

OFFICIAL PROCEEDINGS

Pursuant to due call and notice thereof, the regularly scheduled meeting of the Spring Lake Park City Council was held on January 16, 2007 at the Spring Lake Park Community Center, 1301 81st Avenue N. E., at 7:00 P.M.

1. Call to Order

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

2. Roll Call

Members Present: Councilmembers Mason, Carlson, Loesch, Dahl and Mayor Nelson

Members Absent: None

Staff Present: Attorney Carson; Engineer Rhein; Building Official Brainard; Public Works Director Randall; Chief Toth; Parks Recreation Director Rygwall; Administrator Nelson and Secretary Sorensen

Visitors: Fire Chief Nyle Zikmund, Spring Lake Park-Blaine-Mounds View Fire Department
Dawn O'Connor, 1334 Chamber Oaks Drive

3. Pledge of Allegiance

4. Additions or Corrections to Agenda - None

5. Discussion From The Floor - None

6. Consent Agenda

Mayor Nelson reviewed the following consent agenda items:

- A. Approve Final Invoice from Anoka County for Extension of Old Central to Pleasantview Drive - \$18,929.56
- B. Approve Invoice from Mediation Services for Anoka County - \$715.00
- C. Approve Invoice from The Brehm Group for Insurance Premiums for Commission Members - \$229.50
- D. Correspondence
- E. Contractors' Licenses

MOTION BY COUNCILMEMBER CARLSON APPROVING THE CONSENT AGENDA AS SUBMITTED. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

7. Police Report

Chief Toth reviewed the December, 2006 department statistics.

Chief Toth stated that Spring Lake Park, Blaine and Mounds View police and fire administrators recently met regarding the selection and purchase of a command vehicle. Chief Toth recalled that the purchase was discussed in 2005 but the City of Blaine did not support its purchase until recently.

Chief Toth stated that the police and fire administrators will meet with three major manufacturers for their input and quotes and it is expected that a proposal to purchase will be brought before the three City Councils in March or April, 2007.

Chief Toth reported that Officer Long, who was injured on duty, is back to work with no restrictions and Officer Laine has completed her field training and assumed her own shift on patrol.

Chief Toth stated that the mandated annual use of force training was held on December 8th and a department meeting was held just prior to the training.

8. Petitions, Requests and/or Communications:

A. Correspondence from Metro Airport Commission Re: Joint Airport Zoning Board

Mayor Nelson referred to correspondence from the Metropolitan Airports Commission, dated January 4, 2007, regarding their proposal to create a Joint Airport Zoning Board to implement airport safety zoning for each of its airports including the Anoka County Airport.

Mayor Nelson noted that the Joint Airport Zoning Board will consist of two representatives from each affected community and two representatives from MAC (Metropolitan Airport Commission). Mayor Nelson stated that the cities of Lexington, Circle Pines, Shoreview, Mounds View, Spring Lake Park and Blaine are all affected by the Anoka County Airport and the Metropolitan Airports Commission has requested that each of these cities participate and appoint two representatives to the Board.

Mayor Nelson suggested that a councilmember and a staff member serve on the Board and asked for volunteers. Councilmember Carlson and Administrator Nelson volunteered to serve.

MOTION BY COUNCILMEMBER MASON APPOINTING COUNCILMEMBER CARLSON AND ADMINISTRATOR NELSON TO SERVE ON THE JOINT AIRPORT ZONING BOARD. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

9. Resolutions and/or Ordinances:

A. Ordinance Amending Section 30.24 of the City Code Relating to Council Salaries

Mayor Nelson recalled that this issue was brought before the Council in December and suggested that the proposed ordinance be discussed at the Council workshop on January 31, 2007. Mayor Nelson explained that Administrator Nelson will prepare a brief summary of the background of this issue for Council review at that time.

Administrator Nelson asked Mayor Nelson if he is suggesting that the Council adopt the ordinance this evening and that she should prepare a draft policy for review at the workshop.

Mayor Nelson stated that he would prefer to have the Council discuss the ordinance at the workshop before any further action is taken.

