

## OFFICIAL PROCEEDINGS

Pursuant to due call and notice thereof, the regularly scheduled meeting of the Spring Lake Park City Council was held on April 16, 2007 at the Spring Lake Park Community Center, 1301 81<sup>st</sup> Avenue NE, 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 Benson; Building Official Brainard; Public Works Director Randall; Chief Toth; Parks and Recreation Director Rygwall; Administrator Nelson and Secretary Sorensen

Visitors: Crystal Huss, Jim Rouleau and Randy DeJong, Anoka County Appraisers  
Carleen and Mike Bayer, 3403 131<sup>st</sup> Avenue NE  
Dan Freih 8299 University Avenue  
Paul Stone and Rob Stenger, Stone Construction, Blaine  
Brian Johnson, 804 Manor Drive  
James G. Witte, 7900 Jackson Street  
Mary Shimanski, 8025 Garfield Street  
Dora Eggert, 8065 Garfield Street  
Jeff Johnson, 8021 Garfield Street  
Vic Askwith, 8024 Garfield Street  
Kathy & Jeff Bernhagen, 889 Manor Drive  
Chris Johnson, 950 County Highway 10  
Teresa Parsons

### 3. Pledge of Allegiance

4. Additions or Corrections To Agenda - None

5. Discussion From the Floor - None

Mayor Nelson asked for a moment of silence for the recent victims at Virginia Tech.

### 6. Board of Review - 7:00 P.M.

Mayor Nelson called the Board of Review to order and explained that Crystal Huss, Randy DeJong and Jim Rouleau from the Anoka County Assessor's Office, will adjourn to the adjoining room and call the names of the people on their list who wish to meet with them privately. Mayor Nelson advised members of the audience that if they have unresolved issues after meeting with the assessors, they may come back before the City Council.

Ms. Huss explained that the City's 2007 unaudited valuation is \$551,953,400, excluding exempt, forfeit, utility, manufactured homes and personal property reflecting an increase in valuation of 1.8% over the 2006 valuation. Ms. Huss stated that in 2006, the valuation increase was 9.5%. Ms. Huss stated that properties are evaluated every five years.

Ms. Huss stated that a commercial property owner, Michael Graham, contacted her office by mail and she has agreed to review his property at 7766 Highway 65. However, Ms. Huss stated that if Mr. Graham is not satisfied with her evaluation, he must take his appeal to the County Board of Equalization.

Mayor Nelson recessed the Board of Review to give property owners an opportunity to meet privately with Ms. Huss, Mr. DeJong and Mr. Rouleau.

#### 7. Consent Agenda

- A. Approval of Invoice from Anoka County for 2008 Assessment - \$38,130
- B. Approve Invoice from Dakota Worldwide for Down Payment on Feasibility Study - \$3,000.00
- C. Pay Request No. 1 - Arthur Street Water Tower - \$55,632.00
- D. Budget-to-Date and Statement of Fund Balances - March, 2007
- E. Disbursements:
  - 1. General Fund Resolution No. 07-05 - \$350,026.30
  - 2. Liquor Fund Resolution No. 07-06 - \$187,276.45
- F. Correspondence
- G. Contractors' Licenses

Councilmember Carlson asked that the memo from Wanda Brown regarding the Spring Recycling Day be pulled for discussion.

Councilmember Loesch asked if the invoice from Dakota Worldwide should be acted upon later in the meeting. Administrator Nelson commented that the work has been authorized and begun.

**MOTION BY COUNCILMEMBER CARLSON APPROVING THE CONSENT AGENDA WITH THE EXCEPTION OF THE MEMO REGARDING THE SPRING RECYCLING DAY. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.**

Councilmember Carlson reminded the viewing audience that the Spring Recycling Day will be held April 28, 2007 at the City Hall parking lot between the hours of 9 AM and 1 PM.

#### 8. Police Report

Chief Toth stated that the March, 2007 department statistics will be available at the next meeting.

Chief Toth reported that on March 5<sup>th</sup>, he attended the bid opening for the new command vehicle and based on the information provided, Mobile Command from Jasper, Texas was selected as the vendor; on March 19<sup>th</sup>, he attended a safety committee meeting; on March 21<sup>st</sup>, he attended the wrap-up meeting of the Minnesota Chiefs Conference Planning Committee and later in the day, attended the Anoka Chiefs meeting. Also on March 21<sup>st</sup>, he met with the Anoka County Sheriff

and the southern Anoka County Chiefs to discuss the planned actions of the police departments in Hennepin County to form a task force to target specific high crime areas and individuals, the concern being that individuals involved in criminal activity in Hennepin County will simply move across the river to Anoka County. Chief Toth advised the Council that a statistical presentation on crime is being prepared by the Anoka County Attorney's office to make cities aware of some of the issues facing communities today.

