

## OFFICIAL PROCEEDINGS

Pursuant to due call and notice thereof, the regularly scheduled meeting of the Spring Lake Park City Council was held on August 21, 2017 at the Spring Lake Park Community Center, 1301 81st Avenue N.E., at 7:00 P.M.

### 1. Call to Order

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

### 2. Roll Call

Members Present: Councilmembers Wendling, Delfs, Goodboe-Bisschoff and Mayor Hansen

Members Absent: Councilmember Nelson

Staff Present: Police Chief Ebeltoft; Public Works Director Randall; Engineer Gravel; Parks and Recreation Director Rygwall; Attorney Thames; Administrator Buchholtz and Executive Assistant Gooden

Visitors: Paddy Jones, Ham Lake  
Michelle Hoppe, 7829 Monroe Street NE  
Sandra Schneiderman, 8267 Pierce Street NE  
Christine and Ron Geir, 8081 Garfield Street NE  
Colleen Pederson, Spring Lake Park Schools  
Perry Schmidt, CenterPoint Energy  
Olivia Alveshire, ABC Newspapers

### 3. Pledge of Allegiance

### 4. Additions or Corrections to Agenda - None

### 5. Discussion From The Floor- None

### 6. Consent Agenda:

Mayor Hansen reviewed the following Consent Agenda items:

- A. Approval of Minutes – August 7, 2017
- B. Disbursements
  - 1. General Fund Disbursement Claim No. 17-13 -- \$498,124.44
  - 2. Liquor Fund Disbursement Claim No. 17-14--\$184,806.58
- C. Budget to Date/Statement of Fund Balance
- D. Public Right of Way Application – CenturyLink
- E. Approval of Special Event Permit – 8200 Able Street (Able Park)
- F. Contractor's Licenses
- G. Correspondence

Councilmember Wendling inquired as to the events scheduled for the Special Event Permit. Chief Ebeltoft stated that it will be an educational and an awareness event on overdose from an organization called Moving Forward.

MOTION BY COUNCILMEMBER WENDLING APPROVING THE CONSENT AGENDA. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

7. PresentationA. CenterPoint Energy – Community Partnership Grant

Perry Schmidt from CenterPoint Energy presented the Spring Lake Park Police Department with a check in the amount of \$2,500.00 as part of the Community Partnership Grant. The funds will be used for the purchase of new 800 MHz radios for the Spring Lake Park Police Officers.

B. Colleen Pederson – Spring Lake Park 5K Panther Run

Colleen Pederson, Director of Community Education for Spring Lake Park Schools, provided information on the Panther Foundation 5K and Family Carnival on Saturday, September 30, 2017. She explained the race course through the City and the events that will be held. She reported that the new Spring Lake Park Panther mascot would be revealed at the event.

8. Police Report

Police Chief Ebeltoft reviewed the July 2017 department statistics.

Chief Ebeltoft reported that the Police Department responded to five hundred ninety seven calls for service for the month of July 2017 compared to five hundred sixty three calls for service in July 2016.

Chief Ebeltoft reported that Investigator Baker reported handling sixty four cases for the month of July. He stated that Investigator Baker notes that he has seen an increase in cases being forwarded to him for investigation in the areas of motor vehicle thefts, criminal damage to property and fraud cases.

Chief Ebeltoft reported, in addition to addressing the day-to-day operations of the Department, he attended numerous meetings throughout the month representing Spring Lake Park Police Department and the City of Spring Lake Park.

9. Parks and Recreation Report

Parks and Recreation Director Rygwall reported that the Parks and Recreation Commission met and reviewed their participation in the Tower Days activities. She reported that the Commission volunteered at the softball tournaments and assisted in the concession stands.

Ms. Rygwall reported that she picked up a large plant donation and the plants were distributed throughout the parks. She stated that the Parks and Recreation Department hosted an appreciation dinner for the softball coaches. She reported that the softball tournaments were successful and thanked the Public Works Department and Councilmembers Wendling and Delfs for their assistance during the tournaments.

Ms. Rygwall reviewed the department statistics and reported that staff has been taking registrations from the fall program brochure and reported that classes are already filling up.

