlighted the contractor state licensing and registration agencies nationally," said Angie Whitaker, executive director of NASCLA.

According to a statement from DLI, the agency discovered an unlicensed contractor who posted TikTok videos of himself performing work that requires licensure. "DLI had already ordered this contractor to cease and desist from unlicensed activity and fined him earlier this year, so he now faces heavier fines and possible criminal prosecution," wrote DLI.

Online marketing is popular with unlicensed

contractors. In addition to TikTok, homeowners using unlicensed contractors found their contractors on websites such as Home Advisor, Neighborhood, Thumbtack, Facebook and Craigslist.

This enforcement effort coordinated through NASCLA is only one part of DLI's efforts to combat unlicensed contractors.

"Minnesota homeowners are able to obtain compensation from the Contractor Recovery Fund if they suffer a loss as a result of a contractor's failure to perform," said DLI Commissioner Roslyn Robertson, "but only if the contractor they hire is licensed."

"Minnesota homeowners are able to obtain compensation ... but only if the contractor they hire is licensed."

Roslyn Robertson, DEPARTMENT OF LABOR AND INDUSTRY COMMISSIONER

Aside from Minnesota, the states of Arizona, California, Florida, Mississippi, North Carolina, Nevada and Texas participated in the effort.

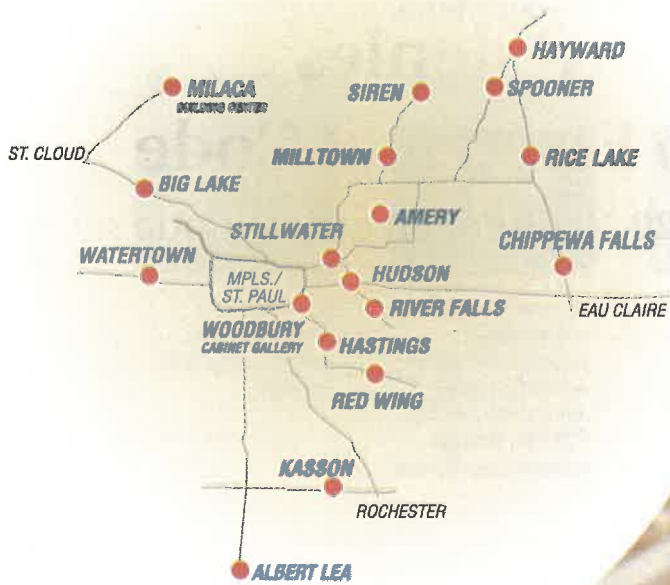
Housing omnibus bill signed into law

As part of the two-year state budget, the legislature and Gov. Walz came to an agreement on a housing omnibus bill during the first 2021 special session. While each chamber had passed their version of a housing omnibus bill in April, the final deal looked quite a bit different from each of those. The House voted 72-59 and the Senate 66-0 in support of the revised bill.

These provisions were included in the \$125.6 million housing omnibus bill:

- Provides \$100 million in housing infrastructure bonds and designates \$18.33 million of it for single-family homes and \$15 million for manufactured home park acquisition, improvement and infrastructure.
- Allows federally recognized American Indian Tribes in Minnesota and Tribal housing corporations to be eligible for housing grants in a natural disaster area.
- Allocates \$3.25 million over the biennium to the Workforce Homeownership Program for the development of workforce and affordable homeownership projects across Minnesota.
- \$1 million into the homeownership assistance fund and \$1 million to establish a local housing trust fund.
- Increases the income limitation under the definition of "persons and families of low and moderate income" to 115% of the greater of state median income, or area or county median income.
- Requires leases to have prorated rent when a lease ends before the last day of the month.
- Continues to fund the Homeownership Education, Counseling and Training (HECAT) Program, which helps to prioritize decreasing the homeownership gap between white households and households of color.

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Eviction moratorium off-ramp begins

After more than a year of a statewide eviction moratorium and lengthy legislative discussion, the legislature and Gov. Walz finally came to an agreement to end the order. Starting on June 30, landlords were allowed to once again give notice of lease terminations to households that have violated the lease or tenants that are behind on rent but refuse to apply for resources available to help them catch up. Starting on August 13, tenants can once again be evicted if they have not paid their rent and are not eligible for rental assistance.

"Ending the Governor's Emergency Powers and the Eviction Moratorium has been the top priority for the Senate, and this bill is the key piece of our agenda to recover from the COVID pandemic," said Senate Majority Leader Paul Gazelka (R-East Gull Lake). "This balanced approach includes support for housing providers and connects those who need financial help with resources available. It was absolutely unfair and wrong for the governor to expect housing providers to bear this financial burden for so long and I'm glad we're finally making them whole."

Tenants and landlords can learn more at RentHelpMN.org. All lease termination and eviction protections will be lifted on June 1, 2022.

