

OFFICIAL PROCEEDINGS

Pursuant to due call and notice thereof, the regularly scheduled meeting of the Spring Lake Park City Council was held on February 20, 2007 at the Spring Lake Park Community Center, 1301 81st Avenue N.E. at 7:00 P.M.

1. Call to Order

2. Roll Call

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

Members Absent: None

Staff Present: Attorney Carson; Engineer Rhein; Public Works Director Randall; Sgt. Ebeltoft; Administrator Nelson and Secretary Sorensen

Visitors: Suzanne Bickford, 1095 Manor Drive
Roger Huseby, 970 County Highway 10
Theresa O'Donnell, 8020 Jefferson Street
Paul Harstad, 2195 Silver Lake Road, New Brighton

3. Pledge of Allegiance

4. Additions or Corrections to Agenda

Administrator Nelson requested that the Police Report be removed from the agenda as Chief Toth is out of town adding that a report will be available at the March 5th meeting. The Council agreed. Ms. Nelson added that Sgt. Ebeltoft is available to answer questions the Council may have during the meeting.

5. Discussion From The Floor - None

6. Consent Agenda

Mayor Nelson reviewed the following consent agenda items:

- A. Letter of Support - Administrator's Application to Serve on MCFOA Board of Directors
- B. Budget to Date/Statement of Fund Balances - December, 2006 and January, 2007
- C. Correspondence
- D. Contractors' Licenses

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

7. Police Report

Removed from agenda.

9. Petitions, Requests and/or Communications:A. Comprehensive Plan Amendments - City of Fridley

Councilmember Carlson asked why the Council must review comprehensive plan amendments if the proposal does not affect the City.

Engineer Rhein commented that it is a procedural item because the City of Fridley must submit a formal application to the Metropolitan Council to amend its comprehensive plan and part of the application must include comments from surrounding communities even if the comment is that the City has no objection to the proposed amendment.

Engineer Rhein stated that there are two applications to be considered and one is to rezone an acre of land from Single Family Residential to Multi-Family Residential and the other is to rezone 4.3 acres of property from Industrial to Commercial. Mr. Rhein stated that both areas are located around 73rd Avenue, south of Spring Lake Park, and neither traffic nor utilities will affect Spring Lake Park. Mr. Rhein stated his opinion that there is no reason to object to the proposed amendments.

Public Works Director Randall agreed that the proposals do not affect the City of Spring Lake Park.

Administrator Nelson stated that if the Council has no concerns regarding the proposed comprehensive plan amendments, she will inform the City of Fridley. The Council agreed.

10. New Business:B Resolution of Denial - Special Use Permit for Construction of Furniture Store - Affordable Furniture

Attorney Carson stated that Affordable Furniture appeared at the February 5th Council meeting where it became apparent that the required parking for the site was insufficient and would require a substantial parking variance. Subsequently, the Council denied the request and directed him to prepare a resolution of denial setting forth the facts for denial.

MOTION BY COUNCILMEMBER MASON ADOPTING RESOLUTION NO. 07-03, A RESOLUTION DENYING THE LOT SPLIT, SPECIAL USE PERMIT AND VARIANCE FOR AFFORDABLE FURNITURE. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

11. New Business:A. Award Bid for Rehabilitation of Arthur Street Water Tower

Engineer Rhein stated that bids were opened on Friday, February 16, 2007 for the rehabilitation of the Arthur Street water tower. Mr. Rhein stated that the project includes minor structural repairs, welding and interior and exterior cleaning and painting.

Mr. Rhein stated that three bids were received, reviewed and found to be in order. Mr. Rhein stated that the low bid on the project was TMI Coatings, Inc. with a base bid of \$408,300.00. Mr. Rhein stated that the contractor's bid was 3.5% higher than the engineer's estimate of \$395,000 which is a reasonable margin.

Engineer Rhein stated that he is in receipt of TMI's references adding that his firm has worked with TMI in the past and found their work satisfactory. Mr. Rhein stated that the references have been checked and all responses were favorable.