10. Public HearingA. Public Hearing on Vacation of Road Easement – North of 81<sup>st</sup> Avenue

Administrator Buchholtz reported that the City has received a petition from 100 percent of the property owners to vacate easements associated with the proposed Hy-Vee project. He explained that there are two easements to be vacated – one north of 81<sup>st</sup> Avenue that runs through the City's liquor store property and one on the east side of the property abutting CSAH 35. He stated that City staff has verified that the petition is adequate.

Administrator Buchholtz reported that with the redevelopment of the City's municipal liquor store property and the development surrounding property into a 76,000 square foot grocery store and 8,500 square foot gas station/convenience store/coffee shop, the easement are no longer required. He stated that the development will increase the City's overall tax base, provide residents with a new grocery option, and create hundreds of new jobs.

Administrator Buchholtz reported that adoption of Resolution 17-24, a Resolution Vacating a Utility Easement Upon Petition of a Majority of Abutting Landowners, will vacate the easement north of 81<sup>st</sup> Avenue NE. He stated that the CSAH 35 easement will be vacated at a later date once the turn-back of property is complete.

B. Public Hearing on Vacation of Road Easement – CSAH 35

Mayor Hansen stated that the Public Hearing on the Vacation of Road Easements of North of 81<sup>st</sup> Avenue NE and CSAH 35 would be combined into one hearing.

Mayor Hansen opened the Public Hearing for public comments at 7:15 PM. Hearing no comments, Mayor Hansen asked for additional public comments. Hearing none, Mayor Hansen closed the public hearing at 7:17 PM.

11. Ordinances and/or ResolutionsA. Ordinance 440 Amending the Official Zoning Map and Creating a New Planned Unit Development

Planner Carlson reported that Hy-Vee has applied for a Planned Unit Development (PUD) to develop a grocery store and small commercial building on the commercial property bounded by 81<sup>st</sup> Avenue, Central Avenue and Highway 65. He stated the roughly 12-acre site is mostly vacant except for the municipal liquor store on the corner of 81<sup>st</sup> and Highway 65.

Mr. Carlson reported that the project would develop a 76,000 square foot grocery store situated on the north part of the site, with parking on the south half of the site, and a new 8,700 square foot commercial building with a gas station, convenience store and coffee shop more or less in the location of the existing liquor store, which would be removed. He stated that access would be at two driveway locations each on 81<sup>st</sup> and Central Avenues.

Mr. Carlson stated the proposed grocery store and convenience store comply with the City's Comprehensive Plan and Zoning. The property is guided Commercial on the City's Land Use Plan and zoned C-1 Shopping Center Commercial. He reported that Section 153.151 of the zoning code notes that a PUD may allow those uses listed as permitted or conditional in the underlying zoning district. He noted that in this project, the underlying zoning is C-1, which allows retail uses such as grocery store and a convenience store as permitted uses, and automobile services uses as a conditional use.

Mr. Carlson reported that the proposed grocery store provides a public benefit. He stated that the code notes in Section 153.160:

(D) Public Benefit.

- (1) The PUD results in at least one of the public benefits as outlined in §§153.150
- (2) The PUD is consistent with and advances the community-wide goals of the Comprehensive Plan.

He stated that in this case, the proposed PUD may be considered to offer the following benefits to the community:

- Providing a full-service grocery store in the City
- Providing a sidewalk along 81<sup>st</sup> Avenue along the southern edge of the development
- Providing sidewalk along the west side of Central Avenue from 81<sup>st</sup> Avenue to the store entrance
- Providing a sidewalk connection from the bus stop on Central Avenue north of 81<sup>st</sup> Avenue into the convenience store and grocery store, in a nicely landscaped setting.

Mr. Carlson reported that the parking for the project appears to be adequate. He stated that the required parking for the two uses is calculated according to the City's Zoning Code standards at 467 stalls. He stated that Hy-Vee is proposing to provide 455 stalls.

Mr. Carlson reported that the grocery building height is 35 feet at its tallest and meets the C-1 Zoning Code height limit of 45 feet. He stated the maximum allowed impervious surface coverage in the C-1 District is 75%. He noted that the impervious coverage of the site is calculated on the Site Plan separately for the grocery store lot and the C-store lot. He stated the C-store lot is just over at 77% impervious surface the overall site average of 66% impervious surface is well below the limit of 75%. This flexibility is a reasonable consideration within a PUD.

