

**CITY COUNCIL MEETING  
CITY OF FRIDLEY  
MAY 9, 2016**

---

The City Council meeting for the City of Fridley was called to order by Mayor Lund at 7:15 p.m.

**ROLL CALL:** Mayor Lund  
Councilmember Barnette  
Councilmember Saefke  
Councilmember Varichak  
Councilmember Bolkom

**OTHERS PRESENT:** Wally Wysopal, City Manager  
Darcy Erickson, City Attorney  
James Kosluchar, Public Works Director  
Shelly Peterson, Finance Director  
Scott Hickok, Community Development Director

**PRESENTATION:**

Mayor Lund presented a Certificate of Appreciation to General Mills.

**PROCLAMATIONS:**

Mayor Lund presented the following proclamations:

Public Works Week: May 15-21, 2016

National Police Week: May 15-21, 2016

Peace Officers Memorial Day: May 15, 2016

**APPROVAL OF PROPOSED CONSENT AGENDA:**

**APPROVAL OF MINUTES:**

Board of Appeal and Equalization Meeting of April 25, 2016

**APPROVED.**

City Council Meeting of April 25, 2016

**APPROVED.**

**NEW BUSINESS:**

1. **Receive the Minutes of the Planning Commission Meeting of April 20, 2016.**

**RECEIVED.**

2. **Lot Split Request, LS #16-01, by Boulder Contracting, to Split the Vacant Lot at the Corner of 64<sup>th</sup> Way and Ashton Avenue to Create Two Single Family Lots;**

**and**

**Resolution Approving a Subdivision, Lot Split, LS #16-01, to Create Two Buildable Single Family Lots, Generally Located on the Northeast Corner of 64<sup>th</sup> Way N.E. And Ashton Avenue N.E. (Ward 3)**

**APPROVED LOT SPLIT REQUEST, LS#1601, BY BOULDER CONTRACTING AND ADOPTED RESOLUTION NO. 2016-21.**

3. **Special Use Permit Request, SP #16-02, by Peak Physique, LLC, to Allow a Commercial Recreational Use (Fitness Training Studio) in an M-1, Light Industrial Zoning District, Generally Located at 1290 Osborne Road;**

**and**

**Resolution Approving Special Use Permit, SP #16-02, for Peak Physique, LLC, with Authorization from the Property Owner, Family Limited Partnership DJG, for the Property Located at 1290 Osborne Road N.E. (Ward 3).**

**APPROVED SPECIAL USE PERMIT REQUEST SP 16-02, BY PEAK PHYSIQUE, LLC, AND ADOPTED RESOLUTION NO.2016-22.**

4. **Motion to Approve a Letter of Intent to Rice Creek Watershed District for the 2016 Met Council Water Stormwater Grant Program.**

**APPROVED.**

5. **Approve the Renewal of an On-Sale Intoxicating Liquor License and all other Associated Licenses for Nelsenparks Hospitality, Inc. d/b/a GB Leighton's Pickle Park for the 2016 – 2017 License Year (Ward 3).**

**APPROVED.**

6. **Claims (ACH Pcard 1604; 172405-172551).**

**APPROVED.**

**7. Estimates:**

Keys Well Drilling Company  
1156 Homer Street  
St. Paul, MN 55116-3232

2016 Well Rehabilitation  
Project No. 448  
Estimate No. 1.....\$12,397.00

**APPROVED.**

**Councilmember Bolkcom** noted that Item No. 3 was in Ward 2, and page 34, paragraph 5 should say “they will primarily be open,” not primary.

**MOTION** by Councilmember Barnette to approve the consent agenda with the above corrections. Seconded by Councilmember Varichak.

**UPON A VOICE VOTE, ALL VOTING AYE, MAYOR LUND DECLARED THE MOTION CARRIED UNANIMOUSLY.**

**OPEN FORUM, VISITORS:**

No one from the audience spoke.