Mr. Rhein stated that the Council could decide to award the bid to TMI this evening or reject all three bids and re-bid the project to be completed in 2008. However, Mr. Rhein recommended that TMI Coatings, Inc. be awarded the project on the base bid amount of \$408,300.00.

Mayor Nelson stated that he has no objection to awarding the bid to TMI however, it is important they are aware of the critical schedule for completion so the tower can be back in service by the end of June. Mayor Nelson stressed that all of the issues must be clearly explained to the contractor so the problems and delays experienced with the Able Street tower project do not occur.

Engineer Rhein stated that he and Public Works Director Randall met with the contractor today to make him aware that the water tower cannot be out of service any longer than necessary and established June 25 as the last possible date for completion. Mr. Rhein stated that the contractor is also aware of the penalty that will be imposed if the completion date is not met.

Public Works Director Randall stated that he worked with TMI a few years ago and remembers that they did good work adding his belief that there will be water in the tower on June 25th.

Mr. Rhein commented that the contractor for the Able Street tower was from Georgia and he did not bid on this project. Mr. Rhein stated that TMI is located in St. Paul and is aware of the proper coatings to be applied in this climate.

MOTION BY COUNCILMEMBER MASON AWARDING THE BID FOR THE REHABILITATION OF THE ARTHUR STREET WATER TOWER TO TMI COATINGS, INC., IN AN AMOUNT NOT TO EXCEED \$408,300.00. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

Councilmember Mason asked Public Works Director Randall how the well will be emptied.

Public Works Director Randall stated that he can set the level on the wells so the Arthur Street tower will not fill however, some water will have to be drained into the storm sewer.

Mayor Nelson asked if the water could be pumped into Spring Lake. Mr. Randall replied negatively stating that it would cost approximately \$5,000 to pipe it to Spring Lake. Mr. Randall explained that the water from the tower will flow through a series of ponds and ultimately into Rice Creek.

12 Engineer's Report:A. Invoice from MnDOT for Traffic Signal on T.H. 47 at 81st Avenue - \$51,600.00

Engineer Rhein stated that the invoice from MnDOT is for replacing the traffic signal and making associated improvements to the intersection at 81st and University Avenue. Mr. Rhein stated that the project is being jointly funded by MnDOT, Fridley and Spring Lake Park and an agreement was entered into between the parties and approved by the Council on November 6, 2006.

Mr. Rhein stated that Spring Lake Park is responsible for 25% of the cost of the traffic signal and Emergency Vehicle Pre-Emption (EVP) system, as well as for a portion of the construction management cost of the project. The estimated total cost to Spring Lake Park was \$60,318.00 however, the project came in under budget therefore, the first invoice is in the amount of \$51,600.00. Mr. Rhein commented that a final invoice will be received in the future in the range of \$7,000.00 to \$8,000.00. Mr. Rhein recommended approval of the invoice with funds from the State Aid Construction Account.

MOTION BY COUNCILMEMBER LOESCH APPROVING PAYMENT OF THE INVOICE FROM THE MINNESOTA DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF \$51,600.00 FOR THE 81ST AVENUE AND T.H. 47 SIGNAL REPLACEMENT PROJECT WITH FUNDING FROM THE STATE AID CONSTRUCTION FUND. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

B. MnDOT State Aid Disbursement for 2007

Engineer Rhein stated that cities with a population of 5,000 and up are eligible to participate in the State of Minnesota State Aid system. A total of 142 Minnesota cities are included in the State Aid system and the allocation process is based on a combination of population and needs. Mr. Rhein stated that cities can designate roadways that are high use main arteries as state aid streets and the State will allocate funds annually toward the construction and upkeep of those roads. Engineer Rhein stated that each year, the Minnesota Department of Transportation makes construction and maintenance allocations to cities that are part of their Municipal State Aid program.