Mr. Carlson reported that the landscape plan is varied, generous and creative. He noted that along Highway 65 there is continuous but varied landscaping along the wetland, grocery building, and C-store. He noted that next to the grocery store parking lot, there is a narrow line of landscape shrubs along Highway 65, but they are within the MnDOT right-of-way. He stated that it would be recommended the design and dimensions of the parking lot be revisited to allow for additional setback to take the landscaping out of the MnDOT right-of-way in this area.

Mr. Carlson explained that all the lighting is LED and must be down-cast cutoff type fixtures. He stated that the lighting in the parking lot will be on 30 foot poles with a number of wall-mounted fixtures on the buildings under the gas pump canopy. He noted that lighting levels on the plan indicate less than 1 foot – candle-wall at all edges of the site, which is acceptable.

Mr. Carlson stated that Site Plan final approval shall be contingent upon review and approval of detailed Site and Utility Construction Plans/Specifications by the Public Works Director and the City Engineer. He noted several items that would be subject to approval. He noted that final review of the detailed Site and Utility Construction Plans will include (but not be limited to) a review of:

- Watermain fittings, valves, hydrants, connections location(s) etc.
- Sanitary sewer connection locations and details.
- Street excavation patching details, and related items.

- Street improvement plans for 81<sup>st</sup> Avenue NE and CSAH 35.
- Sidewalk and trail construction.
- Stormwater management system.
- Lighting plan.
- Traffic, including off-site modifications that may be required as a result of issues identified within traffic study.

He stated that review of the plat along 81<sup>st</sup> Avenue NE, the review of plat shall include a right-of-way dedication that provides a minimum of 33-feet of right-of-way from centerline, or 5-feet from the back of the street curb, whichever is greater. He also noted that the review will include the plat along Central Avenue/CSAH 35, the proposed right-of-way line at 50-feet from centerline is acceptable (subject to approval process from Anoka County).

Mr. Carlson stated that there are concerns about the impact of traffic from the development on the adjacent streets including the intersection TH65 and 81<sup>st</sup> Avenue NE. He stated the applicant shall submit a traffic study evaluating the impact of the proposed development on adjacent streets including recommendations for mitigating impacts. He noted that the applicant shall be responsible for the necessary development driven street improvements.

Mr. Carlson reported that staff recommended that the Planning Commission recommend approval of the Planned Unit Development as submitted by Hy-Vee, Inc. for the project at 81<sup>st</sup> Avenue and Highway 65, with the following conditions.

1. If approved, the site plan, architectural plans, sign plan, and all other plans will be the approved use of the property under the PUD and any significant change to those plans must be reviewed and approved by the City Council.
2. All conditions noted in the Planning staff memo under Engineering and Public Works comments.
3. The applicant will consider revision to the arrangement and dimensions of the grocery store parking lot in order to provide additional setback to Highway 65 and additional landscaping in that location, to be reviewed and approved by the City Planner and City Engineer.
4. The applicant will submit plans for the four freestanding signs proposed and apply for sign permits for all signage if approved within this PUD.
5. All lighting will be LED, down-cast cutoff type fixtures, and maintain less than 1 foot-candle at the outside edge of the site at all locations.
6. Site Plan approval will not be granted until Site and Utility Construction Plans/Specifications are reviewed and approved by the Public Works Director and the City Engineer as detailed in this report.
7. A traffic study will be prepared and submitted for review evaluating the impact of the proposed development on adjacent streets and on the intersection of 81<sup>st</sup> Avenue and Highway 65.

8. The applicant will meet all other conditions noted in this report from the City Engineer and Public Works Director, including entering into a Development Agreement to cover all aspects of designs, construction, fees and costs.

Planner Carlson stated that the presentation had not changed from when it was presented to the Planning Commission on July 24, 2017. He stated that the entire City Council was present for the initial presentation. He noted that some of the traffic study comments have been received since the meeting and that comments from MNDOT are still expected to be submitted.

Councilmember Wendling inquired as to when MnDOT would be submitting their comments for review. Administrator Buchholtz reported that he had spoken with MnDOT and expected the comments to be received soon.