9. Petitions, Requests and/or Communications:

A. Request for Driveway Access to Manor Drive - Paul Johnson, 950 Office Building

Mayor Nelson referred to Mr. Johnson's request for a driveway behind his office building for access to Manor Drive. Mayor Nelson stated that he is under the impression that Mr. Johnson's property along Manor Drive is a wetland and asked Engineer Benson for his comments.

Engineer Benson stated that the property abutting Mr. Johnson's property to the east has been identified as a wetland therefore, a portion of the Johnson property also has the potential of being a wetland.

Mayor Nelson recalled that Administrator Nelson was involved in the discussions with the business owners regarding the County Highway 10 Frontage Road project and asked for her comments.

Administrator Nelson stated that she and Engineer Rhein met with the business owners along the South Highway 10 Frontage Road to discuss options for the improvement of the roadway where it abuts Able Street and at that time, Mr. Johnson and Mr. Hovenetz asked if it would be feasible to have driveways on Manor Drive. At that time, she and Mr. Rhein indicated that they would pass the request on to the Council however, during further the discussion, Mr. Johnson decided that he would not make the request because he felt establishing a driveway now might restrict how he could develop the back half of his property in the future.

Ms. Nelson stated that Mr. Johnson has changed his mind and is now requesting a driveway on Manor Drive. Ms. Nelson stated concern that Mr. Johnson may believe that the driveway, if approved, will become part of the frontage road project and does not understand that he will have to pay for the driveway.

Ms. Nelson asked Engineer Benson if Mr. Johnson would be responsible for doing the wetland delineation and applying for a permit from the Rice Creek Watershed District, if the Council approves the driveway.

Engineer Benson stated that the applicant would be responsible for the delineation and permit if he wants to construct a driveway adding that there is a possibility the property is not a wetland and the Rice Creek Watershed District would provide a letter to that effect.

Ms. Nelson stated that the Council could approve the driveway contingent upon the findings of the Rice Creek Watershed District.

Councilmember Carlson stated that she cannot act on this request until Mr. Johnson appears before the Council to explain his needs and suggested that the request be tabled.

The Council agreed that Mr. Johnson should be invited to the next Council meeting to explain his plans.

MOTION BY COUNCILMEMBER MASON TABLING MR. JOHNSON'S REQUEST UNTIL HE CAN EXPLAIN HIS PLANS MORE FULLY. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

10. Resolutions and/or Ordinances:

A. Resolution Awarding Contract for County Highway 10 Frontage Roads

Engineer Benson stated that bids were opened on April 13, 2007 and a total of 8 contractors submitted bids for the project. Mr. Benson stated that the low bidder was North Valley, Inc. with a base bid of \$593,952.01 which compares favorably with the engineer's estimate of \$785,000.00.

Mr. Benson stated that North Valley has not done work in the City of Spring Lake Park however, the founders of North Valley previously worked for Valley Paving and they constructed the University Avenue Service Drive from Sanburnol Drive to 81<sup>st</sup> Avenue. Mr. Benson stated that they are a competent company and recommended that the Council award the bid to North Valley, Inc.

MOTION BY COUNCILMEMBER MASON ADOPTING RESOLUTION NO. 07-10, A RESOLUTION ACCEPTING THE BID FROM NORTH VALLEY, INC. FOR IMPROVEMENT OF THE COUNTY HIGHWAY 10 FRONTAGE ROADS IN THE AMOUNT OF \$593,952.01. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

11. Unfinished Business:

A. Planning and Zoning:

1. Lot Split and Special Use Permit to Construct Two-Story Commercial Building Adjacent to Residential Property. Affordable Furniture, 8299 University Avenue. Stone Construction/Dan Freih.

Paul Stone, Stone Construction, stated that he represents Mr. Freih who proposes to build a furniture store on the south 100 feet of the property located at 8299 University Avenue.

Mr. Stone stated that the building has been reduced to 58 feet by 115 feet to meet the parking requirements however, due to the removal of the parking spaces on the east side of the lot separating the proposed furniture store and the residential district, the site will lack two parking spaces. However, there will be two available parking spaces in the Monte's/Keys parking lot. Mr. Stone stated that the length and width of the drive aisles and parking stalls meet City code and a maintenance and drive aisle agreement between the two properties has been prepared for execution.

Mayor Nelson asked how snow removal will be handled. Mr. Stone stated that it will be removed from the site if necessary.