B. Resolution Supporting Sale of Former Fire Station Three to Kingswood Church

Fire Chief Nyle Zikmund stated that the proposed resolution authorizes the City of Blaine to sell former fire station three located at 1314 109th Avenue in Blaine to Kingwood Church which is adjacent to the property.

Chief Zikmund explained that a component of the Fire Department Capital Improvement Plan funded by the sale of Capital Improvement Bonds on November 17, 2005, was the construction of a new station to be located at 11920 Ulysses Street in Blaine. Chief Zikmund stated that the new station will serve the area formerly served by Stations Three and Five and the Administrative Committee has recommended the sale of Stations Three and Five.

Chief Zikmund stated that the Station Three property on 109th Avenue was appraised in the fall of 2005 and updated in November, 2006, and it was determined that the appraised value was highest as a vacant lot at \$162,000 due to the size and zoning of the property. The cost of removing the existing building is estimated to be \$25,000 therefore, the net proceeds are estimated at \$137,000.

Chief Zikmund stated that the City of Blaine and the Kingwoods Church have agreed upon a negotiated price of \$184,000. The City of Blaine has agreed to remove the building and restore the site by placing fill and seed, removal of the irrigation system and restoration of the curb line along 109th Avenue. Chief Zikmund stated that demolition and restoration costs are estimated at \$25,000 and appraisal, legal, and closing costs are estimated at \$10,000 resulting in net proceeds of approximately \$149,000.

Chief Zikmund stated that the Project Management Team consisting of the three city managers/administrators and himself, are recommending the sale of Station Three and the sale price will assist in establishing a sale price for Station Five which the City of Blaine wants to acquire.

Chief Zikmund stated that it was initially intended to use the proceeds from the sale of Station Three for completion of the new station as the actual land costs exceeded the budgeted cost however, it now appears that the costs will come in under budget so the funds can be used toward the purchase of the command vehicle.

Chief Zikmund added that the City of Blaine's Public Works Department will demolish the old fire station and restore the site.

MOTION BY COUNCILMEMBER CARLSON ADOPTING RESOLUTION NO. 07-01, A RESOLUTION AUTHORIZING THE SALE OF (FORMER) FIRE STATION THREE AT 1314 109TH AVENUE N.E., BLAINE, MN. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

C. Resolution Accepting Feasibility Report on Improvement of CSAH 10 Frontage Roads and Calling a Public Hearing on Said Improvement

Engineer Rhein stated that prior to 1999, CSAH 10 was known as Trunk Highway 10 and the highway, along with all adjacent frontage roads, were under the jurisdiction of the Minnesota Department of Transportation. With the completion of new Trunk Highway 10 just north of Spring Lake Park, MnDOT sought to release its jurisdiction over old Highway 10 by transferring ownership of the highway to Anoka and Ramsey Counties and ownership of the frontage roads to the abutting cities.

Mr. Rhein stated that MnDOT recognized that the frontage roads in Spring Lake Park were in need of improvement and therefore, agreed to make a lump sum payment to the City to help fund the improvements. The City accepted the frontage roads in their existing condition as well as the lump sum payment and determined that improvements would be performed as a local improvement project.

Mr. Rhein stated that since the 6-year Pavement Management Program and the 81st Avenue Improvement Project are complete, he was directed to prepare a Feasibility Report for the improvement of the CSAH 10 frontage roads.

Engineer Rhein referred to the Feasibility Report stating that it identifies the condition of the streets, improvements needed, cost of the improvements and financing options which include use of the turnback monies received from MnDOT and assessment of the abutting properties.

Mr. Rhein stated that the recommended action is for the Council to accept the report and call a public hearing for February 5, 2007 to discuss the improvement and related costs.

Administrator Nelson stated that members of the 2006 Council will remember that the plan is to close the Able Street access to the south of the Highway 10 frontage road. The preferred option for the service drive at Able Street shows that the service drive curves left to Laddie Road bringing the through traffic to Manor Drive. Ms. Nelson added that the plan provides for a commercial driveway for access to the businesses west of Laddie Road, ending west of the existing driveway for the 950 Office Building, and eliminating the driveway on the service road for Northland Associates which is not used.