Legislature and governor fall short on meaningful zoning reforms

Where the Senate focused on lifting barriers to homeownership, the House version emphasized state funding for a host of affordable housing programs.

"All throughout session we saw two vastly different strategies in approaching Minnesota's housing issues," said Mark Foster, director of legislative and political affairs at Housing First Minnesota. "The Senate advanced bills focused on expanding the overall supply of housing and advancing homeownership opportunities for more Minnesotans. Meanwhile, the House spent its time advancing funding for a handful of housing programs, as well as proposals for additional park and street impact fees that would actually raise the price of housing."

As the clock wound down on the regular legislative session, the housing provisions were carried into a June special session where a final accord

was reached on the budget and substantive zoning issues were removed as part of the final budget deal, dashing housing advocates' hopes for lifting roadblocks as part of a focused effort on homeownership.

"Despite our state's already acute and worsening housing inventory and affordability crises, the legislature and our governor failed to enact any meaningful reform to address the regulatory roadblocks, which are pushing homeownership out of reach for far too many Minnesotans," said David Siegel, executive director of Housing First Minnesota. "Our housing crisis will only be solved when the legislature and governor fully address these roadblocks. Exclusionary zoning practices that have taken Minnesota to record-high home prices and the largest homeownership equity gap in the country between white and Black Minnesotans must be undone."

Twin Cities voters to receive rent control questions

When Minneapolis and St. Paul residents head to the polls this November they will face questions about whether to enact rent control and if so, how to do it.

Despite a dismal track record across the country and counter to advice from its city attorney, the Minneapolis City Council voted 10-2 to advance the questions that would lead to rent control policies.

The first question on the ballot, if approved, would allow residents to draft a rent control ordinance to be approved by the City Council and/or voters. The second, if

approved, would allow the City Council to approve an ordinance. Both the Charter Commission and the city's legal counsel encouraged this second question to include a subsequent question to Minneapolis voters to be compliant with state law. Mayor Jacob Frey vetoed the resident drafting ordinance, but the underlying rent control policy will go before the voters this fall.

On the other side of the river, St. Paul voters will be asked whether the city should have the authority to limit landlords' ability to raise rents by no more than 3% per year. This question will appear after more than 10,000 signatories petitioned for the question.

"Rent control has been studied thoroughly and economists agree this policy does not create the outcomes it seeks," said Cecil Smith, president and CEO of the Minnesota Multi Housing Association. "Cities looking to

implement it should reject it because the studies show it will harm the housing market and reduce future investments in the community. I trust that the voters in Minneapolis and St. Paul will reject this destructive policy."

During the 2021 legislative session, the Senate passed a rent control ban, citing it as an infringement on personal property.

"One of the building blocks of our country was on property rights," said Sen. Rich Draheim (R-Madison Lake), chair of the Housing Committee. "My grandpa, who immigrated from Germany, literally got chased off their farm by the government and they came to the United States. Why? For the path of owning property."

The Senate's bill did not become law, as it failed to be included in the final housing omnibus bill. Currently, no other Minnesota cities have any form of rent control in place.

The eviction moratorium is ending

Know your rights. Mark these dates. Learn what you can do to stay in your home.



Your lease could be terminated if you materially violate your lease agreement (does not include nonpayment of rent).

You could be evicted if you qualify for rental assistance but refuse to apply.



You could be evicted if you materially violate your lease agreement (does not include nonpayment of rent).



Your lease could be terminated if you have not paid your rent and are not eligible for COVID-19 rental assistance.



You could be evicted if you have not paid your rent and are not eligible for COVID-19 rental assistance.



All lease termination and eviction protections are lifted except for eligible renters with pending COVID-19 rental assistance applications.



All lease termination and eviction protections are lifted.

Know your rights and responsibilities



15-day notice

Between now and Oct. 12, property owners must give tenants a 15-day notice before they file an eviction for nonpayment.



Apply for help

You might be eligible for rental assistance. Go to RentHelpMN.org or call 211.



Refuse to apply?

Tenants who are behind on rent and eligible for help but refuse to apply can be evicted starting June 30.



Have legal questions?

Visit LawHelpMN.org for additional information and legal resources.

Housing First Minnesota awards 23 legislators with Housing Leadership Award

Following the end of the 2021 legislative session and first special session, Housing First Minnesota, the state's leading homebuilders association, has named 23 Minnesota state legislators as recipients of the 2021 Housing Leadership Award.

"With inventory at an all-time low, affordability at its worst in decades and the widest homeownership gap in the country, Minnesota's housing market is at a pivot point," said David Siegel, executive director of Housing First Minnesota. "These leaders recognize the need to legalize starter homes by addressing the way we zone and permit new housing. The Housing Leadership Award recognizes legislators who worked to promote housing affordability and homeownership during the 2021 legislative session and special session."