Mayor Nelson asked if semi-trucks will deliver furniture to the site and if they will be able to access the loading dock. Mr. Stone stated that small trucks deliver the furniture and they will enter by the south driveway on the Affordable Furniture site, turn left in front of the building and travel east on the Monte's/Keys site to the loading dock at the rear of the Affordable Furniture building.

Councilmember Carlson asked how a fire truck will access the proposed building. Building Official Brainard stated that there is sufficient access for an emergency vehicle to get to the front of the proposed building.

Administrator Nelson stated that after reviewing the traffic patterns on both sites, it appears that customers desiring to park at the rear of the Monte's/Keys building and entering the site from University Avenue, will have to turn right in to the first drive aisle in front of Affordable Furniture, turn left into the drive aisle immediately in front of the building and turn right into the southern-most drive aisle on the Monte's /Keys site in order to park at the rear of the building. Mr. Stone agreed but stated that customers could also come in off the 83<sup>rd</sup> Avenue entrance and park in those spaces closest to the building.

Building Official Brainard pointed out that there are four parking stalls blocking the southern-most drive aisle on the Monte's/Keys site and suggested that they be removed to provide better circulation around the property. Mr. Stone agreed.

Mayor Nelson asked if the enclosed trash container will be located behind the loading dock. Mr. Stone replied positively.

Mayor Nelson asked if furniture crating will be placed in the dumpster and Mr. Freih replied positively. Building Official Brainard recommended adding a recycle dumpster for cardboard unless the material is to be kept inside until pick up day. Mr. Stone stated that there is room for a recycle dumpster in the southeast corner of the loading area.

Mr. Brainard asked if curbing will be placed on the southwest corner of the site between Affordable Furniture and the strip mall and if so, suggested that additional green space be added from the University Avenue side of the property to the first parking stall. Mr. Stone agreed to add green space in this location.

Mayor Nelson asked the hours of operation. Mr. Stone stated that the hours of operation are 10 AM - 7 PM, Monday through Friday, 10 AM - 5 PM on Saturday and closed on Sunday.

Mayor Nelson stated his opinion that the fence along the east side of the property should be replaced because it is in ill repair and suggested that a white vinyl fence would be appropriate. Mr. Freih stated that the fence will be replaced if it is in disrepair.

Councilmember Carlson asked how the feasibility study to determine if a liquor store could be a viable business at that location affects Mr. Freih.

Administrator Nelson stated that she and Attorney Carson met with Mr. Freih to advise him of the market study, which should be complete by the end of this month, and he has asked the Council to approve the plan so he can move forward with construction as soon as possible if the City decides not to proceed with construction of a new liquor store. However, if the Council decides it

wants the property, negotiations would be conducted with Mr. Freih. Ms. Nelson added that if the Council approves Mr. Freih's application, a building permit will not be issued until the Council makes a decision relative to its interest in the property.

Attorney Carson stated that Mr. Freih was advised that if the Council should decide to build a liquor store in that location, it would not be in his best interest to have entered into a construction agreement only to have the work stopped. Attorney Carson stated that the appropriate action would be to adopt a motion approving the plan and a separate motion stating that no building permit will be issued until the City makes its decision on their interest in the land.

Mr. Freih asked what size building the City would construct. Mayor Nelson stated that the property will support a 6,400 square feet building with the required number of 23 parking stalls.

Mr. Freih stated his opinion that it is unfair the City can build the size of building they want but will not allow him to construct the size of building that wouldn't use any more parking stalls than a liquor store.

Administrator Nelson recalled that Mr. Freih did not receive approval two months ago because he could not provide enough parking for the size of building proposed. Ms. Nelson stated that if the City builds a liquor store, it will be 6,400 square feet with 23 parking stalls because those are the numbers that meet code. Ms. Nelson emphasized that no decisions have been made by the City Council regarding its use of the site adding that when the feasibility report is received, the Council will hold a workshop to evaluate the results.

MOTION BY COUNCILMEMBER MASON APPROVING A LOT SPLIT OF OUTLOT 13, TERRACE MANOR 4<sup>TH</sup> AS FOLLOWS: PARCEL A: THAT PART OF OUTLOT 13, TERRACE MANOR 4<sup>TH</sup>, ANOKA COUNTY, MINNESOTA, WHICH LIES NORTHERLY OF THE SOUTH 100.00 FEET OF SAID OUTLOT 13; PARCEL B: THE SOUTH 100.00 FEET OF OUTLOT 13, TERRACE MANOR 4<sup>TH</sup>, ANOKA COUNTY, MINNESOTA. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

Councilmember Loesch asked for an explanation of the proposed maintenance agreement. Attorney Carson stated that the owner of each lot agrees that each may use the other's parking lot and each must maintain their own parking lot.

