

OFFICIAL PROCEEDINGS

Pursuant to due call and notice thereof, the regularly scheduled meeting of the Spring Lake Park City Council was held on March 19, 2007 at the Spring Lake Park Community Center, 1301 81st Avenue N. E., at 7:00 P.M.

1. Call to Order

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

2. Roll Call

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

Members Absent: Mayor Nelson

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

Visitors: Superintendent Helmstetter, Independent School District #16
Chief Nyle Zikmund, Spring Lake Park-Blaine-Mounds View Fire Department

3. Pledge of Allegiance

4. Additions or Corrections to Agenda

Administrator Nelson asked that Item 7A., Proposed Enforcement of Liquor License Violations, be removed from the agenda until the full Council is in attendance. The Council agreed.

5. Discussion From The Floor - None

6. Consent Agenda

Acting Mayor Mason reviewed the following Consent Agenda items:

- A. Application for Excluded Bingo - Mounds View Community Theater @ Lakeside Lions Park
June 10, 2007
- B. Mayor's Proclamation - Minnesota FoodShare Month
- C. Budget-To-Date/Statement of Fund Balances - February, 2007
- D. Correspondence
- E. Contractors' Licenses
- F. Sign Permits

Acting Mayor Mason stated that she will read the Mayor's Proclamation after the Consent Agenda is approved.

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

B. Mayor's Proclamation - Minnesota FoodShare Month - March, 2007

Acting Mayor Mason read the proclamation declaring March, 2007 as Minnesota FoodShare Month in the City of Spring Lake Park.

7. Police Report

Chief Toth reviewed the January/February, 2007 department statistics.

Chief Toth reported that on February 13th, he met with Claudia Hagberg, Park Terrace Elementary School Principal, to review District 16's parking lot plans and the proposed interior classroom plan recently approved by the City Council. Chief Toth stated that the district's architect has made positive changes in security for children in the parking lot. On February 14th, Administrator Nelson, Sgt. Ebeltoft and he attended an Emergency Management meeting at the Anoka County Government Center and later in the day, met with other Anoka County Chiefs to discuss the proposed Anoka County Crime Lab; on February 15th, he and Luann Larson attended a meeting regarding the MINCIS project which is a new software application mandated by the State to be used by courthouses state-wide and on February 16th, he met with Administrator Nelson, Superintendent Helmstetter and Greg Dehler, the school district's architect, regarding the driveway at Spring Lake Park High School on 79th Avenue.

A. Proposed Enforcement of Liquor License Violations

To be discussed at the April 2, 2007 Council meeting.

8. Petitions, Requests and/or Communications:

A. Request from ISD 16 to Use Able Park Parking Lot During High School Construction

Acting Mayor Mason asked if the approved driveway directly across from Taylor Street is temporary or permanent.

Superintendent Helmstetter stated that it will eventually be a permanent entrance/exit to the high school site. Mr. Helmstetter explained that the busses for the morning students will unload on Able Street but the afternoon busses will use 79th Avenue. Mr. Helmstetter stated that today was the first day the relocated driveway was used by students and thanked Mayor Nelson and Chief Toth for being on site this morning to monitor the traffic. Mr. Helmstetter stated that traffic does not pick up until 6:55 AM and students were orderly and adjusted to the change however, a few minutes after 7 AM, the traffic began to back up and Officer Gary King, School Liaison Officer, began to direct traffic which helped move it more quickly.

Mr. Helmstetter stated that all students leave at the same time in the afternoon but there were very few students who traveled on Taylor Street. Mr. Helmstetter stated that even though things went well today, adults will be directing traffic in the morning and afternoon.

Superintendent Helmstetter stated that approximately 65-70 parking stalls have been lost in the high school parking lot because of construction and protective fencing. Mr. Helmstetter stated that there is a need for alternative parking locations in order to prevent inappropriate or illegal parking situations.

Superintendent Helmstetter recalled that the City opened the Able Park parking lot to students in the past and asked if the Council would consider opening it early this year to relieve the parking issues at the school. Mr. Helmstetter stated that he does not anticipate a parking problem next year however, additional parking is needed immediately. Mr. Helmstetter commented that since the parking lot is used as a skating rink, there is still ice on the site however, his grounds crew is willing to help prepare that area for parking.

Public Works Director Randall stated that he will have someone on site in the morning to remove the ice so it will be available for parking by Wednesday.