Numerous transformative housing policy provisions were discussed and advanced through the Senate housing committee. Unfortunately, nearly all major housing priorities that were included in the Senate's version of the housing bill, including the removal of exclusionary zoning practices, failed to make it through final negotiations.

"Despite our state's already acute and worsening housing inventory and affordability crises, the legislature and Gov. Walz failed to enact any meaningful reform to address the regulatory roadblocks which are pushing homeownership out of reach for far too many Minnesotans. We must see more serious action taken during next year's legislative session," said Siegel.

Minnesota Pollution Control Agency commissioner resigns

Laura Bishop, commissioner of the Minnesota Pollution Control Agency (MPCA) since 2019, resigned on July 6 just ahead of a confirmation vote by the Minnesota Senate. Bishop's resignation followed contentious discussions around new vehicle emission standards, reducing chemicals in food packaging and water quality rules in recent months.

Rather than await her fate, Bishop submitted a resignation letter to Gov. Walz.

"The MPCA Commissioner is a job that never wins a popularity contest, yet, in my view, is one of the most important roles in the Cabinet," Bishop wrote to Walz. "For many, the agency can never go far enough in our protections, while at the same time, a segment of the Republican caucus will always believe the agency goes too far."

Walz temporarily named MPCA Deputy Commissioner Peter Tester to fill the role.



Laura Bishop, the commissioner of MPCA, resigned July 6 ahead of a confirmation vote by the Minnesota Senate.

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Cities of Corcoran, Dayton sued over building permit fees

surplus building permit fees for the years 2015, 2018 and 2019. The city did not file required reports in 2016 or 2017. The city of Corcoran reported more than \$880,000 in surplus building permit fees between 2018 and 2019.

This is not the first lawsuit over permit fees, nor the first time the city of Dayton has been sued over its housing policies.

In 2005, Housing First Minnesota, then known as Builders Association of the Twin Cities, sued the cities of Shakopee and Elk River over their building permit fees. Both cases were settled and never went to trial.

As for the city of Dayton, it was sued by Housing First Minnesota in 2019 over a street impact fee program the city enacted following the *Harstad v. Woodbury* lawsuit. Housing First Minnesota argued the impact fee program was in direct conflict with the *Harstad* ruling, and Hennepin County Judge Susan M. Robiner agreed, issuing a summary judgment against the city of Dayton, noting the program was “illegal, null, void and unenforceable.”

According to the Minnesota Building Code’s Adoption Guide, building permit fees may not be used to raise money for a city, county or township’s general fund or any other special project in the city. Rather, the funds collected are to be used solely for building code inspection-related services, including staffing, transportation, public education, training, tools and equipment.

“There is no dispute regarding the need for inspections to ensure safety and durability in homes, however, that process cannot become a profit center for local governments,” said Siegel.

A court date has not been set and neither city had filed its own brief before Housing Industry News went to press.

Editor’s Note: The plaintiff in the case, Housing First Minnesota, is the publisher of Housing Industry News.

New home lot supply hits a new low

The surge in demand for new homes has the development of new vacant lots struggling to keep up. According to Zonda, lot inventory across the country remains “significantly undersupplied.” Zonda’s New Home Lot Supply Index (LSI) hit a new low in the first quarter of 2021.

“Without additional lot development in the near future, the lack of supply will limit builders’ ability to meet consumer demand. We are already seeing that in the more attainable price points.”

Danielle Leach,
MIDWEST REGIONAL DIRECTOR
AT ZONDA

The LSI dropped 24.2% year-over-year as builders are buying finished vacant lots as quickly as they are available.

“The race to acquire lots is on as builders continue working to

quickly get more homes on the ground. Competition for lots is fierce, but demand is showing no signs of letting up, which is encouraging more building,” said Ali Wolf, chief economist at Zonda.

Zonda’s ranking of significantly undersupplied lot availability has the Twin Cities as one of the most undersupplied markets. According to Zonda’s data, based on the volume of annual starts ending 2Q2021, there are currently 13.6 months of vacant developed lot supply in the Twin Cities market (11,694 lots).

Builders in the Twin Cities are burning through lot supply faster than they are replenishing it,” said Danielle Leach, the midwest regional director at Zonda. “Without additional lot development in the near future, the lack of supply will limit builders’ ability to meet consumer demand. We are already seeing that in the more attainable price points.”

Washington County currently has the most vacant developed lots with 1,468 lot available, followed by Hennepin with 1,388 lots, and Anoka with 1,284 lots.

COUNTY	VDL INVENTORY
WASHINGTON	1468
HENNEPIN	1388
ANOKA	1284
WRIGHT	1277
DAKOTA	1257
ST. CROIX	1133
SHERBURNE	940
CARVER	837
SCOTT	666
CHISAGO	538
PIERCE	436
ISANTI	386
RAMSEY	84

Shortage of land limits builders’ ability to meet demand, particularly at lower price points.