Mr. Rhein explained that 25% of Spring Lake Park's allocation is designated for maintenance of state aid streets within the City. Mr. Rhein stated that maintenance funds are sent directly to the City to be used for items related to maintenance such as materials, equipment and labor and authorization to use these funds is not required by MnDOT.

Mr. Rhein further explained that the construction allotment is placed into the City's state aid account held by the State and can be drawn upon when the City identifies an improvement project on a state aid street. Mr. Rhein stated that funds from the construction account are disbursed to the City once the contract for construction has been awarded and the City makes a request to MnDOT for reimbursement.

Mr. Rhein stated that the City's total 2007 allocation is \$152,950.00, a decrease of 3.38% from 2006. The maintenance allocation is \$38,238.00 and the construction allocation is \$114,712.00.

Mr. Rhein stated that with the addition of the 2007 State Aid allocation, the current available balance of the City's construction account is \$233,441 however, there are two current invoices eligible for payment from the State Aid construction account. One is for the signal replacement project at 81st and University Avenue in the amount of \$51,600 and the second is for final payment to Anoka County for the extension of CSAH 35 from Arthur Street to Pleasantview Drive and includes the new signal at Pleasantview Drive and County Highway 10 in the amount of \$18,929.56. Mr. Rhein commented that once disbursement from the construction fund for these two invoices has been subtracted, the remaining balance will be \$162,911.44.

Mr. Rhein recalled that there were insufficient funds in the City's construction account to fully reimburse the City for the improvements to 81st Avenue when the initial request for funds was made. There is currently a balance of \$235,611.32 due the City from the State Aid construction account therefore, the City could request the remaining available balance of \$162,911.44 to be disbursed towards the amount due for 81st Avenue.

Mr. Rhein pointed out that requesting the remaining balance to be disbursed for 81st Avenue would reduce the construction account to zero until the next annual allocation is made in January, 2008. Mr. Rhein stated that it is not prudent to keep a large balance in the construction account because the MnDOT allocation formula will reduce next year's the allocation if the current balance hasn't been drawn down.

Mr. Rhein recommended that the City request disbursement of the remaining available balance in the 2007 State Aid Construction Account towards the amount due on the 81st Avenue project. Mr. Rhein stated that if the Council agrees, he will make the appropriate request to MnDOT.

Mayor Nelson asked for a time line for the rehabilitation of Terrace Road, Monroe Street and Able Street adding his opinion that Able Street should be delayed until the school construction project is completed.

Engineer Rhein recalled that the Terrace Road, Monroe Street and Able Street projects are identified in the CIP and suggested that during the year, Council and staff should review the CIP to determine which projects should be rescheduled and begin planning to be sure there will be funding available.

MOTION BY COUNCILMEMBER CARLSON DIRECTING THE ENGINEER TO MAKE THE APPROPRIATE DISBURSEMENT REQUEST TO MNDOT FOR THE 81ST AND UNIVERSITY AVENUE SIGNAL REPLACEMENT PROJECT, THE EXTENSION OF CSAH 35 FROM ARTHUR STREET TO PLEASANTVIEW DRIVE PROJECT AND THE 81ST AVENUE STREET REHABILITATION PROJECT FROM THE CITY'S 2007 STATE AID CONSTRUCTION ACCOUNT. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

13. Attorney's Report - None14. Councilmember Reports - None15. Staff Reports

Administrator Nelson reported that on February 7th, she attended the Cable TV Operating Committee meeting and in the afternoon, met with Attorney Carson and Police Chief Toth regarding an alleged gambling violation which has now been determined to be unfounded; on February 8th, she attended the monthly Metropolitan Human Resource Professionals meeting; on February 12th, she and Public Works Director Randall participated in a conference call with Sprint/Nextel regarding removal of their antennas from the Arthur Street water tower and they indicated they would work up a cost analysis and be submitting a specific proposal for rent abatement; on February 13th, she met with a representative from an employee benefits company regarding possible flexible spending accounts for employees; on February 14th, she met with Engineer Rhein and Public Works Director Randall to review upcoming projects to improve communications between them as a group particularly, during the construction season; later in the morning, she, Chief Toth and Sgt. Ebeltoft attended an Emergency Management meeting at the Anoka County Government Center and in the afternoon, met with a Loss Control Specialist from the League of Minnesota Cities Insurance Trust to discuss the City's current insurance policies; on February 15th, she met with Mayor Nelson and Attorney Carson regarding topics that will be covered at the workshop and on February 16th, she attended the bid opening for the water tower and after the bid opening, she, Chief Toth and Engineer Rhein met with Superintendent Helmstetter and his architect regarding the high school driveway and parking lot concerns at Park Terrace Elementary School.