Administrator Nelson asked Parks and Recreation Director Rygwall if use of the parking lot will interfere with any park programs. Ms. Rygwall replied negatively.

MOTION BY COUNCILMEMBER LOESCH APPROVING OPENING THE ABLE PARK PARKING LOT FOR STUDENT PARKING BEGINNING WEDNESDAY, MARCH 21, 2007. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

B. Request from TMI Coatings to Work on Sundays as Necessary

Engineer Rhein stated that a pre-construction meeting was held with TMI Coatings on March 8th and during the meeting, the work hours allowed by City Ordinance was discussed. These hours are 7 AM to 7 PM, Monday through Saturday with no work on Sunday unless there is prior authorization from the City.

Mr. Rhein stated that during the discussion, the contractor commented that their schedule does not plan for work on Sundays however, if inclement weather causes the loss of working days during the week, work may be required on an occasional Sunday to meet the required project deadline.

Mr. Rhein stated that following the pre-construction meeting, TMI submitted a letter requesting authorization to work on Sundays as necessary to meet the project deadline. Mr. Rhein stated that the request is reasonable and recommended that the Council grant general authorization to work on Sundays as necessary, contingent upon staff approval of the individual dates of work.

Acting Mayor Mason asked how close homes are to the site. Mr. Rhein stated that the mobile home park is approximately 125 feet away from the tower. Acting Mayor Mason stated that the equipment is noisy therefore, beginning work at 7 AM on Sunday is too early. Mr. Rhein stated that the Sunday hours could be modified.

The Council agreed that Sunday hours should be 9 AM to 7 PM.

Engineer Rhein suggested that the written response to the contractor should clearly state that Sunday work must first be approved by either the Public Works Director or the Administrator and is to be used only in the event of inclement weather during the week.

MOTION BY COUNCILMEMBER CARLSON APROVING SUNDAY WORK AT THE ARTHUR STREET WATER TOWER DURING THE HOURS OF 9 AM AND 7 PM WITH STAFF APPROVAL, IN THE EVENT OF INCLEMENT WEATHER DURING THE WEEK. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

9. Resolutions and/or Ordinances

A. Resolution Supporting the Fire Department's Purchase of a Mobile Command and Communications Vehicle from Mobile Specialties

Chief Nyle Zikmund stated that the purchase of an Incident Command/Communications vehicle was initially part of the Fire Department's Capital Improvement Bond but was removed and placed into the Capital Budget at the request of Blaine's City Council. Chief Zikmund stated that the Spring Lake Park, Blaine and Mounds View Councils have now approved the purchase and a budget of \$295,000 was established. Chief Zikmund added that the amount will be reduced by the net proceeds from the sale of old Fire Station Three which is estimated to be \$150,000 leaving a balance of \$145,000 to be divided between the three cities based on the traditional formula.

Chief Zikmund stated that three manufacturers submitted proposals in response to the bid request as follows: Mobile Specialties: \$293,600; MBF Specialties: \$289,156 and LDV Manufacturing: \$303,535. Chief Zikmund stated that the base bid does not include a number of highly desirable features however, a number of them were included in the specifications as options. The total option list included: slide out/in work area; galley; lavatory; telescoping mast with camera; alarm system; AV/Audio Package; leveling system; weather station; awning and work station chairs. Based upon functionality and cost, the work group consisting of Chief Toth; Mounds View Police Chief Mike Sommer, Blaine Police Captain Kerry Fenner and Fire Department personnel, recommended that the slide out, lavatory, telescoping mast with camera and leveling system be included in the purchase at a total cost of \$39,778. Chief Zikmund stated that the fire department will use existing reserves to fund the option features.

Chief Zikmund stated that the work group is recommending that Mobile Specialties of Jasper, Texas, with a base bid of \$293,600, be awarded the contract to build the Incident Command/Communication Vehicle and are requesting authority to purchase the recommended options at a cost of \$39,778 to be paid for from the Fire Department reserves.