Ms. Nelson stated that staff met with several of the property owners on the frontage road from Able Street to Middletown Road and they agreed with the City's recommended configuration with some modifications of their own.

Engineer Rhein stated that a number of options for the configuration of the south frontage road were developed and reviewed with the Council at a workshop in the fall of 2005 and subsequently reviewed with staff from the Anoka County Highway Department. Individual meetings were held with the three property owners between Able Street and Laddie Road and in June, 2006, the City held an open house meeting with all of the property owners along the frontage road from Able Street to Middletown Road to discuss the various options. Engineer Rhein stated that the proposed configuration shown in the Feasibility Report is the agreed upon option.

MOTION BY COUNCILMEMBER MASON ADOPTING RESOLUTION NO. 07-02, A RESOLUTION RECEIVING REPORT AND CALLING HEARING FOR THE IMPROVEMENT OF THE COUNTY HIGHWAY 10 FRONTAGE ROADS. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

Engineer Rhein stated that the Feasibility Report will be available at City Hall for review by the public prior to the hearing but added that it is a detailed report and he asked Mayor Nelson if an Executive Summary should be prepared outlining the improvement needed, estimated cost of the project and the proposed financing. Engineer Rhein stated that the summary would be available for the Council as well as the general public. The Council agreed that Engineer Rhein should prepare an Executive Summary.

MOTION BY COUNCILMEMBER MASON AUTHORIZING THE CITY ENGINEER TO PREPARE AN EXECUTIVE SUMMARY OF THE CSAH 10 FRONTAGE ROAD FEASIBILITY REPORT. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

10. New Business:

A. Approve 2007 Animal Control Contract

Mayor Nelson referred to the proposed contract noting the fees to be paid by the animal owner and the City.

Chief Toth explained that the vendor is called by the City on a limited basis adding that the City has had a contract with Animal Control Services for several years and is satisfied with their services. Chief Toth stated that there are no substantial increases in fees to the City.

MOTION BY COUNCILMEMBER LOESCH AUTHORIZING THE MAYOR AND ADMINISTRATOR TO ENTER INTO THE CONTRACT WITH ANIMAL CONTROL SERVICES, INC., EFFECTIVE JANUARY 1, 2007. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

11. Engineer's Report:

A. Approve Plans and Specifications for Rehabilitation of Arthur Street Water Tower and Authorization to Advertise for Bids

Engineer Rhein recalled that the Able Park Water Tower was painted in 2005 and originally, the contract included the Arthur Street tower which was to be painted in 2006. However, due to problems with the contractor, the contract was terminated upon completion of the Able Park Water Tower and the Council ultimately decided that the Arthur Street tower would be completed under a separate project to be scheduled for 2007.

Mr. Rhein stated that the construction documents have been prepared for the project to repaint the 500,000 gallon Arthur Street tower. In addition, the project will include structural repairs to the tower and other related miscellaneous items. Mr. Rhein added that the construction documents include the technical specifications, site plan, contract requirements and other pertinent information regarding the work to be performed. Mr. Rhein stated that the schedule is to advertise the project on January 25, open bids on February 16 and bring those results to the Council on February 19 for consideration of award of the contract.

Engineer Rhein stated that the schedule is critical because staff has been working with the telecommunication providers leasing space on the tower regarding removal of their equipment which must be completed in advance of the work. Mr. Rhein commented that the tower must be taken out of service and Public Works Director Randall has expressed his desire that it be back in service as early as possible in the month of June so it is available to meet summer water demands. However, the painting operation is dependent upon temperature and temperatures are not warm enough to begin painting until May 1st. Mr. Rhein stated that the painting could take as long as 8 weeks which would place the completion date at the end of June.

Mr. Rhein stated that staff wanted to be sure the contractor understood the critical nature of the schedule therefore, an incentive clause was included in the contract which states that if all work is completed and all other requirements are met prior to June 25, 2007, the contract amount will be adjusted by an incentive payment of \$1,000 per day. Conversely, if the project is not completed by June 25, 2007, the contractor will be charged \$1,000 for each day the contract has not been fulfilled. Mr. Rhein stated that the incentive amount is capped at \$25,000 and only applies for the time period from June 1 to June 25, 2007.

