

OFFICIAL PROCEEDINGS

Pursuant to due call and notice thereof, the regularly scheduled meeting of the Spring Lake Park City Council Regular was held on September 6, 2022 at the City Hall, at 7:00 PM.

1. CALL TO ORDER

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

2. ROLL CALL

MEMBERS PRESENT

Mayor Bob Nelson

Councilmember Ken Wendling

Councilmember Brad Delfs

Councilmember Barbara Goodboe-Bisschoff

Councilmember Lisa Dircks

STAFF PRESENT

Public Works Director Terry Randall, Building Official Jeff Baker, City Attorney John Thames, City Engineer Phil Gravel, Administrator Daniel Buchholtz.

VISITORS

Interim Fire Chief Dan Retka – SBM Fire Department

Adam Evans, 911 Osborne Road NE

Anthony O'Neil, 8200 Fillmore Street NE

Kamaal Seeroo, 8302 Highway 65 NE

3. PLEDGE OF ALLEGIANCE

4. ADDITIONS OR CORRECTIONS TO AGENDA - None

5. DISCUSSION FROM THE FLOOR

A. SBM Interim Fire Chief Dan Retka

Interim Fire Chief Retka gave an overview of the SBM Fire Department activities highlighting the recruitment and retention process. He discussed that the Department is volunteer and full-time staff. Chief Retka said the volunteers staff the Fire Department from 5:00 PM to 5:00 AM, and that the fulltime crew staffs the department from 5:00 AM – 5:00 PM.

Chief Retka said that due to policy volunteers cannot live more than a 1 – 1 ½ miles from a station for response time. He said staff is proposing to implement strategic staffing. He explained that Strategic Staffing would allow a duty crew, who could pick their own shift and therefore they could be at any station. He noted that the advantage he noted is training could

be done while on duty and the department would be able to recruit throughout the district for any station.

Chief Retka highlighted the Fire Corp, the Box Alarm Tone System and the CAD Interface. He said the Fire Corp is a group of volunteers who work on a team. Either the Rehab, Culinary, Photography or Public Education. He stated that the Box Alarm Tone System is beneficial to the Fire Department because once a tone is set it alerts a set of mutual aid departments that will show up immediately. He highlighted is the development of the CAD-to-CAD Interface. This interface allows all the proper information to be distributed to responding departments.

Councilmember Wendling asked Chief Retka to explain the benefits of being a volunteer. Chief Retka stated that volunteers are not paid, but are part of the pension program. After 10 years volunteers are vested. He also noted that if someone leaves the department they can return within two years without having to be recertified.

Councilmember Goodboe-Bisschoff inquired about the Centennial Fire Department and how things are working out. Chief Retka stated that SBM is the Administrator, basically they are the Management of the Department. He noted that the department still functions independently, but they follow the same training as SBM.

6. CONSENT AGENDA

- A. Approval of Minutes – August 15, 2022 City Council Meeting
- B. Approve Second Half Assessment – Suburban Rate Authority
- C. Third Quarter Billing for 2023 Payable 2024 Property Tax Assessment - Ken Tolzmann
- D. Resolution 22-40, Accepting Donation to the City from Spring Lake Park Lions
- E. Contractor's License
- F. Sign Permits

Motion made by Councilmember Wendling to approve the Consent Agenda.

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

7. DEPARTMENT REPORTS

A. Public Works Report

Public Works Director Randall noted that the full report was in the packet. He stated that the Public Works staff was busy painting the crosswalks and stop bars.

B. Code Enforcement Report

Building Official Baker noted that the full report was in the packet. He stated that he is working with the Spring Lake Park High School construction trades program. Building

Official Baker gave an update on the construction at 8299 University Ave NE (Hi-Stakes Café) and on 8457 Sunset Road NE (City Moving and Storage).

8. ORDINANCES AND/OR RESOLUTIONS

A. Ordinance Adopting Licensing Regulations Relating to the Sale of Edible Cannabinoid Products

Administrator Buchholtz noted that on July 1, 2022 a new Minnesota law took effect that allows people 21 and over to purchase and consume food and beverage with no more than 5mg of hemp-derived THC per serving and no more than 50mg per package. He stated that the City has authority to be more restrictive than the state law, but not less restrictive. Staff is recommending a more limited licensing ordinance.