16. Other

Mayor Nelson commented that the wine in grocery stores issue will come before the Legislature next week and asked if there will be a City representative in attendance at the hearing. Administrator Nelson stated that Joyce Zachmann, Director of Liquor Operations, will attend.

Mayor Nelson called for a recess at 7:46 PM.

Mayor Nelson reconvened the meeting at 8:00 PM.

8. Public Hearing:A. 8:00 P.M. Public Hearing to Consider Improvement of County Highway 10 Frontage Roads

Mayor Nelson called the public hearing to order at 8:00 PM.

Engineer Rhein stated that the Council requested a feasibility study for the rehabilitation of the existing frontage roads along County Highway 10 to include replacement of bituminous surfacing, storm sewer repair and upgrade, concrete curb and gutter repair and related work.

Mr. Rhein stated that the purpose of the public hearing is to describe the project as outlined in the feasibility report and to receive input from the Council and public.

Mr. Rhein stated that until 1999, T.H. 10 and its frontage roads were under the jurisdiction of MnDOT and in April, 2000, MnDOT turned back the highway to the counties and the frontage roads to the cities and T.H. 10 became known as County State Aid Highway (CSAH) 10. The City of Spring Lake Park received the following three segments of frontage road through the turnback: (1) South side of CSAH 10 from Able Street to Middletown Road;(2) North side of CSAH 10 from Able Street to Cottagewood Terrace and (3) North side of CSAH 10 from Center Drive to Pleasantview Drive.

Mr. Rhein stated that the three segments of frontage road were constructed by MnDOT in 1961, are bituminous surfaced but do not have curb and gutter. Mr. Rhein stated that drainage problems have been experienced with the ditches between County Highway 10 and the frontage roads and Spring Lake Park conducted a drainage study in October, 1999 to develop a preliminary plan for managing the storm water runoff for each segment of frontage road. Sanitary sewer and water mains exist along portions of the frontage roads however, the majority of these mains are located outside of the improved road surface. Mr. Rhein added that no city-owned storm sewer exits along any of the frontage road segments and as part of the agreement with MnDOT, the City agreed that the frontage roads would be sloped away from the highway so the entire surface drains away from CSAH 10.

Mr. Rhein stated that under the proposed project, curb and gutter will be installed on the City side of the frontage roads. The width of each frontage road segment will be 26 feet from the edge of the pavement to the face of the curb with no shoulder and no parking along any segment. Mr. Rhein stated that driveway accesses will be rebuilt where they intersect with the street and storm sewer will be installed.

Mr. Rhein stated that Segment 1 is on the south side of the highway from Able Street to Middletown Road. Mr. Rhein stated that after many meetings with Anoka County, the business owners along that section of the frontage road and City Council and staff, the preferred improvement option is to close the access from Able Street and eliminate the frontage road between Able Street and Laddie Road. Through traffic would travel on Able Street to Manor Drive to Laddie Road and a shared business access drive would extend west of Laddie Road to provide access to the businesses along the existing frontage road.

Mr. Rhein commented that it is possible to construct a smoother S-curve near the south end of Segment 1 at Middletown Road. This improvement is an optional improvement the Council could choose to include in the project.

Mr. Rhein explained that three new separate storm sewer systems are proposed along the road of Segment 1. Two of the systems will drain into Laddie Lake through culverts beneath CSAH 10 and the third system will flow through a MnDOT culvert into the drainage system for the interchange at Highway 65.