Mr. Rhein stated his belief that the incentive plan benefits the City because it is hoped that skilled, qualified contractors will understand the job and submit lower contract bids anticipating that they can complete the job early and receive the bonus. Mr. Rhein stated that he wanted to point out this clause in the contract because it is new and seek input from the Council.

Mr. Rhein explained that the timing is contingent upon removal of the cell phone antennas as they must be removed before work can begin on the tower. Mr. Rhein stated that Administrator Nelson has been working with the cell phone companies to have them remove their equipment by the middle of February so the contractor can begin work the first week in March. Mr. Rhein stated that if removal of the antennas is delayed, it will "push" the entire schedule back so Mr. Randall's directive to get the tower back on line by June 25, 2007 will not be met.

Mayor Nelson asked if painting the Arthur Street tower would have to be delayed until 2008 if the current schedule is not met. Mr. Rhein replied that it is possible.

Councilmember Carlson asked if there was a liquidated damages clause in the Able Street tower contract. Engineer Rhein replied positively adding that liquidated damages were applied and collected from the contractor.

Councilmember Carlson asked Administrator Nelson the status of the removal of the antennas by the cell phone companies.

Administrator Nelson stated that Sprint/Nextel and Cingular Wireless are the only two companies with equipment on the Arthur Street tower and both companies have indicated they will remove the antennas by February 15th and place them on a "cow" on the site. Ms. Nelson stated that she has now referred both companies to Public Works Director Randall because there are some constraints related to the site that need to be discussed as well as the desired location of the "cow". Ms. Nelson advised the Council that Sprint/Nextel will attempt to negotiate their lease payment down during the period their equipment is not on the tower.

Councilmember Carlson asked for a definition of "cow". Public Works Director Randall stated that it is a portable tower to hold the antennas. Mr. Randall stated that he will meet with a Sprint/Nextel representative at the tower site tomorrow to discuss the placement of the "cow" and he also spoke with an Anoka County representative who indicated that their antenna is no longer in use and they will have a contractor remove it.

Councilmember Loesch asked if the Council is interested in selling advertising space on the tower rather than painting it red, white and blue. Councilmembers Carlson and Mason replied negatively. Councilmember Mason stated her opinion that advertising would take away the City's identification. Councilmember Loesch pointed out that advertising would bring in additional revenue. Councilmember Mason stated her opinion that the antenna revenue is sufficient income.

Mayor Nelson suggested that Councilmember Loesch contact other cities to determine if they allow advertising on their water towers and report his findings to the Council. Mayor Nelson stated that it is an interesting concept and there is no harm in gathering information.

Engineer Rhein asked if the Arthur Street Water Tower contract should continue to require the red, white and blue color scheme indicating that an addendum can be added if the Council decides on a different color scheme before painting starts. The Council agreed.

MOTION BY COUNCILMEMBER MASON APPROVING THE PLANS AND SPECIFICATIONS FOR REHABILITATION OF ARTHUR STREET WATER TOWER AND AUTHORIZATION TO ADVERTISE FOR BIDS. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

Engineer Rhein recalled that several bidders on the original project submitted bids for a red, white and blue tower vs. a white tower and he recalls that the price difference was minimal.

12. Attorney's Report - None

13. Councilmember Reports

Councilmember Mason stated that she attended a Parks and Recreation Commission meeting prior to the Council meeting tonight and attended a North Star Corridor meeting on January 4th.

Councilmember Carlson stated that she attended an Environmental Quality Commission meeting on January 10th.

14. Staff Reports

Administrator Nelson reminded the Council that one or more Councilmembers must be trained in order for the Council to conduct a Board of Review. Ms. Nelson stated that she has included reminders in the Council packets and no one has yet responded. Ms. Nelson stated that the only trained member of the 2006 Council was Harley Wells and now there is no one trained to conduct that meeting. Mayor Nelson stated that he would attend the training but does not recall the training date(s). Councilmembers Carlson and Dahl volunteered to attend the training. Ms. Nelson stated that she will contact Anoka County in the morning for the date and location of the training.

Building Official Brainard reported that Independent School District #16 has applied for a building permit for renovation of the former Health Partners building which will house the District offices, pre-school and early childhood classrooms.