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Legislature dismisses impact fee proposals

Street impact fee

The street impact fee legislation emerged in the Minnesota House as HF 527 (Masin, DFL-Eagan), and it elicited strong opposition from the outset. At the core of the dispute was local government's push for new funding tools pitted against opposition from those concerned about housing affordability and the lack of homeowner protections in the proposal.

"Homeowners average 7-10 years in their house before they move on. This new tax could sit in a fund longer than they even live in the home," stated Rep. Jim Nash (R-Waconia). "Development pays for itself. It already does."

Nash's comments reflected concerns raised by opponents to the new fee regarding where the funds would be utilized and when future projects might occur.

Testimony from housing industry experts focused on the nature of impact fees, where costs are passed on to homeowners as part of their home price regardless of how and when the local governments spend the dollars.

"If anybody thinks that the homeowner is not going to pay for this and the developer is, they're wrong. All of our expenses when we develop land have to be passed on to the homeowner," stated David Werschay, a St. Cloud-based homebuilder and owner of Werschay Homes. "This doesn't help with any sort of affordable housing at all."

The affordability crisis emerged as critical in the committee discussion, where opposition

testimony highlighted concerns that the new revenue tools sought by local governments would drive a substantial increase in housing costs.

"This proposes a significant challenge to getting more Minnesotans into homeownership," said Matt Spellman, director of political affairs for the Minnesota Realtors®. "The lack of inventory is holding the market back. We encourage the legislature to resist imposing higher costs for new construction, which in turn results in upward pressure on the cost of existing properties."

The measure's chief author, Rep. Sandra Masin (DFL-Eagan), remained focused on the needs of local governments in finding revenue streams to fund road projects.

"As far as I know, cities are not for-profit entities. Somebody has to pay for the roads. You can do assessments. I can tell you doing assessments, it's not a fun activity at all," Masin stated.

Rep. Jon Koznick (R-Lakeville), who represents fast-growing Lakeville, was not persuaded.

"Cities already have multiple options to fund street improvements," Koznick said.

Impact fees for more park money

Rep. Liz Boldon (DFL-Rochester) authored HF 1350, legislation that would expand park dedication fee authority to the cities of the first class for redevelopment. The current park dedication authority is written for the subdivision

process, which is traditionally utilized in new housing or commercial developments.

While introducing the bill, Boldon noted the importance of parks as a driving force behind the impact fee expansion.

"The city of Rochester came to me with this idea which I supported knowing how important parks are in our communities. And I certainly value them and have used them for a long time with my family. We have seen over the course of the last year how important parks have been in our communities. This provision for parkland dedication fees allows for those fees to be collected for redevelopment," Boldon said.

The nature of collecting a park impact fee on redeveloped land created confusion as the measure moved through the legislative process.

Rep. Duane Quam (R-Rochester) argued against the bill in its current form.

"I'm not against the idea of parks and funding them, but I'm against the out-of-control local control. This language isn't ready for prime time," Quam said.

There is some precedent for cities of the first class to gain park dedication authority in redevelopment projects. Minneapolis and St. Paul have had the authority for several years, which emerged as part of the discussion on HF 1350.

Rep. Eric Lucero (R-Dayton) referenced existing redevelopment authority and his concerns about cities requiring park fees from redevelopments where a park system already exists.

"The city of Minneapolis has been double-dipping on redevelopment with park dedication fees," Lucero said. "And now we want to take this



Legislation was proposed during the 2021 session that would expand park dedication fee authority.


terrible idea of allowing the city of Minneapolis to double-dip and expand that out to more cities of the first class?"

Final legislative action

After substantial discussion on the proposals, the legislature did not bring either of the impact fee measures up for a final vote, ending their prospects for passage in 2021.

Quam summarized the impact fee debate in a floor speech late in the session.



"The issue of affordability; we continually hear in this chamber: housing affordability," he said. "This would increase costs and make housing less affordable."






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Housing market report

Minnesota's housing market frenzy continues into summer months

Homebuilders in the Twin Cities are struggling to keep pace with the ever-increasing demand for new housing as first-time homebuyers continue to enter the homeownership market. The Twin Cities metro area recorded a year-over-year 63% increase in single-family permits in June. However, material shortages, regulatory fees and labor issues are making it harder than ever to build homes at an affordable price.