Phil Hoey, Hy-Vee, confirmed that it is the same presentation as what was presented to the Planning Commission. He stated that the traffic study had been submitted to MnDOT and there could be some changes based on the comments received. He stated that any traffic reconfigurations that are proposed will be a good thing for the intersections and Hy-Vee is committed to make the site access changes work. He stated that only major changes that he foresees with the proposed plan is the access points on 81<sup>st</sup> Avenue. He stated the changes will not impact a smaller building or loss of parking.

Administrator Buchholtz asked the Council if he could authorize minor changes. The Council was in agreement.

Engineer Gravel reported that the site plan is currently being reviewed by Rice Creek Watershed and the Watershed will be submitting comments soon. He stated that Anoka County will be submitting comments regarding CSAH 35.

MOTION MADE BY COUNCILMEMBER WENDLING TO APPROVE ORDINANCE 440 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SPRING LAKE PARK AND CREATING A NEW PLANNED UNIT DEVELOPMENT DISTRICT. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

B. Resolution 17-20 Authorizing Summary Publication of Ordinance 440

MOTION MADE BY MAYOR HANSEN TO APPROVE RESOLUTION 17-20 AUTHORIZING SUMMARY PUBLICATION OF ORDINANCE 440, AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SPRING LAKE PARK AND CREATING A NEW PLANNED UNIT DEVELOPMENT DISTRICT. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

C. Resolution 17-19 Approving Hy-Vee First Addition of Spring Lake Park Preliminary Plat

MOTION MADE BY MAYOR HANSEN APPROVING RESOLUTION 17-19 APPROVING HY-VEE ADDITION OF SPRING LAKE PARK PRELIMINARY PLAT. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

D. Resolution 17-24 Vacating Road Easement North of 81<sup>st</sup> Avenue NE

MOTION MADE BY MAYOR HANSEN TO APPROVE RESOLUTION 17-24 VACATING A UTILITY EASEMENT UPON PETITION OF A MAJORITY OF LANDOWNERS. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

12. New BusinessA. Authorize Recruitment of Full Time Police Records Management Technician

Police Chief Ebeltoft reported that staff is seeking authority to begin the recruitment process for a Full-Time Police Records Management Technician.

Chief Ebeltoft reported that the Police Department lost its part-time Police Receptionist in March 2017. He stated that the position has been vacant since that time to allow the City Council to discuss the possibility of allocating funds to the 2018 budget to reclassify the Police Receptionist position to a Record Management Technician and make the position full-time. He stated that the City Council, at its budget workshop on August 14, came to consensus to include the new position in the 2018 budget. He stated the City Council, at the workshop, recommended authorizing staff to begin the recruitment process.

MOTION MADE BY MAYOR HANSEN TO AUTHORIZE RECRUITMENT OF FULL TIME POLICE RECORDS MANAGEMENT TECHNICIAN. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

13. Engineer's Report

Engineer Gravel reported that the contractor has completed the seal coat work and initial sweeping for the Seal Coat Project. He stated that a second sweeping and pavement markings will follow this month. He reported that Visu-Sewer has completed some of the sanitary sewer-lining project and the remaining lining work will be completed over the next few months.

14. Attorney's Report

Attorney Thames reported that he will be working on the Development Agreement with Hy-Vee.

15. Reports

Councilmember Goodboe-Bisschoff reported that she attended a ribbon cutting ceremony for the new wetland project in Blaine. She reported that she toured Life Prep Academy and stated she saw many positives in the concept of the Academy.

16. OtherA. Administrator Reports

Administrator Buchholtz reported that the City Council budget workshop, it was reported that a tax forfeited property on Buchanan Street NE is available to the City. He explained that if the lot is acquired by a conditional use deed from the state, it could only be used for limited purposes. He stated that if the property were to be purchased for the market value of \$2,000, the City can use the property for any public use it chooses.

Mayor Hansen stated that she was in favor of purchasing the property since it could benefit local businesses.

MOTION MADE BY MAYOR HANSEN TO AUTHORIZE PURCHASE OF TAX FORFEITED PROPERTY (PID 01-30-24-31-0071) IN THE AMOUNT OF \$2,000.00. ROLL CALL VOTE: ALL AYES. MOTION CARRIED.

16. Adjourn

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

The meeting was adjourned at 7:50 PM.

  
Cindy Hansen, Mayor

Attest.  
  
Daniel R. Buchholtz, Administrator, Clerk/Treasurer