**ADOPTION OF AGENDA:**

**MOTION** by Councilmember Bolkcom to adopt the agenda. Seconded by Councilmember Saefke.

**UPON A VOICE VOTE, ALL VOTING AYE, MAYOR LUND DECLARED THE MOTION CARRIED UNANIMOUSLY.**

**PUBLIC HEARING/NEW BUSINESS:**

**8. Consider the Revocation of Special Use Permit, SP #07-11, to Bernie's Automotive, Located at 6528 University Avenue, for the Purpose of Operating a Repair Garage in a C-3, General Shopping Center District Under Certain Stipulations, have been Broken**

**and**

**Resolution Revoking Special Use Permit, SP #07-11, for a Repair Garage Use in a C-3 Zoning District at Holly Shopping Center, Generally Located at 6530 University Avenue N.E. (Ward 3)**

**MOTION** by Councilmember Bolkcom to open the public hearing. Seconded by Councilmember Saefke.

**UPON A VOICE VOTE, ALL VOTING AYE, MAYOR LUND DECLARED THE MOTION CARRIED UNANIMOUSLY AND THE PUBLIC HEARING OPENED AT 7:30 P.M.**

**Julie Jones**, Planning Manager, stated Bernie's Automotive is located in the Holly Shopping Center at 6528 University Avenue NE. There were seven stipulations attached to the permit. City staff has had two incidents now that were in violation of the stipulations, so staff found it necessary to bring the permit before City Council for consideration of revocation, as the Zoning Code directs. In both incidents, the business was storing several unlicensed and inoperable vehicles outside at night. Stipulation 3 of the permit states: *No overnight parking of vehicles, with the exception of one tow truck used for the business.*

**Ms. Jones** noted in 2014, City staff observed vehicle repairs occurring outside the shop in the rear of the shopping center. Zoning Code requires all business activity to occur inside the building. This is especially important in this location as there are single-family residential homes abutting the rear of the shopping center. In the most recent incident, staff found 17 unlicensed or inoperable vehicles parked near Bernie's Automotive in the rear of the building. One of the stipulations is that all customer vehicles must be moved indoors at night. There is not room for many vehicles to be stored inside the building. As of our most recent inspection, all but three inoperable or unlicensed vehicles were parked outside the shop, so the situation is nearly resolved. However, staff is concerned this will continue to be a problem that needs to be monitored, and staff is concerned that this use may not be an appropriate use for this location.

**Ms. Jones** stated that Chapter 205 of the Zoning Code states: *Failure to comply with any and all conditions and stipulations issued with a Special Use Permit shall result in revocation of the Special Use Permit.* The City is required by code, however, to hold a public hearing to consider such revocation. The code further states the City may charge the costs incurred (staff time, public hearing notices in the paper and mailing to all property owners within 350 feet of property) during the revocation process to the property owner.

**Ms. Jones** said staff recommends the City Council hold a public hearing considering revocation of Special Use Permit SP#07-11 a special use permit that allows the automobile repair use in a shopping center zoning district at 6528 University Avenue N.E. Staff further recommends the City Council adopt the attached resolution revoking Special Use Permit SP#07-11 for violation of Stipulation 3 of the permit, which states there shall be no overnight parking of vehicles related to the auto repair business except for one tow truck.

**Councilmember Bolkcom** asked how many times staff has noted that there is inoperable vehicles and what the time frame is.

**Ms. Jones** replied there have been several incidents before they received the special use permit and two notices were sent in 2014.

**Councilmember Bolkcom** asked what kind of contact the owner has had with staff.

**Ms. Jones** replied discussions were held with the owner. The owner of the business changed in 2014.

**Councilmember Bolkcom** said that there was one violation in 2014 and March of this year; she asked if there was anything from 2015.

**Ms. Jones** replied there were 8 pages of violations in the last 10 years. Violations range from noise issues, sign issues, pot holes, mowing, outside storage, overflowing dumpsters and signs without permits.

**Councilmember Bolkcom** asked what they did about the sign.

**Ms. Jones** replied they pulled the signs down but they are back up again.

**Councilmember Bolkcom** said that they do not do body repair. She asked if any inspections were done inside or if the Fire Department did inspections related to body repair.