Moorhead
52
SOURCE: CITY OF MOORHEAD

St. Cloud
48
SOURCE: CITY OF ST. CLOUD

Mankato
80
SOURCE: U.S. CENSUS

State of Minnesota
17,867

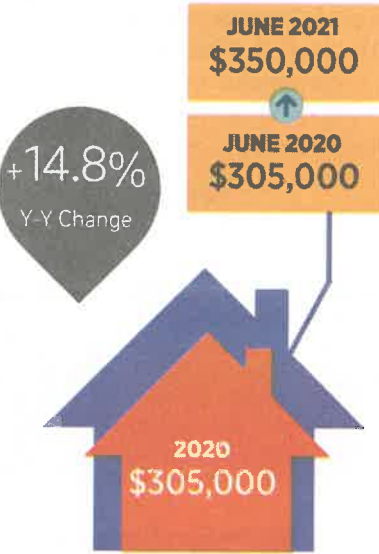
Year-to-Date Single-Family Construction Select Cities
Through June 2021
SOURCE: U.S. CENSUS

Duluth
77
SOURCE: U.S. CENSUS

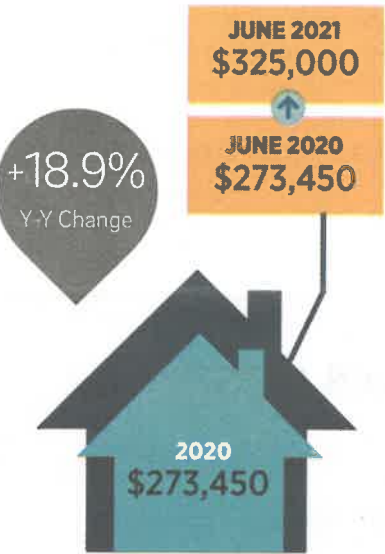
Twin Cities
12,341
SOURCE: U.S. CENSUS

Rochester
170
SOURCE: U.S. CENSUS

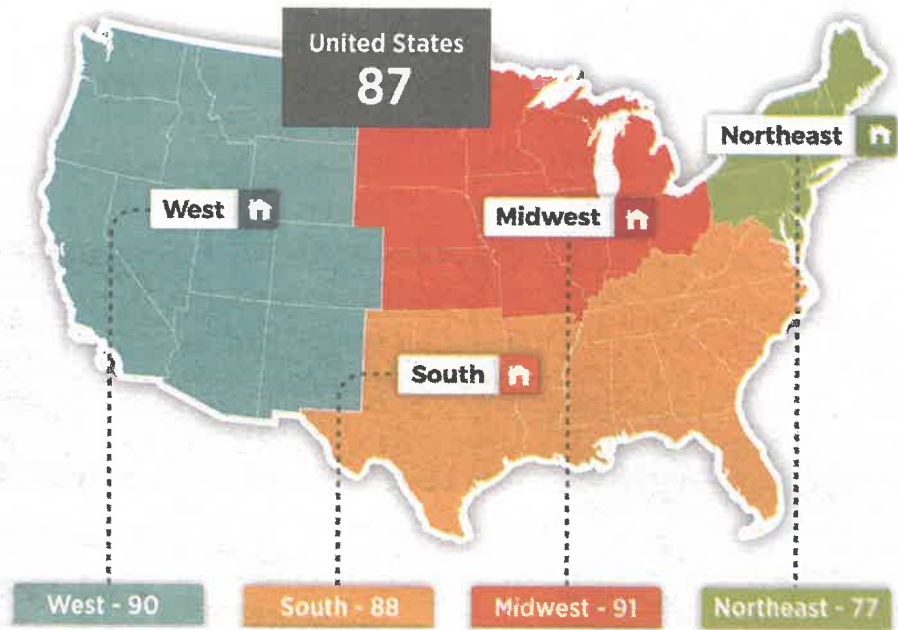
SOURCE: U.S. CENSUS. HOUSING FIRST MINNESOTA COLLECTED THE ABOVE PERMIT INFORMATION FROM AVAILABLE PUBLIC RESOURCES.



Twin Cities Median Sales Price
SOURCE: MINNEAPOLIS REALTORS®



Minnesota Median Sales Price
SOURCE: MINNESOTA REALTORS®



Regional Remodeling Market Indices, 2021 Q2
SOURCE: NAHB

The Overall Remodeling Market Index is calculated by averaging the Current Marketing Index and the Future Market Indicators Index. Any number over 50 indicates that more remodelers view remodeling market conditions as higher than the previous quarter. Results are seasonally adjusted.

Minnesota Construction Employment Past 5 Months

SOURCE: DEED



Twin Cities Construction Employment Past 5 Months

SOURCE: DEED



Employment Update

Minnesota's unemployment increased to 4.4% in June, according to the Minnesota Department of Employment and Economic Development (DEED). This is compared to the May unemployment rate of 3.7%.

However, the national unemployment rate also increased from 5.5% in March to 6.1% in June. Construction in Minnesota recorded a 2% employment increase, or 2,724 jobs, since June 2020.



The MPI increased eight points in the first quarter of 2021 from the previous quarter.