Mr. Brainard stated that the Planning and Zoning Commission, at its January 22, 2007 meeting, will hear requests from Independent School District #16 regarding Phase 1 of the high school's additions and renovations and Phase 2 of the Park Terrace Elementary School additions and renovations.

15 Other

Mayor Nelson stated that he received correspondence from the American Red Cross regarding conducting CPR training and disaster preparedness for residents.

Administrator Nelson stated that the Parks and Recreation Department offers CPR training once a year and staff is CPR trained through the Safety Committee.

Councilmember Carlson stated that she received material from Rehbein Environmental Solutions regarding their irrigation and drainage systems allowing parking lots to drain into a sand filter with regulated discharge rather than curb, gutter and storm drain. Councilmember Carlson suggested that Administrator Nelson schedule a Planning and Zoning Commission workshop to be conducted by Rehbein Environmental Solutions to advise them of this concept.

Administrator Nelson expressed her opinion that the Planning and Zoning Commission depends on the expertise of Engineer Rhein regarding drainage matters because those issues are beyond the scope of the Commission's role. Ms. Nelson stated that she contacted Engineer Rhein to see if his staff agrees with her opinion or if his firm would recommend a workshop conducted by a vendor.

Engineer Rhein stated that there are many companies who promote their products through solicitations adding that Spring Lake Park has used products similar to what Rehbein Environments Solutions is offering in a few areas of the City. Mr. Rhein stated that it is more important for the Planning and Zoning Commission to be aware of the types of irrigation and drainage systems available and how they are utilized but not specific details of a certain product.

Administrator Nelson commented that it is not the Commission's job to design sub-surface drainage systems as their job is to determine if certain uses and structures are appropriate in certain zones. Ms. Nelson stated that it is the developer's job to submit a drainage plan for a piece of property and Engineer Rhein's job to determine if it is adequate.

Councilmember Carlson stated her opinion that the more education the Planning and Zoning Commission has, the more helpful it will be in their planning process in regard to green areas and shrubbery.

Engineer Rhein stated his opinion that the Rehbein representative would not address all of the technology available, he would only talk about how his company's products perform. Alternatively, Mr. Rhein stated that the Rice Creek Watershed District has an education coordinator and she may be able to hold a workshop for both the Planning Commission and the Council. Mr. Rhein stated that the coordinator could speak in general terms about what systems work in our area. Mr. Rhein stated that if the Council wishes, he will contact the Rice Creek Watershed District Administrator to determine if the education coordinator does hold workshops for cities and that may be more appropriate than a particular vendor conducting a workshop about a specific product.

Mayor Nelson asked Administrator Nelson to contact the Rice Creek Watershed District regarding this issue adding that he believes it is a good idea.

Councilmember Carlson stated her belief that part of the Council's job is to educate residents on important issues.

Administrator Nelson stated that education is one of the requirements of the City's NPDES permit and a Rice Creek Watershed District workshop would help fulfill that requirement.

Engineer Rhein stated that the project referred to under Item 6A under the Consent Agenda, Approve Final Invoice from Anoka County for Extension of Old Central to Pleasantview Drive, is eligible for State Aid funding. Mr. Rhein stated that a State Aid project number was opened when the project was begun in 2002 and the appropriate action is for his office to prepare and send the final documentation to MnDOT so they will send a check to the City to pay the County.

MOTION BY COUNCILMEMBER CARLSON AUTHORIZING THE CITY ENGINEER TO PREPARE AND SUBMIT THE PROPER DOCUMENTATION TO MNDOT FOR RELEASE OF THE CITY'S PORTION OF STATE AID FUNDS FOR PAYMENT OF ANOKA COUNTY'S FINAL INVOICE FOR THE EXTENSION OF OLD CENTRAL TO PLEASANTVIEW DRIVE. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

MOTION BY COUNCILMEMBER MASON TO ADJOURN. VOICE VOTE: ALL AYES. MOTION CARRIED.

The meeting was adjourned at 8:03 P.M.

Robert Nelson, Mayor

Attest:

Barbara L. Nelson, Administrator, Clerk/Treasurer