**Ms. Jones** replied the Fire Marshall was not here today. They had been inside in October of 2013, and there were no issues at that time.

**Councilmember Bolkcom** asked when staff found inoperable vehicles, if anyone asked if they were doing body repair.

**Ms. Jones** said she did not recall; staff is mostly concerned about getting things in compliance with the special use permit.

**Councilmember Bolkcom** asked if staff had conversations with the owner for the first and second notices of violation or asked how they planned to take care of the issue.

**Ms. Jones** replied staff met with Mr. Herman to talk about that.

**Councilmember Bolkcom** asked if there was a resolution.

**Ms. Jones** replied the problem was corrected in 2014 after the two notices were sent.

**Scott Hickok**, Community Development Director, said there are eight pages of documents including numerous telephone calls to the owner. This is a special use permit that goes with the land and is the responsibility of the owner of the property.

**Councilmember Bolkcom** said she did not hear there was a plan to change anything.

**Mr. Hickok** replied it is up to the owner to have that plan. At some point City staff is done managing for the manager.

**Councilmember Bolkcom** asked if staff heard from any neighboring businesses.

**Ms. Jones** replied staff has not received any comments about this particular business.

**Councilmember Bolkcom** asked about the noise complaint and if that was from the inside or outside.

**Ms. Jones** replied the noise is from the equipment in the rooftop area that came in 2012.

**Darcy Erickson**, City Attorney, replied Council needs to stick to the stipulations on this property--the stipulations, conditions and special use permit. It is the obligation of the property owner to maintain the property, but this hearing needs to focus on the stipulations, not code enforcement matters.

**Councilmember Bolkcom** asked if there was anything related to outdoor storage and materials.

**Ms. Jones** replied no, not in the past. Today there is a tire and a pallet outside and the owner has been good about that compared to other auto businesses we work with. They have not had issues with outdoor storage. The problem is with vehicles being stored outside.

**Phil Herman**, Representative of Horizon Management, replied the stipulations are being met. He received a letter on April 15 and he was out of town. When he is out of town there is not a lot he can accomplish. Upon his return, he worked with George to remove the cars down to two. Some autos that were parked next to the building belonged to other tenants and should not reflect on George. George has no control if vehicles are not licensed. One of the letters staff sent about repairing vehicles outside the shop in 2014 George admitted that the hood of a car was up but only to apply a battery charger to a battery. Repairs are not done outside of the building. Every evening vehicles are moved inside except the tow truck and vehicles are brought back out in the morning. This makes them operable and not inoperable. The photos were taken during day time not overnight. It is a big process to move the vehicles in and out in the morning. He said they should not be in front of Council, because all stipulations have been adhered to. The vehicle in photo 1 was a vehicle he did not even know was there and did not belong to the garage.

**Councilmember Bolkcom** asked about the rest of the photos, if they were brought out during the daytime and not out overnight.

**Mr. Herman** replied he did a spot check yesterday and last Friday and there were no vehicles parked outside.

**Mayor Lund** asked if Mr. Herman was the owner of the entire facility.

**Mr. Herman** replied that he was an Officer of Verizon Management for Holly Center.

**Mayor Lund** asked if George was the owner of Bernie's.

**George Immis**, Bernie's Automotive, said he was the owner of Bernie's.

**Mayor Lund** said the police called staff in 2014 saying there were 17 vehicles parked outside; he asked if that was during the evening or daytime.

**Ms. Jones** replied that was during the day.

**Mayor Lund** asked staff if there was a history of repetitive violations.

**Ms. Jones** said staff did not think 17 vehicles would fit outside. On the 2<sup>nd</sup> inspection most were still there. On the 3<sup>rd</sup> inspection there were only 3 vehicles there. One had 2 flat tires and was in the exact same place for two months. Now the owner is saying those vehicles belong to someone else.

**Mr. Hickok** noted he drove by Thursday evening and there were no cars outside. Today he drove by and the garage door was open and he thinks there is room for about 7 cars inside. He does not think that 17 cars could fit inside.