Administrator Buchholtz stated that the proposed licensing ordinance limits the sale of edible cannabinoid products to exclusive tobacco stores. He noted that Council can at a later time expand eligible businesses. Staff did reach out to tobacco licensees to receive feedback and comments on the proposed ordinance. The proposed ordinance was posted on the website, pursuant to M.S. 415.19 and a link to the proposed ordinance was posted on the City Facebook page.

Administrator Buchholtz stated that the Council could take three actions:

1. Adopt the proposed edible cannabinoid ordinance as presented.
2. Table the ordinance and amend it for future consideration.
3. Reject the ordinance and establish a moratorium to further study the issue.

Council asked if the administrative regulations and fines are handled the same as the liquor regulations? Administrator Buchholtz stated that it would follow the same procedure.

Councilmember Goodboe-Bisschoff stated she would like to table the ordinance and host an open meeting or enact a moratorium. Attorney Thames stated that there is an absolute immunity for the city if the licensing is handled the same way as the tobacco licensing along with the monitoring. He noted that the City could enact a moratorium, which is a temporary ban on the licensing, but the Council would need to commit to a study of the issue.

Motion made by Councilmember Wendling Ordinance Adopting Licensing Regulations Relating to the Sale of Edible Cannabinoid Products.

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

B. Resolution 22-42, Authorizing Summary Publication of Ordinance 483, An Ordinance Adopting Licensing Regulations Relating to the Sale of Edible Cannabinoid Products

Administrator Buchholtz stated that the Resolution will allow the City to publish a summary of the Ordinance instead of the full Ordinance. Councilmember Goodboe-Bisschoff asked what is the difference in cost. Administrator Buchholtz noted it would be several hundred dollars difference.

Motion made by Councilmember Wendling accepting Resolution 22-42, Authorizing Summary Publication of Ordinance 483, An Ordinance Adopting Licensing Regulations Relating to the Sale of Edible Cannabinoid Products.

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

C. Resolution 22-38, Adopting Proposed 2022 Taxes Collectable in 2023

Administrator Buchholtz stated that the City Council reviewed the proposed 2023 Administrator's budget proposal on August 8, 2022. He noted that the City is required to submit no later than September 30, 2022 the preliminary levy.

Administrator Buchholtz said that Resolution 22-38 will establish the proposed 2022, pay 2023, tax levy at \$3,965,625.00. He noted that this is an increase of 4.99% from the 2021, pay 2022 tax levy. He noted that the Resolution sets the date of the annual Truth-in-Taxation public hearing for Monday, December 5, 2022 at 7:00 PM at City Hall.

Administrator Buchholtz stated the preliminary tax levy establishes the maximum tax levy for 2022, collected 2023. He informed the Council that the final tax levy, which will be set on December 19, 2022, can be the same or lower than the preliminary tax levy.

Motion made by Mayor Nelson accepting Resolution 22-38, Adopting Proposed 2022 Taxes Collectable in 2023.

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

D. Resolution 22-39, Cancelling Bond Levies 2022/2023

Administrator Buchholtz stated that State Law requires the County Auditor to levy the amount of debt service originally certified unless the City passes a resolution cancelling the levy. He said that Resolution 22-39 would cancel two debt service levies and reduce the third.

Administrator Buchholtz stated the bonds are able to be reduced due to a combination of Local Government Aid, Public Utilities funds, Special Assessments, Municipal State Aid funds, and General Fund budget allocations.

Motion made by Councilmember Dircks accepting Resolution 22-39, Cancelling Bond Levies 2022/2023.

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

E. Resolution 22-41, Granting Approval of Interim Use Permit for American Enterprises LLC (DBA Efficient Auto Sales) to Permit Indoor Auto Sales at 8302 Highway 65 NE

Administrator Buchholtz stated the City received an application from American Enterprises, LLC (d/b/a Efficient Auto Sales), 8302 Highway 65 NE for an interim use permit to permit automobile sales at the property. The property is zoned C-2, Neighborhood and Service Center Commercial.