MOTION BY COUNCILMEMBER CARLSON ADOPTING RESOLUTION NO. 07-07, A RESOLUTION SUPPORTING THE PURCHASE OF A MOBILE COMMAND AND COMMUNICATIONS VEHICLE AND REQUESTED OPTIONS. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

B. Resolution Approving Plans and Specifications and Authorizing Advertisement for Bids for Improvement of County Highway 10 Frontage Roads

Engineer Rhein referred to a copy of the plans and specifications for the improvement of the County Highway 10 frontage roads including storm sewer improvements. Mr. Rhein noted that the estimated construction costs are \$779,484.25 compared to the estimated cost of \$768,988.23 cited in the feasibility report, a 0.5% difference. Mr. Rhein reviewed the plans calling the Council's attention to several issues.

Mr. Rhein stated that Fillmore Street at the corner of the South County Highway 10 frontage road, drains north toward the frontage road so a large amount of water collects at that intersection when it rains. Mr. Rhein explained that it is difficult to place a large enough pipe in the street to handle the storm water however, the right-of-way is very large at the corner by the dental office site and there is an opportunity to create a small storm water feature by excavating behind the curb about 18 inches deep to capture the water which will then flow to the storm sewer. Mr. Rhein added that the area is all in the City's right-of-way so no property needs to be purchased and the cost is included in the cost estimate.

Mr. Rhein stated that Public Works Director Randall brought to his attention four locations on various streets throughout the City that were damaged over the winter due to utility repairs. These locations are 5th Street north of 83rd Avenue, 78th Avenue east of Quincy Street, Westwood Road north of 83rd Avenue and Pleasantview Drive south of 81st Avenue. Mr. Rhein explained that the area on each street was temporarily repaired with gravel at the time of the utility repair however, bituminous surfacing is still needed. Mr. Rhein commented that since the repair work at these locations is similar to the work to be performed on the frontage roads, it is proposed that these street repairs be included in this project. Mr. Rhein stated that these repairs are identified in the plans as Miscellaneous Street Repairs and the total estimated cost is \$13,480.00. Mr. Rhein added that this is not a cost that can be assessed but is included in the plans and specifications.

Mr. Rhein stated that he brings this information to the Council for specific direction to include the additional work in the bid.

In addition, Administrator Nelson stated that she, Engineer Rhein and Public Works Director Randall met with the Oakcrest Apartment's housing director who indicated that the Presbyterian Homes board was pleased that the City wants to drain storm water into their pond along the frontage road therefore, this feature has been included in the plans and specifications for the frontage road project.

Engineer Rhein stated that Attorney Carson is drafting an agreement between the City and Oakcrest Apartments allowing the City to drain storm water into their storm water pond. Mr. Rhein added that the agreement will be brought to the Council for approval when completed.

Councilmember Loesch asked how the Miscellaneous Street Repairs will be funded. Public Works Director Randall explained that because three of the repairs were due to watermain breaks, funding will be from the water department and the fourth repair will be paid for from the street maintenance fund.

MOTION BY COUNCILMEMBER CARLSON ADOPTING RESOLUTION NO. 07-08, A RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR THE COUNTY HIGHWAY 10 FRONTAGE ROADS, AUTHORIZING THE ADVERTISEMENT OF BIDS AND CALLING FOR THE BID OPENING ON APRIL 10, 2007 AT 11:00 PM. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

10. New Business:

A. Anoka County Community Development Block Grant and Home Investment Partnership Program Cooperation Agreement

Administrator Nelson explained that the City has entered into this standard agreement for participation in the Community Development Block Grant Program and the First Time Homebuyers Program since the early 1980's. Ms. Nelson stated that it is a three year agreement and she is recommending the Council opt into the program to keep the City's options open for potential future funding and to allow first time homebuyers to retain the benefit of that program.

MOTION BY COUNCILMEMBER CARLSON AUTHORIZING THE MAYOR AND ADMINISTRATOR TO ENTER INTO THE 2008-2010 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND HOME INVESTMENT PARTNERSHIP PROGRAM AGREEMENT BETWEEN THE COUNTY OF ANOKA AND THE CITY OF SPRING LAKE PARK, AS SUBMITTED. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

B. North Metro Mayors Association Invoice for 2007 LGA Reform Special Assessment - \$299.71

Administrator Nelson stated that she has been keeping the Council advised of the North Metro Mayors Association efforts to develop proposed legislation that would redistribute local government aid funds and reinstate funding lost in 2003 by older, fully developed communities. Ms. Nelson commented that the North Metro Mayor's Association LGA Committee has been working closely with out-state cities trying to develop a program to benefit the older metro communities but not hurt the out-state cities.