**Mr. Herman** said that 14 cars can fit inside the building.

**Mayor Lund** noted that with 17 vehicles outside, that would still leave 3 outside.

**Mr. Herman** said that George has a car and so do his employees.

**Mayor Lund** said it would be advantageous to let customers know they cannot drop off cars when the business is not open. There may be an emergency and legitimate reason, but that should be kept to a minimum. There seems to be a pattern of consistency but he said he was not sure there was a strong enough case.

**Mr. Hickok** noted the space is 2,000 square feet and with the standard parking stall of 200 sq. ft. 10 vehicles could fit inside. With two vehicles on the hoist, that would make 12 vehicles to fit inside. He has a hard time believing 14 cars can fit inside a 2,000 square foot space.

**Mayor Lund** asked if there was no parking overnight signage outside.

**Mr. Herman** replied yes. He confirmed that there was only one incident when a vehicle was dropped off but otherwise there has been no cars parked overnight. He said that no other tenants have said anything about this being an issue.

**Councilmember Bolkcom** noted there were other times cars have been parked outside and that there is a pattern. Customers drop off cars because they take care of vehicles. She asked what they did if someone dropped off a car that was inoperable or not a customer. Was the vehicle towed if it said no overnight parking?

**Mr. Immis** replied that he arrives at 9:30 in the morning and takes down the license to find out who the car belongs to verify if they are his or not. The landlord called me to tell me not to keep cars overnight and he follows that rule. Right now he has 14 cars in the garage and three more

cars will fit. He has 5 lifts inside.

**Councilmember Bolkcom** asked why there were three cars outside.

**Mr. Immis** replied that they were not his cars and they were towed away.

**Councilmember Bolkcom** asked if he could check earlier in the morning to see if cars were there that didn't belong to him and do something earlier.

**Mr. Immis** replied that he lives in Brooklyn Park and if he came by at 2-3 in the morning he could get hurt; it is quiet and dark and he didn't want to take that risk.

**Ms. Jones** noted that March 23 there is an inoperable vehicle in the same spot for three weeks; it has not been verified if it was one of their vehicles or not.

**Mr. Herman** replied that the vehicles were towed when he came back; that vehicle was dropped out without their knowledge.

**Mayor Lund** noted that Mr. Herman shouldn't need to authorize the towing of a vehicle and Mr. Immis should have had that vehicle towed.

**Mr. Immis** replied that the person who tows vehicles for him truck was down.

**Councilmember Bolkcom** asked if this was the only time there has been tow issues because this has happened more than once; maybe you should hire a new towing company.

**Mayor Lund** noted that a tow truck is allowed to be on the facility; is that operable?

**Mr. Immis** replied that the previous owner turned that over to him 2-3 months ago.

**Mayor Lund** asked if prior to that he hired someone else to tow the vehicles.

**Mr. Immis** replied that the tow truck is inoperable and it takes money to register the truck and fix it.

**Mr. Hickok** noted that the tow truck has 2010 license tabs on it.

**Mayor Lund** asked if the tow truck hasn't been used for the last six years.

**Mr. Immis** replied that it is not operational.

**Councilmember Bolkcom** stated that then the owner also has an inoperable vehicle on the lot overnight. She suggested giving Mr. Immis six months to show that he can follow the stipulations. She asked what he would plan to do to make this is a good business and follow the stipulations in the SUP.

**Mr. Immis** replied that he would not park cars overnight outside.

**Councilmember Bolkcom** asked what Mr. Immis would do if there were cars parked there overnight.

**Mr. Immis** replied he would take down the motor vehicle license and track down the owner to move the car; then give the owner a certain amount of time, like 24 hours, or he would have the vehicle towed.

**Councilmember Bolkcom** stated if he gives the owner 24 hours to remove the vehicle it would be there overnight. She asked why give them 24 hours to remove the vehicle.

**Mr. Immis** replied he likes to give customers some help.

**Councilmember Bolkcom** noted these cars are not part of the cars getting repaired by Mr. Immis. People are dumping cars there.