Multifamily builder confidence sees gains

Multifamily builders and developers reported an increase in confidence in the first quarter of 2021. According to the results from the Multifamily Market Survey (MMS) released by the National Association of Home Builders (NAHB), the Multifamily Production Index (MPI), which measures developer and builder feelings about current conditions in the multifamily market on a scale from 0 to 100, increased eight points from the previous quarter. This marks the first time in seven quarters that the MPI has been over 50.

"We continue to see strong demand for rental housing, especially in the suburbs," said Justin MacDonald, chairman of NAHB's Multifamily Council and president and CEO of The MacDonald Companies in Kerrville, Texas. "But an increase in building material prices and difficulties obtaining approvals remain significant headwinds for the industry."

The overall MPI is a weighted average of three key elements of the multifamily housing market: construction of low-rent units—apartments that are supported by low-income tax credits or other government subsidy programs; market-rate rental units—apartments that are built to be rented at the price the market will hold; and for-sale units—condominiums. All three of these sections saw increases this quarter.

The component measuring low-rent units increased four points to 46, the component measuring market-rate rental units rose 6 points to 54 and the component measuring for-sale units improved 13 points to 52.

The Multifamily Occupancy Index (MOI), which measures the multifamily housing industry's reading of vacancies in existing apartments, was reported at 59 in 2021's first quarter which indicates property managers are reporting increased occupancy.

"The MPI reversed trend and rose strongly in the second quarter of last year, one quarter before a similar turn-around in the multifamily housing starts data," said Robert Dietz, NAHB economist. "Since then, multifamily starts have mirrored the MPI. The surge that we saw in the MPI for the first quarter of 2021 coincides with a similar surge in multifamily starts to a seasonally adjusted annual rate of more than 450,000 units."

The MMS is based on a quarterly survey of NAHB multifamily builders and property managers. The survey is designed to monitor market conditions for multifamily production (starts) and multifamily rental occupancy in the current versus preceding quarter as well as in the next six months.

The desire for homeownership grows despite challenging market

A new report by the National Association of Home Builders (NAHB) shows more people are planning to buy in the near future and more of those homebuyers are first-time buyers. NAHB's Housing Trends Report for the second quarter of 2021 reveals that after hitting a series low of 10% in the first quarter of 2020, 17% of prospective homebuyers are planning to buy a home in the next 12 months.

Of those prospective buyers in the survey, 64% are first-time homebuyers, which is the highest share in the survey's history. Millennials made up the largest share of the respondents who were planning to buy in the near future, at 29% of the prospective buyer pool, up from 19% just a year ago.

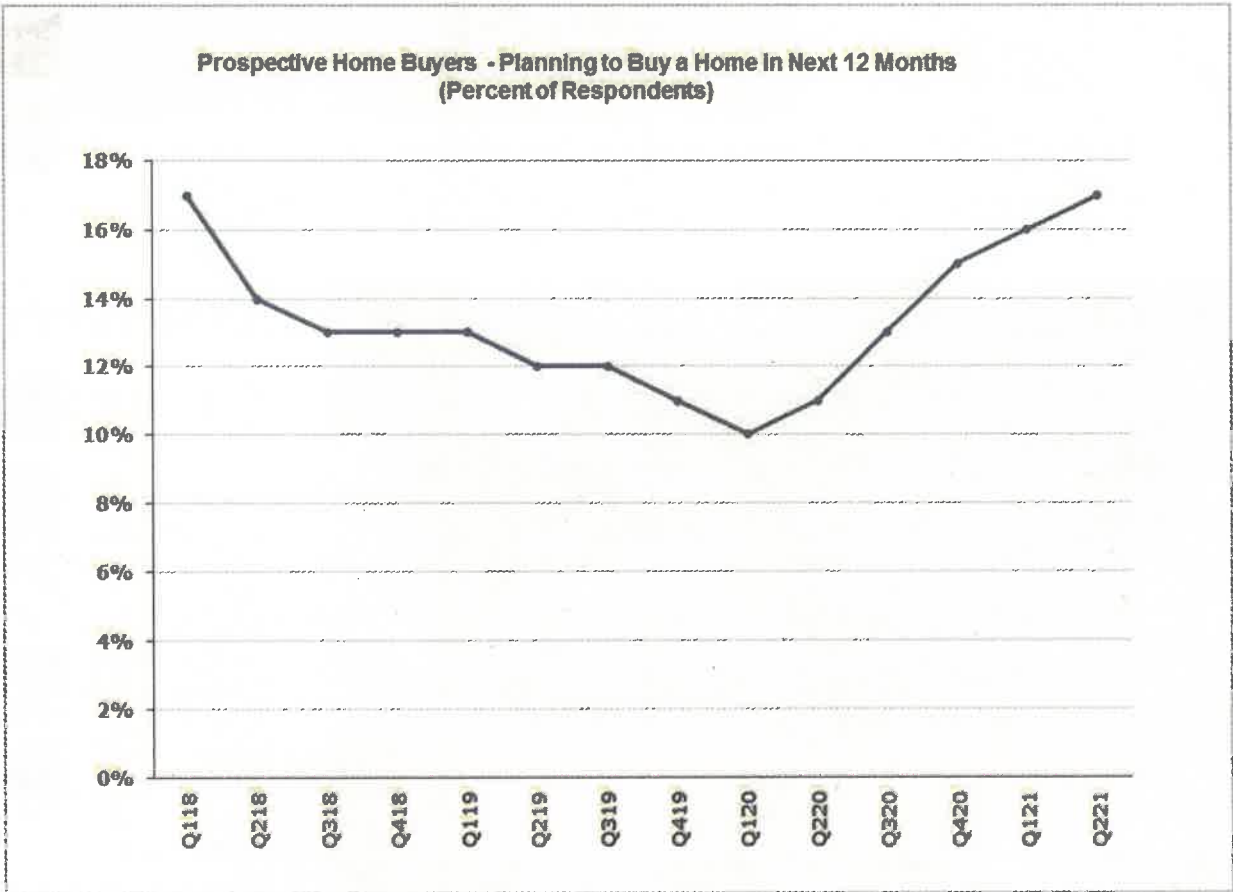
"The value of homeownership has never been greater as evidenced by the increase in active buyers this year," said Chuck Fowke, NAHB chairman and a custom homebuilder from Tampa, Florida. "Homebuilders are eager to meet this demand but are hamstrung by high lumber costs. Policymakers must seek out solutions to resolve the lumber price problem to help more families achieve the American dream."