MOTION BY COUNCILMEMBER CARLSON APPROVING A SPECIAL USE PERMIT TO CONSTRUCT A TWO-STORY COMMERCIAL BUILDING AT 8299 UNIVERSITY AVENUE, AS REQUESTED BY DAN FREIH, AFFORDABLE FURNITURE, WITH THE FOLLOWING CONDITIONS: (1) SUBMISSION OF A DRIVEWAY AND MAINTENANCE EASEMENT; (2) RESTRIPIING OF THE PARKING LOTS OF BOTH PROPERTIES; (3) PLAN APPROVAL BY THE CITY ENGINEER AND BUILDING OFFICIAL; (4) IF THE FENCE IS NOT UP TO CODE, IT MUST BE UPGRADED TO THE SATISFACTION OF THE BUILDING OFFICIAL; (5) ELIMINATE THE FOUR PARKING STALLS ON THE SOUTHWEST CORNER OF THE MONTE'S/KEYS SITE; (6) PROVIDE ADDITIONAL GREEN SPACE IN THE SOUTHWEST CORNER OF THE AFFORDABLE FURNITURE SITE; (7) HOURS OF OPERATION: 10 AM - 7 PM, MONDAY THROUGH FRIDAY; 10 AM - 5 PM ON SATURDAY AND CLOSED ON SUNDAY; (8) INCLUDE A DUMPSTER FOR RECYCLING. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

MOTION BY COUNCILMEMBER DAHL DELAYING THE ISSUANCE OF A BUILDING PERMIT FOR AFFORDABLE FURNITURE UNTIL THE CITY COUNCIL MAKES A DECISION ABOUT THE FEASIBILITY OF BUILDING A SECOND LIQUOR STORE AS SOON AS POSSIBLE AFTER RECEIVING THE MARKET STUDY. ROLL CALL: ALL AYES. MOTION CARRIED.

12. New Business:

A. Recommendation to Hire G & H Consultants to Perform Sprinkler Plan Review and Inspections for ISD #16 Construction Projects

Fire Chief Zikmund stated that he requested quotes from Futtrell Fire Protection and G & H Consultants to perform sprinkler plan review and inspections for School District 16's construction projects. Chief Zikmund stated that he has worked with both firms in the past and is confident of their abilities. Chief Zikmund stated that the quotes are only for Phase I of the high school project because Phase II will not begin until 2008 and it seems prudent to bid Phase II in 2008 since many things could change in a year's time.

Chief Zikmund stated that the quotes submitted for Phase I of the high school project are as follows: Futtrell Fire Protection: \$5,156; and G & H Consultants: \$4,922. Chief Zikmund recommended accepting the quote from G & H Consultants in the amount of \$4,922.00

Chief Zikmund stated that Futtrell Fire Protection did not provide a quote for Park Terrace Elementary School due to a communication problem however, based on their quote for the high school project, which is based upon the permit value, and applying the same formula, their fee would be \$3,289 compared to \$3,013 from G & H Consultants which includes the same provisions and services for the Park Terrace project as was included in the quote for the Phase I high school project.

Chief Zikmund recommended accepting the quote from G & H Consultants in the amount of \$3,013 for the Park Terrace Elementary School sprinkler plan review and inspections.

Chief Zikmund stated that if the Council concurs, the contract would be between the City and the contractor however, the work would be managed by the Fire Department and invoices forwarded to the City for payment after review by the Fire Department.

Councilmember Dahl asked if there are only two consultants qualified to perform this function. Chief Zikmund stated that there are several other consultants in this field however, he is comfortable working with these two firms because of their professional standards and their fairness in pricing.

MOTION BY COUNCILMEMBER LOESCH ACCEPTING THE QUOTE FROM G & H CONSULTANTS FOR SPRINKLER PLAN REVIEW AND INSPECTIONS FOR PHASE I OF THE SPRING LAKE PARK HIGH SCHOOL PROJECT IN THE AMOUNT OF \$4,922 AND THE PARK TERRACE ELEMENTARY SCHOOL PROJECT IN THE AMOUNT OF \$3,013 FOR A TOTAL COST OF \$7,935, WITH FUNDING FROM THE BUILDING PERMIT FEES GENERATED BY THOSE PROJECTS. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

Chief Zikmund stated that he wanted to make a final report on the Station 3 finances however, two contractors have not yet submitted their paper work. Chief Zikmund stated that all of the work has been completed and it appears that the cost of the new fire station will be slightly under budget.