**Mr. Immis** replied yes.

**Councilmember Bolkcom** asked about the tow truck.

**Mr. Immis** said he started the process on that, and will be done by the end of this month.

**Councilmember Bolkcom** noted that he could get a ticket for expired tabs.

**Bud Dauphin**, Schaff Floral, said he has been in that building for 46 years. He said Bernie is a hard worker and he is amazed how he gets vehicles in during the night. He said he was there at 6:00 a.m., and only the tow truck is in the lot when he comes in to work. He said he was a good neighbor. He said Mr. Herman was a great landlord.

**Mayor Lund** asked if Mr. Immis's business was too successful and he has outgrown the space.

**Mr. Immis** replied no.

**Mayor Lund** asked if the tow truck did not run and needed MnDOT registration.

**Mr. Immis** replied the tow truck runs, but it needs equipment to go with the truck to do the towing.

**Mayor Lund** asked if the police alert about the cars was after 9 p.m.

**Ms. Jones** said he was not sure. The initial call was before they had the special use permit. The police were concerned about the number of vehicles stored outside.

**Mayor Lund** asked if there have ever been issues in the past with vandalism or theft outside of the building.

**Mr. Immis** replied no.

**Mayor Lund** asked why people brought vehicles there. They had to come on a tow truck.

**Mr. Immis** replied said it has happened many times. He did not know who owned that this happens many times. He doesn't know who owns the car.

**Mayor Lund** asked why Mr. Immis did not call the police if the cars that were dropped off have no relationship to his business. The police could run the license and have the vehicle towed at the owner's expense. It should not take Mr. Herman to come back into town to take care of towing the vehicles that did not belong there. He asked why Mr. Immis would allow the problem to get to this level. By the time staff brought this to Council there was a history, pattern, and repetitive issues. He said when staff comes down on you the situation was corrected. Staff suspects there were repeated issues or they would not have brought it to Council. He said he would be concerned about vehicles being parked outside overnight especially when you, the business owner, think it is unsafe. Was this issue serious enough to revoke the special use permit? This should not have gotten to this level.

**Mr. Herman** said that Mr. Immis was working diligently to abide by the rules of the permit.

**Mayor Lund** said he did not see that. There are a history of violations.

**Mr. Herman** said if Council felt that way, he asked if they could table this for six months and see if Mr. Immis abides by the terms of the special use permit.

**Mayor Lund** said he was not content to give six months.

**Councilmember Bolkcom** said the public hearing could be continued for six months and both the property owner and business owner could meet with staff to develop a plan to follow all the stipulations and give Council a check back in three months. The first thing to take care of is the tow truck. She thinks this can be worked out so the permit did not need to be revoked. This has been done in the past, and we have given the give the owner time to develop a plan. She did not want to hear back in three months that there is no plan. She said he needed to call 911 to report vehicles that did not belong there and have them towed. The business owner needs to be part of the resolution, not the problem.

**Councilmember Barnette** said that businesses in Fridley are important to Council and said maybe six months is too long, but they would like to see the business stay in Fridley.

**Wally Wysopal**, City Manager, concurred with Councilmember Barnette that businesses are important to Fridley and so are residents that back up to this situation. He also thought six months was excessive. Staff has been tracking this for a long time and the solutions are not that difficult to come up with. He did not want staff developing solutions for the property owner. He said he thought six weeks was more appropriate than six months.

**Councilmember Bolkcom** said in the past, Council has given six months for property owners or tenants to work with staff, not to have staff do the work.

**Mayor Lund** said he thought staff should suggest to Council what a reasonable amount of time would be. Maybe six months is enough time to either improve or fall back into a pattern again. He did not want staff to go by there after 7 p.m. to make sure there are no cars there. Staff should not have to babysit this business.

**Ms. Jones** noted that in the past, we have given six months due to significant structure work that needed to be done. In this case, they did not need that long to come up with a plan.

**Councilmember Bolkcom** said in three months they have to come up with a plan, fix it and process it for another three months.