Ms. Nelson stated that this project is outside the North Metro Mayor's work plan and does not fit into their established budget therefore, they are asking each member city to pay a special assessment based on population, to pay the lobbyists to take the plan and "sell" it to the legislature. Ms. Nelson stated that Spring Lake Park's proposed assessment is \$299.71 and the potential gain, if the proposed legislation is adopted, is \$166,000. Ms. Nelson stated her opinion that it is money well spent but cautioned that the City may not realize any benefit because the proposal does not do anything to change the formula because the legislature has made it clear that they are not going to change it during the 2007 session.

MOTION BY COUNCILMEMBER CARLSON APPROVING THE INVOICE FROM THE NORTH METRO MAYORS ASSOCIATION FOR A SPECIAL ASSESSMENT IN THE AMOUNT OF \$299.71 FOR THEIR 2007 LGA REFORM EFFORT. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

C. Invitation to Participate in Tower Days Parade

Administrator Nelson stated that the Council has been invited to participate in the Tower Days Parade on Thursday, June 7th and asked if the full Council will participate. The Council, with the exception of Councilmember Mason, accepted the invitation to participate in the Tower Days Parade and asked Administrator Nelson to complete the application and advise the Tower Days Committee that they will participate.

D. Moratorium on Flashing, Changeable Billboard Signs

Administrator Nelson stated that recent newscasts have discussed the installation of changeable electronic billboards being installed in various areas of the Twin Cities. Ms. Nelson explained that these billboards have large, digital, electronic screens that are programmed to change messages. Ms. Nelson acknowledged that the City already allows changeable, electronic signs on a smaller scale in the community but stated her belief that the City's sign ordinance should be re-examined.

Ms. Nelson stated that staff and Council have not previously discussed this topic however, she prepared a proposed resolution declaring a moratorium prohibiting all new electronic, changing signs for a period of one year to give Council and staff an opportunity to review the existing code and see how the issue is being handled in other communities. Ms. Nelson added that all such signs might not be undesirable however, language differentiating between types of signs is not currently included in the City's sign ordinance. Ms. Nelson added that the proposed moratorium is not intended to prohibit illumination of signs during the moratorium.

Councilmember Loesch stated that he has seen many of these billboards in his travels around the Twin Cities and he has no objection to them.

Attorney Carson commented that there are cases presently working their way through the court system concerning this issue and expressed his opinion that before the proposed moratorium is lifted, there will be an answer from the courts on what will or will not ultimately be allowed. Attorney Carson stated that if the Council adopts the proposed resolution, he recommends adding the title of the resolution to the Now, Therefore paragraph as follows: "Now, Therefore, Be It Resolved, by the City Council of the City of Spring Lake Park *establishing a one year moratorium on new permits for the installation, erection, construction, replacement, modification or improvement of changing electronic, digital, video display signs or billboards and flashing, motion, animated and changeable copy signs in all zoning districts*". Attorney Carson stated that the moratorium would be in place pending completion of a study authorized by this resolution and the adoption of any amendments to the City's sign ordinance, zoning ordinance or other applicable official control. Upon completion of the study, the matter will be considered by the Planning and Zoning Commission for a recommendation to the City Council.

Administrator Nelson stated that she brought this issue before the Council for review before an application is submitted for consideration. Ms. Nelson added that if the Council needs additional time to consider the advisability of declaring a moratorium, the issue can be tabled for further discussion.

Ms. Nelson stated that she spoke to Mayor Nelson this afternoon and he has no objection to a moratorium to conduct a study to consider possible amendments to the sign ordinance and zoning regulations relating to this new sign technology.

MOTION BY COUNCILMEMBER CARLSON ADOPTING RESOLUTION NO. 07-09, A RESOLUTION ESTABLISHING A ONE YEAR MORATORIUM ON NEW PERMITS FOR THE INSTALLATION, ERECTION, CONSTRUCTION, REPLACEMENT, MODIFICATION OR IMPROVEMENT OF CHANGING ELECTRONIC, DIGITAL, VIDEO DISPLAY SIGNS OR BILLBOARDS AND FLASHING, MOTION, ANIMATED AND CHANGEABLE COPY SIGNS IN ALL ZONING DISTRICTS AS REVISED. ROLL CALL VOTE: CARLSON: AYE; LOESCH: NAY; DAHL: AYE; ACTING MAYOR MASON: AYE. MOTION CARRIED.