Relative to new equipment, Chief Zikmund stated that the two new engines have been delivered and one was put into service today and the other should be in service within the next two weeks.

#### 11. Unfinished Business:

##### A. Planning and Zoning (Con't):

#### 2. Special Use Permit to Construct an Office Building Adjacent to a Residential District. SE Corner Able Street and Manor Drive. Michael Bayer

Mayor Nelson noted that the Planning and Zoning Commission recommended approval at their March 19, 2007 meeting.

Michael Bayer stated that he is the developer of the site at Able Street and Manor Drive and proposes to construct a brick and stone two-story building resembling a residence rather than an office building.

Mr. Bayer stated his belief that all of the comments from Engineer Rhein and Building Official Brainard have been met and are indicated on the revised plans submitted April 10, 2007.

Mr. Bayer stated that the proposed business is an upscale hair salon currently located in North Court Commons and staffed by independent contractors who work by appointment only. Therefore, the stylists may be in the building a few days each week for a few hours however, they work more evening and week end hours than daytime hours. Mr. Bayer stated that the second floor of the building will be occupied by a development company with 6 or 7 employees.

Building Official Brainard explained that at the Planning and Zoning Commission meeting, the Commissioners asked that the applicant establish a maximum number of stylists allowed in the building at one time in order to comply with the existing parking requirements. Mr. Brainard stated that he has determined that a maximum of 15 stylists can be in the building at one time.

Mr. Bayer stated that a maximum of 15 stylists on site at any one time is acceptable adding that it is not a business with a lot of traffic on any one day.

Relative to landscaping, Mr. Bayer stated that as a result of elevation changes, more landscaping opportunities have been created. Mr. Bayer noted that there are 4 foot retaining walls on the north and south edges of the proposed pond which lend themselves to creative landscaping. Mr. Bayer stated that it appears there may be 3 feet of water in the pond most of the time and he is considering installing a fountain in the pond.

Councilmember Carlson expressed concern about the proposed exit on to Able Street. Mayor Nelson stated that he also has traffic concerns and asked Mr. Bayer if the exit is necessary.

Mr. Bayer replied that he does not want to create a hazard but pointed out that Able Street does widen at the location of the exit allowing for adequate sight lines. Additionally, the drive will be

signed "Exit Only" and traffic exiting from this driveway should be minimal as departure times for salon employees and customers are staggered.

Building Official Brainard commented that there is only room for one car to stack at the Able Street exit however, appointments are staggered and clients will not be leaving the building at the same time. Mr. Brainard added that Engineer Rhein attended the Planning and Zoning Commission meeting and expressed his opinion that there will not be a stacking problem at the Able Street exit.

Councilmember Carlson asked Councilmember Loesch for his opinion. Councilmember Loesch stated that he initially had concerns about the exit to Able Street however, if the parking lot meets existing codes and staff is confident that the exit will not be troublesome, he has no objection.

Public Works Director Randall stated that he does not believe the Able Street driveway will be a problem as an "exit only" primarily because the drive width will be less than that required for emergency vehicles.

Councilmember Mason asked if the car lot north of this site and the proposed building could share one driveway on Able Street.

Building Official Brainard replied negatively because of the distance between the two parking lots.

Councilmember Dahl stated his opinion that the car lot and the proposed business property should each have their own driveway.

Councilmember Dahl asked Mr. Bayer how the storage unit shown on the plan will be utilized. Mr. Bayer stated that it will be used to store a utility trailer for lawn maintenance.

Mayor Nelson asked Engineer Benson if the issue regarding a sanitary sewer line under the proposed building has been addressed.

Engineer Benson stated that there are provisions being made to either remove or reroute the portion of the sewer line that would have been located under the proposed building.

Public Works Director Randall stated that he reviewed the televised records of the sewer line in that location and determined that there are three stubs available to the property and Mr. Bayer will utilize two of the three stubs which should be sufficient.

Administrator Nelson noted that the plan shows the sanitary sewer line being rerouted to the east, then south along the parking lot to Manor Drive.

Mayor Nelson asked for comments from the floor.

Mr. Bernhagen, 889 Manor Drive, stated that he is concerned about vehicle headlights shining into his home which is directly across the street to the west of the site. Mr. Bernhagen stated that he inquired about signage at the Planning and Zoning Commission and was informed that they do not have jurisdiction over signage. Mr. Bernhagen asked how drainage will be addressed.