**Darcy Erickson**, City Attorney, suggested making a few benchmarks like a month to present a plan to staff and have a status report in two months and keep monitoring for six months to see if there are ongoing issues. During this time, they would still have to follow the stipulations and advise the business of any violations.

**Mayor Lund** said he did not think they will need that much time because they did not have to build anything. He said it was a simple thing to fix. This has been an ongoing problem and something needs to be done.

**Councilmember Saefke** thought there was a simple solution; when the working day is done at 7pm, put the cars away and anything else should be towed. The business owner has the right to tow the vehicles as long as the sign is up that says violators will be towed. In the morning if cars were dumped there, call the police and have them towed. This is not a complicated situation.

**Councilmember Varichak** agreed that stipulation 3 is the biggest issue with outside storage and it is not a hard fix. She is willing to extend this and see if this can be worked out. She truly wants the business to stay in Fridley and neighbors don't have a problem with this business.

**Mr. Wysopal** asked if by accepting a six month extension if the city was accepting overnight parking of vehicles.

**Attorney Erickson** replied no, the business owner would still need to abide by the stipulations in the SUP. During the interim additional violations would be folded into this process and Council would reconvene to consider this. The business still can't continue to violate.

**Mr. Wysopal** confirmed that the stipulations must still be adhered to and the SUP isn't modified.

**Attorney Erickson** replied correct, the stipulations are recorded against the property and the property owner still needs to ensure vehicles are not parked overnight.

**Councilmember Bolkcom** suggested continuing this public hearing until November 14 and that the tenant and property owner develop a plan to comply with all 7 stipulations of the SUP and no

violations. This plan should be in place within two weeks and shared with staff. In three months staff will update and the SUP will be revisited on November 14.

**Attorney Erickson** added that any additional violations in the six month period could be added to the proposed consideration.

**Mr. Wysopal** was concerned that this gives the owner six months and the permit couldn't be revoked in the meantime.

**Attorney Erickson** replied that the six months isn't a free pass; future violation notices will be added to the current issue and they can't have any violations. They must adhere to the current stipulations.

**Mr. Wysopal** asked if there was a new violation if a new public hearing could be conducted if a public hearing was pending until November.

**Attorney Erickson** replied that any additional violations could be subject to a public hearing.

**Mayor Lund** asked if there were a lot of violations within the six months if staff had to wait for them to be reviewed for six months.

**Attorney Erickson** replied that the time frame could be shortened.

**Councilmember Saefke** asked if the language could say to allow this extension/continuation provided there are no further violations and if there are violations, the SUP is revoked.

**Attorney Erickson** replied that is the consent of the property owner; otherwise it is due process of the property owner.

**Councilmember Bolkcom** said that they have to abide by the plan and stipulations. If we make it really short, they will come back before us. Six months is nothing that unusual as we have done it before.

**Mayor Lund** said he was willing to give up to 6 months. The property owner and tenant cannot allow the stipulations to be violated. It is up to the owner to make the plan and if they cannot keep the vehicles parked overnight inside, the business will need to move.

**MOTION** by Councilmember Bolkcom to continue the public hearing until November 14, 2016, with no violations of the seven stipulations for six months. A plan will be developed by the tenant and owner to present to staff in two weeks. The plan will be ongoing and Council will have an update from staff in three months. The public hearing on November 14 will include any further violations of the seven stipulations. Seconded by Councilmember Varichak.

**Mr. Wysopal** asked if notices would need to be mailed out again and another ad placed for the public hearing.

Attorney Erickson replied no.

Mayor Lund added that staff suggested if you fail at the close of this continuation in November there will be a question to charge you \$1,500 for the cost of doing this. Staff will track the violations and if there are no infractions, the public hearing will be closed and no action will be made to revoke the special use permit.