E. Authorization for Staff to Hire a Firm to Perform a Market Analysis for a Second Municipal Off-Sale Liquor Store

Administrator Nelson stated that a Council workshop was held on March 15th to discuss the feasibility of investigating a second off-sale liquor store to be located on University Avenue. Ms. Nelson stated that many questions were raised that cannot be answered until a market analysis is done by an independent company. Ms. Nelson stated that the company would evaluate the location, traffic and size of the store needed and provide a projection of gross sales.

Ms. Nelson commented that she and Attorney Carson met with the property owner of the site on University Avenue to advise him of the Council's desire to do a market analysis on his property and the potential timeframe for the Council to make a decision.

Ms. Nelson recommended that the Council authorize her to hire a company to do the market analysis at a cost not to exceed \$15,000.00 with funding from Fund No. 610, On-Sale Note Proceeds. Ms. Nelson stated that she will contact Dakota Worldwide as they are the company that has done market analyses for the liquor store in the past.

MOTION BY COUNCILMEMBER LOESCH AUTHORIZING THE ADMINISTRATOR TO HIRE A COMPANY TO DO A MARKET ANALYSIS OF THE PROPERTY AT 8299 UNIVERSITY AVENUE AT A COST NOT TO EXCEED \$15,000.00 WITH FUNDING FROM THE ON-SALE NOTE PROCEEDS FUND. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

11. Engineer's Report

Engineer Rhein stated that a pre-construction meeting regarding the Arthur Street Water Tower was held on March 8th with the contractor, TMI Coating, and since that time, Public Works Director Randall drained the water tower in preparation for work to begin. Mr. Rhein stated that the cell phone companies removed their equipment by the end of the day on March 15th and the contractor is preparing the site for installation of the containment shroud and to begin miscellaneous repairs on the exterior of the tower. Mr. Rhein stated that the contractor plans to begin sandblasting the tower on April 2nd, weather permitting.

Public Works Director Randall stated that all the welding has been completed for the containment shroud, the hand railings have been welded and the contractor began working inside the tower this morning and that work should be completed within two weeks.

Councilmember Dahl asked if lead based paint was found either in the interior or exterior of the tower.

Engineer Rhein stated that the tests revealed there was no lead based paint in the interior of the water tower however, there was lead based material in the exterior paint. Therefore, the containment shroud will have to be controlled at the ground level so that paint can be collected after sandblasting. Mr. Rhein stated that State Statutes indicate that if there is paint containing any amount of lead based material it must be removed and all properties within a certain distance of the tower must be notified. Mr. Rhein explained that it is a safety

precaution and the notice advises property owners to keep animals and children and their toys inside during the sandblasting in the event some paint does escape containment. Mr. Rhein explained that there are also requirements for removing the material. Mr. Rhein suggested that water samples be taken from the pond located on the east side of the water tower before and after sandblasting and if the after sample is clean, it is safe to assume that any surface water further away is also clean.

12. Attorney's Report - None

13. Councilmember Reports

Councilmember Carlson reported that she attended the Council workshop on March 15th.

Councilmembers Loesch and Dahl reported that they also attended the Council workshop on March 15th.

Acting Mayor Mason reported that she also attended the Council workshop on March 15th and a Cable Commission meeting on March 7th.

14. Staff Reports

Administrator Nelson reported that on March 6th through the 9th, she attended the annual conference of the Minnesota Municipal Clerk's and Finance Officers Association and was installed as president for the ensuing year. Ms. Nelson stated that the new Secretary of State spoke to the group and he seems to be very responsive and understanding of his relationship with election officials throughout the state and is anxious for input on the needs of local election officials. Ms. Nelson reported that on March 13th, she met with former County Commissioner Paul McCarron regarding the County proposal to establish an Economic Development Authority; on March 14th, she attended a North Metro Mayors Association Operating Committee meeting and on March 15th, she attended the Council workshop.

Administrator Nelson reminded the department heads and engineer that effective the first meeting in April, Council packets will be delivered on Wednesday, so the deadline for submission of information will be noon on the Tuesday before the packets are delivered.

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

The meeting was adjourned at 8:30 P.M.

Acting Mayor Jeanne Mason

Attest:

Barbara L. Nelson, Administrator, Clerk/Treasurer