According to NAHB, soaring lumber prices have tripled over the past 12 months and have caused the price of an average new single-family home to increase by \$35,872.

These prospective buyers are not naive to how challenging the current housing market is right now. Buyers affordability expectations have worsened since the end of 2020, with 71% of homebuyers reporting that they could afford less than half of the homes on the market.

Homebuyers also say that their time spent searching has grown in the past few months, with 66% of those actively searching reporting that the purchase process has taken longer than three months.

While "being outbid by other offers" grew steadily as a primary roadblock for long-time searchers, unfortunately even finding a home they can afford to bid on was the most common



According to NAHB's Housing Trends Report for the second quarter of 2021, 17% of prospective homebuyers are planning to buy a home in the next 12 months.

reason active buyers couldn't pull the trigger, with 39% of buyers citing this reason.

Despite these challenges, only 20% of prospective buyers plan to give up their home search until next year, with the majority

of buyers saying they will either expand their search to find a home or continue looking for the "right" home in preferred location—a testament to the overall desire for homeownership and the benefits that come with it.

Local builder improves homes within the community

This summer, Creative Homes employees were excited to continue their ongoing charitable work at their annual project day with Hearts and Hammers, a Twin Cities nonprofit that restores and preserves the exterior of deteriorating homes.

Nick Hackworthy, president and CEO of Creative Homes, has been involved with Hearts and Hammers since his childhood and developed a passion for the organization. Hackworthy wanted to continue his involvement when he established Creative Homes.

Every year, Creative Homes employees team up with their trade partners and families to spend a day together working to make the exterior of a home weatherproof, safe, refreshed and beautiful. The homeowners are senior citizens, low-income families, veterans or disabled individuals in our metro community. The volunteer work done by Hearts and Hammers often allows them to remain in their homes and continue living independently.

Hearts and Hammers manages the project from beginning to end, alleviating any stress for the homeowners while still making them feel like they're a part of the process. The homeowner gets to pick the paint color and explain the work they want to be completed before watching the work get underway. Creative Homes employees painted, landscaped, cleaned the yard and assisted with exterior home repairs knowing their hard work would make a lasting impact on both the homeowners and the community they live in.

"We believe everyone deserves to have a safe and well-maintained home, and we are honored to use our expertise to help make that happen," said Hackworthy. "Overall, it is a fun event that we look forward to each year! It's always fun to bring everyone together and spend the day doing something good for others."



The Creative Homes team volunteered their service for the day to help Hearts and Hammers a Twin Cities nonprofit that restores deteriorating homes.



Creative Homes employees painted, landscaped, cleaned the yard, and assisted with exterior home repairs.



Vujovich designed and remodeled a deck to give a family's son the flexibility to exit the home through the front door or the back door

Vujovich transforms home to create accessible spaces

When it comes to its relationships with clients, Twin Cities' remodeling company Vujovich Design Build prides itself on creating meaningful, long-lasting connections with the people for which they build and remodel. This rings true in their volunteer work as well. Six-year-old Levi Dahl was born with a severe case of Arthrogryposis Multiplex Congenita, causing him to suffer multiple joint contractures throughout his body. Dahl's mobility is limited; he's only capable of moving his head and few fingers, so he uses a powered wheelchair to get around.