Engineer Rhein stated that Segment 2 is on the north side of County Highway 10 from Able Street to Cottagewood Terrace. Rehabilitation will be along the current alignment and a new storm sewer will be included starting at the intersection of Tyler Street to the east side of the intersection at Cottagewood Terrace. Water will discharge into the existing ditch along the north side of CSAH 10 and ultimately flow into Laddie Lake.

Mr. Rhein stated that the improvements for Segment 3, located on the north side of CSAH 10 from Center Drive to Pleasantview Drive, include a concrete valley gutter which would collect storm water from the street surface and route it to the public drainage system, minimizing runoff onto private properties. Mr. Rhein explained that three drainage areas are proposed for this segment. The west portion of the roadway will drain to Sunset Road north and into the City storm sewer; the middle portion will generally flow to 83rd Avenue and be collected by the existing storm sewer at Westwood Road and the east portion will drain in front of the Oakcrest property and into the existing pond at that location.

Mr. Rhein commented that a portion of Segment 3, east of Sunset Road, lies within the boundary of the Rice Creek Watershed District and improvements in that area will need to comply with the watershed storm water rules. Mr. Rhein stated that other permits will be required from Anoka County, MnDOT and the Minnesota Pollution Control Agency and an agreement will be needed with Oakcrest Apartments to allow the discharge of storm water into their privately-owned pond.

Engineer Rhein stated that the estimated cost of the project is \$954,100.00 however; the estimated cost does not include the improvement of the S-curve near Middletown Road which would add another \$22,400.00 to the cost.

Engineer Rhein stated that the financing of the project will be through an assessment against abutting properties; turnback funds received by the City from MnDOT and any portion of the project not funded through either assessments or turnback funds will have to be funded through other means to be identified by the City. Mr. Rhein stated that the City pays 100% of utility improvements, traffic signs and pavement markings. The proposed cost for non-residential properties is \$65.77 per front foot and the one residential property located within the project area, Oakcrest Apartments, will be charged based on the number of units on the site. Mr. Rhein added that the final costs will not be known until the project is complete.

Engineer Rhein stated that if the Council approves the project, bids could be opened and the contract awarded in April with construction beginning in mid-May and completed by Labor Day, 2007.

Mayor Nelson stated that the businesses on the north side of County Highway 10 are concerned about the period of time access to their businesses will be disrupted during installation of the storm sewer. Engineer Rhein stated that during the time the street is milled, one half of the street will be open at all times however, there may be short intervals where traffic will be interrupted while the storm sewer is installed and the contractor will work with the business owners to maintain access in and out of those sites.

Administrator Nelson stated that if it is necessary to close off the street for a period of time, the businesses will receive a 24 hour notice.

Mayor Nelson asked Sgt. Ebeltoft for his opinion regarding the improvement of the S-curve on Middletown Road.

Sgt. Ebeltoft stated that from a law enforcement point of view, the money would be well spent to straighten the S-curve.

Councilmember Dahl expressed concern about directing more traffic on Manor Drive particularly by high volume traffic businesses adjacent to TH 65. Mayor Nelson stated that the Kokesh Motorcycle property is vacant and the only other businesses with the potential for high volume traffic, is Rescue Tow.

Engineer Rhein stated that traffic counts taken in November, 2005 and during one 24 hour period there were 856 vehicles on Manor Drive; 440 vehicles on the frontage road around Laddie Road and 540 vehicles near Able Street. Mr. Rhein stated that although it is anticipated traffic will increase on Manor Drive, it is built to handle 1,000 vehicles per day.

Mayor Nelson asked if a "Right Turn Only" sign could be installed on Laddie Road where it intersects with Manor Drive forcing traffic to Able Street. Engineer Rhein answered positively.

Administrator Nelson stated her opinion that there may be a significant increase in traffic in the beginning because it is a change in people's driving patterns however, as soon as people who access the businesses on the frontage road become more familiar with the new configuration, residents should see less traffic.