Building Official Brainard stated that a sign location has not been identified on the plans however, it is his belief that a monument sign will be erected on Manor Drive similar to the one located on the property to the east of the site.

Mayor Nelson stated his belief that neighbors are concerned that a pylon sign will be erected on the site and stated his opinion that a pylon sign would not be allowed due to the residential nature of the neighborhood.

Administrator Nelson agreed with Mayor Nelson adding that a condition of the special use permit could be to prohibit erecting a pylon sign. Administrator Nelson added that a pylon sign suggests there will be multiple tenants in the building whereas a monument sign simply identifies the building and does not preclude having signage on the building for tenants.

Administrator Nelson stated that the drainage issue must be addressed because development of this site brings up a larger drainage issue. Ms. Nelson explained that Engineer Rhein is satisfied that Mr. Bayer's plan takes care of the water on his site because it will not drain off the site at any greater speed after development than it did before development. However, the City does not have the facilities in place to accept that water. Ms. Nelson further explained that in anticipation of the development of this site, the City required the developer of the Credit Union site to install a pipe underground across the front of their property to the eastern property line where the 950 office building property begins. Ms. Nelson stated that the purpose of the pipe was to drain the water from Mr. Bayer's site easterly to the property the City owns at the northwest corner of Laddie Road and Manor Drive. However, it has since been determined that the low area on the property the City acquired for this purpose, is a wetland.

Ms. Nelson stated that one available option is to obtain a drainage easement from Paul Johnson of the 950 Office Building, to allow the water flowing through the underground pipe on the Credit Union site to cross his property overland to reach property owned by the City. This option would not trigger the need for a permit or wetland mitigation. The second option would be to install a new inlet pipe under Manor Drive between the Bayer/Credit Union properties with catch basins installed in the north and south curb lines of Manor Drive, to drain the water into the Conde Park pond. Ms. Nelson stated that this is the more expensive option because the surface of Manor Drive would be disturbed however, staff believes it is the best option from an engineering standpoint. Ms. Nelson added that the City would bear the cost because it would be a City facility.

Engineer Benson agreed that the second option is best because the other option involves crossing private property either with overland flow or by extending the underground pipe to the City's property. Mr. Benson stated that it is also not known if the eastern portion of Mr. Johnson's property is wetland and if so, there is the potential need for a permit and required mitigation.

Ms. Nelson stated that a site review of the Johnson property revealed a depression and it is possible that the water would not flow overland but would pond in that depression. Mr. Benson agreed adding that the property would have to be graded properly so the water would reach the City property.

Public Works Director Randall stated that the City awarded a contract for the Highway 10 Frontage Roads this evening and that contractor may be able to give the City a favorable quote for installing the pipe and catch basins on Manor Drive if that option is approved. Mr. Randall informed the Council that this is his recommended option.

Administrator Nelson stated that water currently running down Manor Drive from west to east during a heavy rainfall will also drain into these catch basins so this option will solve a larger problem.

Councilmember Carlson asked how the pipe installation will be funded. Public Works Director Randall stated that funding will come from the Public Utilities Renewal and Replacement Fund.

Engineer Benson stated that if North Valley, Inc., the contractor for the frontage roads, agrees to do the work, it is possible that it could be done at the unit prices provided in the construction contract and the additional work could be handled by a change order.

MOTION BY COUNCILMEMBER MASON APPROVING A SPECIAL USE PERMIT TO CONSTRUCT AN OFFICE BUILDING ON THE NE CORNER OF ABLE STREET AND MANOR DRIVE, AS REQUESTED BY MICHAEL BAYER WITH THE FOLLOWING CONDITIONS: (1) AN ENTER ONLY SIGN BE INSTALLED AT THE DRIVEWAY ON MANOR DRIVE AND AN EXIT ONLY SIGN BE INSTALLED ON THE ABLE STREET DRIVEWAY; (2) THE LANDSCAPE PLAN BE APPROVED BY THE CITY ENGINEER; (3) HOURS OF OPERATION: 9 AM TO 9 PM, MONDAY THROUGH SUNDAY; (4) THE DUMPSTER IS TO BE KEPT INSIDE THE BUILDING; (5) THE LIGHTING PLAN BE APPROVED BY THE CITY ENGINEER; (6) THE PUBLIC WORKS DIRECTOR AND ENGINEER ARE TO DETERMINE THE LOCATION OF SEWER AND WATER LINES; (7) THE CITY ATTORNEY IS TO PREPARE A PERMANENT UTILITY EASEMENT TO ALLOW CROSSING OF THE SEWER SERVICE TO THE PROPERTY TO THE NORTH; (8) THE CITY ATTORNEY IS TO PREPARE A DEVELOPER'S AGREEMENT; (9) INTERNAL AND EXTERNAL DRIVEWAYS TO MEET REQUIREMENTS FOR EMERGENCY ACCESS; (10) THE NUMBER OF PARKING STALLS IS BASED ON THE OCCUPANT LOAD OF THE SECOND STORY AND A MAXIMUM OF 15 STYLISTS IN THE SALON AT ONE TIME IN ORDER TO COMPLY WITH THE NUMBER OF PARKING STALLS PROVIDED; (11) PYLON SIGNS ARE PROHIBITED AND (12) MEET ALL THE RECOMMENDATIONS OF THE ENGINEER AND BUILDING OFFICIAL. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