Vujovich first connected with the Dahl family several years ago through a National Association of the Remodeling Industry (NARI) Cares project and partnered with about 20 other companies to transform the Dahl's home, particularly the family gathering spaces, to be accessible. The project included reframing the new floor height, moving all electrical and replacing windows and doors to meet code. The spaces were then finished with an updated trim package, new tile, new light fixtures and a fireplace. The new raised floors now tie into the rest of the main-floor areas allowing easier access to the dining room.

This year, Vujovich partnered with the family again. Vujovich designed and remodeled the family's deck and added a ramp. Now Dahl has the flexibility to exit the home through the front door or the back door, and he has a direct ramp into the backyard.

"We can't even begin to thank you enough for how you continue to provide our family with adaptations that enhance our family's daily life," said the family. "If Levi's smile is any indication, he is beyond thrilled with his new ramp and the increased freedoms this gives him."



Seven family recovery apartment units are being converted for Avivo to provide safe, stable housing where mothers can live with their children as they go through recovery.

Apartment renovations for women in recovery near the finish line

Despite setbacks and delays stemming from the global pandemic, seven Minneapolis apartment units are ready or nearly ready to become safe, stable housing where mothers can live with their children as they go through recovery at Avivo.

The Housing First Minnesota Foundation began renovating an apartment building owned by Avivo at the start of 2020 by taking on one of the basement units. With the help of build partners Mega Remodel and Cardinal Homebuilders, that unit was finished in late March.

"The apartment was being lived in when we came on board, but it was at the point that it no longer could be. So, we walked the unit a couple times and we knew it was going

to be a big project, but we had no idea," said Meg Jaeger of Mega Remodel.

A year after completing that first unit, renovations started on the remaining six apartment units. Plekkenpol Builders, The Kingdom Builders and John Kraemer & Sons took on these remaining units.

"Those units were all stripped down to the studs and the floors were ripped up. All the windows needed to be replaced," said Paul LeGrand of Plekkenpol Builders. "We were really attached to the cause. Who hasn't been touched by addiction in some way? Whether it's yourself, a family member or a neighbor, we are all impacted by it."

The apartments were all converted to better suit the women who will be living in them with additional bedrooms and more functional spaces for families.

"It's a whole different type of project than just remodeling for a client. In this case, when you know the women who are living here are already fighting a big battle, and we get to be a part of making their lives a little bit easier, that's been the most rewarding," said Jaeger.

This is the second apartment building the Housing First Minnesota Foundation has renovated for Avivo. This partnership has helped Avivo provide critical housing for women who are going through treatment.

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Pulte raises a new record on the course

Golfers hit the course for a good cause during the 11th annual Pulte Homes Charity Golf Tournament at Dwan Golf Course in Bloomington this July. This year their charitable golf tournament raised over \$33,000, a new record.

The money raised will support the Housing First Minnesota Foundation in its efforts to build housing for homeless Minnesotans.



Real Estate Law at Every Level

Larkin Hoffman has been a preeminent land use and real estate law firm for more than 60 years. The cost of developing new housing in Minnesota has sky-rocketed for a variety of reasons, but a big factor has been the refusal of cities to rein in their development fees and to be more supportive of “starter home” construction standards. We routinely advise clients on the best way forward when dealing with a city that refuses to adhere to legal requirements or are unwilling to consider modifications to their restrictive development standards to drive down the cost of new housing. We’d be please to consult with you on your next development.

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A quick recap of housing news and development updates



SOURCE: MN HOUSING FINANCE AGENCY

1

Rental assistance slow to get out the door

The federal government has sent hundreds of millions of dollars to the State of Minnesota to assist renters that are behind on their payments. As of the end of July, less than \$27 million in assistance had been sent to Minnesotans, despite having nearly \$200 million in applications. These numbers are updated frequently on the dashboard on www.mnhousing.gov.



SOURCE: STAR TRIBUNE

2

Public housing high-rises required to add sprinklers

In November 2019, five people lost their lives in a fire in the Cedar High apartments in Minneapolis. Since then, legislators have been advocating for the addition of sprinklers to older residential towers. Legislators passed and Gov. Walz signed a bill during the first 2021 special session that will require public housing agencies in Minnesota to add sprinklers to many high-rise buildings by 2033. Legislators and the agencies are asking for additional resources from the federal government to make this happen.



SOURCE: PLYMOUTH CITY HALL

3

Hollydale development gets approved

After months of back and forth between the city of Plymouth, developers and vocal neighbors, over 200 homes have been approved to fill what was once the Hollydale Golf Course. The City Council yielded to a local NIMBY group voting the project down last November. That prompted a lawsuit challenging the decision. Since then, the plans have been adjusted to allow for fewer, more expensive homes.

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