Engineer Rhein agreed and pointed out that most of the businesses located on the frontage road are destination businesses, not stop and shop businesses.

Mayor Nelson asked for comments from the floor.

Suzanne Bickford, 1095 Manor Drive, stated that she is concerned about increased traffic on Manor Drive because there are children in the neighborhood who play in the street. Ms. Bickford asked if traffic counts were taken on Manor Drive east to Fillmore Street.

Engineer Rhein stated that the counts were taken west of Laddie Road and those vehicles could have turned on Laddie Road and traveled in either direction on Manor Drive. Mr. Rhein stated that people who normally use Manor Drive east of Laddie Road will continue to do so whereas, the increase in traffic will be from vehicles coming from the frontage road to Manor Drive and then west to Able Street.

Ms. Bickford asked how the vehicles from the RV business will travel. Engineer Rhein stated that because the RV business is located at the corner of the frontage road and Laddie Road, vehicles will not turn east on to Manor Drive from Laddie Road any more often than they do presently.

Mayor Nelson stated his belief that the proposed plan is less expensive for the community and abutting property owners than other solutions to the problem and will reduce the accident potential. Mayor Nelson added that signage on the frontage road and Manor Drive will publicize the new route.

Ms. Bickford asked if the RV business will have an exit on Manor Drive or Laddie Road. Engineer Rhein stated that the business will keep its driveways on Manor Drive, Laddie Road and the frontage road.

Roger Huseby, 970 County Highway 10, asked if the corner at the intersection of Laddie Road and Manor Drive could be modified so it isn't so sharp. Engineer Rhein stated that if during the course of the project, it is discovered that traffic is turning east rather than west, the intersection could be modified to make it more conducive to a right hand turn. Mr. Rhein commented that it would not be prudent to change the intersection unless there is a need because it would add costs to the project.

Mayor Nelson suggested that traffic counts be taken on Manor Drive on either side of Laddie Road. Public Works Director Randall stated that he would take the counts after the snow is gone. Engineer Rhein stated that the counts could be done the first of May prior to the start of the project, again in the fall of 2007 and in the spring of 2008 giving the City numbers to analyze to determine if better signage is needed or if the intersection should be modified.

Councilmember Mason stated that people accessing the businesses on the frontage road may live east of Laddie Road and they will not be able to turn left (east) on Manor Drive if the intersection is marked "Right Turn Only".

Engineer Rhein stated that those residents can still turn left explaining that the purpose of a 'right turn only' sign is to direct general traffic back to the highway. Mr. Rhein stated that roadways cannot be designed for every circumstance.

MOTION BY COUNCILMEMBER MASON TO CLOSE THE PUBLIC HEARING. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

Mayor Nelson closed the public hearing at 9:10 P.M.

10. New Business (Con't):

A. Resolution Ordering Improvement and Preparation of Plans and Specifications for County Highway 10 Frontage Roads

MOTION BY COUNCILMEMBER CARLSON ADOPTING RESOLUTION NO. 07-04, A RESOLUTION ORDERING IMPROVEMENT AND PREPARATION OF PLANS FOR THE COUNTY HIGHWAY 10 FRONTAGE ROADS.

FRIENDLY AMENDMENT OFFERED BY COUNCILMEMBER LOESCH THAT THE S-CURVE AT MIDDLETOWN ROAD BE INCLUDED IN THE PROJECT. COUNCILMEMBER MASON ACCEPTED THE FRIENDLY AMENDMENT. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

MOTION BY COUNCILMEMBER LOESCH DIRECTING STAFF TO OPEN DISCUSSIONS WITH REPRESENTATIVES OF OAKCREST SENIOR APARTMENTS REGARDING THE DISCHARGE OF STORM WATER INTO THEIR PRIVATE POND. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

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

The meeting was adjourned at 9:10 P.M.

Robert Nelson, Mayor

ATTEST:

Barbara L. Nelson, Administrator, Clerk/Treasurer