6. Board of Review - 7:00 P.M. (Con't):

Mayor Nelson called the Board of Review back to order at 9:07 P.M.

Crystal Huss stated that seven residents initially disputed the market values established for their property but have since accepted the explanation for the value therefore, it is not necessary to keep the Board of Review open.

MOTION BY COUNCILMEMBER CARLSON TO ADJOURN THE BOARD OF REVIEW STATING THE FOLLOWING:

THE LOCAL BOARD OF REVIEW OF THE CITY OF SPRING LAKE PARK IN ANOKA AND RAMSEY COUNTIES, DO HEREBY CERTIFY THAT EACH OF US ATTENDED AT THE OFFICE OF THE CITY CLERK ON THE 16<sup>TH</sup> DAY OF APRIL, 2007, THE DAY SET FORTH IN THE NOTICE GIVEN BY THE CLERK, AND IN ACCORDANCE WITH THE PROVISIONS OF MINNESOTA STATUTES, SECTION 274.01, AND MADE NO CHANGES IN THE 2007 ESTIMATED MARKET VALUES AS ENTERED IN THE PROPER FORMS. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

The Board of Review was adjourned at 9:08 P.M.

12. New Business (Con't):

B. Concerns About Building Lot Coverage and Building Height in R-1 District

Mayor Nelson stated that he requested this item on the agenda because there is growing concern in the metropolitan area regarding the replacement of small homes on small lots with oversized homes. Mayor Nelson stated that many cities are considering ordinances to limit the total square footage of a house to 50% of the lot size, limit the footprint of the building on the lot and reduce the current 35 foot height limit. However, he is not aware of any cities that have actually taken any action as of this date. Mayor Nelson asked if the Council is interested in discussing this issue.

Councilmember Mason stated that she does not object to a homeowner adding height to his home but does object to demolishing a small house on a small lot and building a big house. Councilmember Mason stated that a homeowner in her neighborhood recently added a second floor to his home and it blends nicely into the neighborhood.

Building Official Brainard stated that second floors have been added to a few homes within the City and they are still within the 35 foot maximum height requirement.

Mayor Nelson stated that there is a proposal for a larger house in his neighborhood and his neighbors are upset because the lots and homes in the area are small and it is felt that a large house will be out of character with the neighborhood.

Councilmember Carlson stated that the homes in her neighborhood do not have basements because of the high water table however, there are now ways to correct that so it is possible that at some point in time, a home in her neighborhood could be demolished and a larger home built. Councilmember Carlson stated that she would object to a larger home only if it would block light.

Building Official Brainard stated that the code states minimum square footages for different types of homes and the size is determined by setback and lot coverage which is a maximum of 35% of the lot.

Administrator Nelson stated that Minneapolis allows a lot coverage of 75 to 90% which means the majority of the lot can be covered by a building which is part of the problem. However, Spring Lake Park's maximum coverage of 35% would prevent a very large house from being built on a small lot.

Councilmember Carlson stated that if a house burns down or is destroyed for some reason, the home will be replaced and it probably won't look like the former house. Councilmember Carlson stated her opinion that people have to be open to change in their neighborhood.

Administrator Nelson pointed out that a builder will build what the market will bear and will not build a large, expensive home in a neighborhood where it will not sell.

Councilmember Dahl stated his belief that a more expensive home in a neighborhood benefits the neighborhood by bringing up the value of the other homes.

Mayor Nelson stated that as the City keeps changing and housing stock gets older, the trend seems to be to demolish the older homes and build larger homes on the property. Mayor Nelson stated that Attorney Carson did some research on the issue.

Attorney Carson stated that in Minnetonka, it is called the "McMansion Issue". Attorney Carson stated that cities are studying limiting lot coverage and requiring a special use permit for any variance in size however, they have not stopped development while they are considering the issue. Attorney Carson stated that if monster homes become an issue in the City and a code review is required, a workshop could be called.