Administrator Buchholtz said the property is currently operating under a Conditional Use Permit for an auto repair business/transportation company (Resolution 19-21, approved August 5, 2019). He stated that the applicant is seeking an auto dealer's license to be able to purchase vehicles at an auto auction. He noted that automobile sales is an interim use in the C-2 zoning district.

Staff is recommending the approval of the interim use permit based on the following findings of fact:

1. The proposed use is a reasonable use of the property, anticipated as an interim use in the C-2, Neighborhood and Service Center Commercial, District.
2. Applicant is primarily utilizing the dealer's license to purchase vehicles at wholesale or through an auto auction. Such a use will not have a detrimental effect on surrounding properties or lower property values.
3. Automobile sales will occur entirely inside the building and is therefore not expected to have a detrimental effect on surrounding properties or lower property values.
4. Adjacent roadways and the existing parking lot are adequate to handle anticipated traffic and vehicles using the site.
5. No changes are proposed to site grading and drainage and therefore stormwater management should be adequate as it exists now.
6. Unusual odors, fumes, dust, noise or vibration associated with the use will be adequately mitigated by the applicant and work will be conducted indoors.
7. No residential use is proposed on the site; and, therefore incompatible growth in that regard is not an issue with this use.

Administrator Buchholtz noted that staff reviewed the application and recommends approval of the interim use permit with the following conditions:

1. The applicant intends to use the interim use permit to purchase vehicles at wholesale or through auto auctions. Should the applicant choose to sell a vehicle under this license, the applicant must store any vehicles for sale inside the building,

in compliance with SLPC 16.36.010(A). No outdoor storage of vehicles for sale permitted.

2. The interim use permit shall expire either upon the sale or transfer of ownership of the building and/or business, a violation of the conditions of the interim use permit or a change in the City's zoning regulations which renders the use nonconforming, whichever is earlier.

Councilmember Goodboe-Bisschoff inquired if the resolution can specify vans only and not autos. Councilmember Delfs said that the dealer's license allows the buying and selling of vehicles, not specific vehicles.

Administrator Buchholtz noted that there is no way to know what is being bought since the state does not send the City a list of what is bought through the license. He stated that the purpose of the dealer's license is to allow Mr. Seeroo to have access to the wholesale market which cuts the overhead.

Motion made by Councilmember Delfs Resolution 22-41, Granting Approval of Interim Use Permit for American Enterprises LLC (DBA Efficient Auto Sales) to Permit Indoor Auto Sales at 8302 Highway 65 NE.

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

9. NEW BUSINESS

A. Authorize Preparation of Plans and Bidding 2023 Sewer Lining Project

Engineer Phil Gravel gave an overview of the proposed sewer lining project. He noted that Public Works Director Randall has recommended that all remaining unlined clay sewer mains be included in the 2023 Sanitary Sewer Line Project. The proposed 2023 work includes sanitary sewer lines between Terrace Road and Able Street and 81st Avenue. The project also includes segments in the area south of 81st Avenue from Able Street eastward.

Engineer Gravel stated that the length of the sewer to be lined is approximately 30,000 feet. The projected cost for the 2023 project is in the range of \$750,000 to \$850,000. Public Works Director Randall noted that the City did not do a sewer lining project in 2022.

Motion made by Councilmember Dircks to order preparation of plans and specifications and authorize bidding for the 2023 Sanitary Sewer Lining Project.

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

10. REPORTS

A. Attorney Report

No report

B. Engineer Report

Report accepted as is.

A. Administrator Report

He noted the distribution of performance evaluation forms on the dais for his upcoming review.

11. OTHER

A. Correspondence

Mayor Nelson gave an update on the activities of the Beyond the Yellow Ribbon.

12. ADJOURN

Motion made by Councilmember Wendling to adjourn.

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

The meeting was adjourned at 8:36 PM.

Robert Nelson, Mayor

Attest:

Daniel R. Buchholtz, Administrator, Clerk/Treasurer