### 13. Engineer's Report:

#### A. Status Report - Arthur Street Water Tower

Engineer Benson stated that the containment system is 100% complete and operating. The sandblasting operation was delayed on April 2, 2007 due to inclement weather but did begin again the week of April 9, 2007. Engineer Benson stated that the new roof handrail is up and is 80% welded and the interior structural repairs are 75% complete. Engineer Benson stated that the pre-sandblasting soils test for lead has been taken but results have not yet been received.

Public Works Director Randall stated that the contractor indicated that all sandblasting of the legs and possibly the bottom of the bowl below the handrail should be completed this week, if the weather holds.

Mayor Nelson asked if there have been any complaints from neighbors about Sunday work and if the contractor is abusing that privilege.

Mr. Randall stated that no complaints have been received and he does not believe the contractor is abusing the opportunity to work on Sundays. Mr. Randall stated that he has granted each request the Contractor has made to work on Sunday because weather conditions may have hampered progress and because he is anxious to have the tower back in service as soon as possible.

Councilmember Loesch expressed concern about the potential for the contractor to abuse the Sunday work opportunity which benefits the contractor but may not necessarily benefit the City because of the incentive clause. Councilmember Loesch stated his opinion that bad weather days were built into the contract and the City should not be giving the contractor "freebies". Mr. Randall stated that he has the option of not granting Sunday work and monitors it carefully.

Mayor Nelson asked Public Works Director Randall to be sure that Sunday work is not being abused.

14. Attorney's Report - None

15. Councilmember Reports

Councilmember Mason reported that she attended a Cable Commission meeting on April 4<sup>th</sup>; a Tower Days meeting on April 11<sup>th</sup> and also attended a NorthStar Corridor meeting and a Parks and Recreation Commission meeting.

Councilmember Carlson reported that she also attended the Tower Days meeting on April 11<sup>th</sup>.

Mayor Nelson reported that on April 11<sup>th</sup>, he attended a North Metro Mayors meeting; on April 12<sup>th</sup>, he attended "Breakfast With The Governor" sponsored by the North Metro Chamber of Commerce and on April 15<sup>th</sup>, he had breakfast with the Lions Club at Westwood School.

16. Staff Reports

Administrator Nelson stated that the Council asked her to review her notes on the meeting with the business owners along the County Highway 10 Frontage Roads as it relates to business signs erected during construction. Ms. Nelson stated that her notes indicate the business owners just wanted to be sure there would be some signage so they would not lose business during construction. Ms. Nelson stated that the business owners were assured that the Council would work with them.

Administrator Nelson reported that on April 9<sup>th</sup> and 10<sup>th</sup>, she attended a class on the Introduction to Emergency Management adding that staff has attended an abbreviated class but she is required to have additional certification and will attend a second class on April 23<sup>rd</sup> and 24<sup>th</sup>; on April 11<sup>th</sup>, she and Building Official Brainard met with people interested in purchasing the Airena; on April 13<sup>th</sup>, she attended the bid opening for the Highway 10 frontage roads and in the afternoon, met with Attorney Carson; and this morning, she and Building Official Brainard met with a realtor regarding the development of the property at TH 65 and 81<sup>st</sup> Avenue.

Building Official Brainard stated that he has received 55 applications for the part-time code enforcement/inspection position and plans to conduct interviews within the next 2 -3 weeks.

Public Works Director Randall stated that he has received the "No Tobacco" signs and 55 of them have been placed within the City's parks and another 50 signs have been ordered.

Mr. Randall stated that the public works crew began removing and screening the black dirt on the City's McKinley Street property adding that there is more debris than was originally thought but the work should be completed by the end of the week.

15. Other

A. Closed Session to Discuss Special Assessment Appeal by GJW Group

Mayor Nelson recessed the meeting at 9:50 PM.

Mayor Nelson called the meeting back to order at 10:17 PM.

Attorney Carson stated that the Council went into closed session to discuss the special assessment appeal of the GJW Group and he recommended the Council authorize settlement of the case which they agreed to. Attorney Carson stated that he will prepare the Order of Settlement.

MOTION BY COUNCILMEMBER MASON AUTHORIZING THE SETTLEMENT OF THE SPECIAL ASSESSMENT APPEAL BY GJW GROUP PER ATTORNEY CARSON'S RECOMMENDATION. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

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

The meeting was adjourned at 10:20 P.M.

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Robert Nelson, Mayor

Attest:

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Barbara L. Nelson, Administrator, Clerk/Treasurer