**UPON A VOICE VOTE, ALL VOTING AYE, MAYOR LUND DECLARED THE MOTION CARRIED UNANIMOUSLY AND THE PUBLIC HEARING WAS CONTINUED UNTIL NOVEMBER 14, 2016**

**9. Consider Tax Amendment, TA #16-02, by the City of Fridley, to consider a Text Amendment to Chapter 205.10, Mobile Home Park District Regulations**

MOTION by Councilmember Varichak to open the public hearing. Seconded by Councilmember Saefke.

**UPON A VOICE VOTE, ALL VOTING AYE, MAYOR LUND DECLARED THE MOTION CARRIED AND THE PUBLIC HEARING OPENED AT 8:57 P.M.**

Julie Jones, Planning Manager, stated earlier this year, the City Council adopted changes to the Fridley Zoning Code. One of those changes was changing the outdated term and definition for *Mobile Homes* to *Manufactured Homes*. The City now needs to update the *Mobile Home R-4* section of the Zoning Code title and terms to match the changes made to the first section of the Zoning Code. This change is reflected in the attached marked up copy of the R-4 code section.

Ms. Jones said that besides updating the name of the R-4 zoning category, there are two other components of this code that should be updated:

1. The *Home Occupation* allowances need to be changed to match the language the City adopted previously for the R-1, Single-Family Residential, and R-2, Two-Family Residential, Sections of the Zoning Code.
2. The allowance to obtain a special use permit to have exterior storage needs to be removed, as the City has never and would not likely ever consider a special use permit application for exterior storage on any residential property.

Ms. Jones noted that at this time, City staff has not had any inquiries from the public regarding these proposed changes. Staff recommends that the City Council hold a public hearing regarding the proposed text amendment language. Depending on the outcome of the public hearing, a first reading can be held at the following Council meeting.

Mayor Lund said he thought the change in language for the special use permit exterior storage was appropriate to address the ongoing issues with things stored outside.

Ms. Jones replied staff can usually resolve issues.

**Councilmember Bolkcom** asked what page 87 meant.

**Ms. Jones** replied that refers to requirements for daycare centers. They have to have enough parking for their business.

**Councilmember Bolkcom** said she did not understand the first sentence.

**Scott Hickok**, Community Development Director, replied for example, 6:45 a.m. may be a busy time for daycare drop-offs but not the rest of the day, so if people do not have a parking spot in that type of situation it is okay.

**MOTION** by Councilmember Saefke to close the public hearing. Seconded by Councilmember Barnette.

**UPON A VOICE VOTE, ALL VOTING AYE, MAYOR LUND DECLARED THE MOTION CARRIED UNANIMOUSLY AND THE PUBLIC HEARING CLOSED AT 9:05 P.M.**

**10. Resolution Providing for the Issuance and Sale of \$6,210,000 General Obligation Bonds, Series 2016A, and Pledging for the Security Thereof Water System Net Revenues**

**Shelly Peterson**, Finance Director, stated the resolution is provided to us by our financial advisor, Ehlers Inc. The resolution is for the sale of \$6,210,000 in General Obligation Water Revenue Bonds, Series 2016A. As you will recall, the call for sale was presented to council on April 11. This issuance combines both new funding in the amount of \$4,460,000 to fund capital improvement projects scheduled for 2016 and 2017 and the advanced crossover refunding of the 2008B Water Revenue Bonds of \$1,750,000.

**Ms. Peterson** said that the new issuance will fund the following water infrastructure projects:

**2016 Projects**

Distribution System Reconstruction	\$ 500,000
Water Meter Replacement	600,000
Upgrade Chem. Feed & Storage System at Commons Plant	165,000
Locke Park Plant Filters Media Replacement	275,000
Locke Park Plant Backwashing & Control System Update	1,225,000
	<b>\$2,765,000</b>

**2017 Projects**

Distribution System Reconstruction	\$ 500,000
Water Meter Replacement	720,000
Treatment Plant Retrofits	370,000
	<b>\$ 1,590,000</b>

**TOTAL: \$ 4,355,000**

**Ms. Peterson** noted as part of the process of issuing these bonds, Fridley has undergone a financial review process conducted by Moody's Investors Service who is our bond rating agency. Staff participated in the financial review with Moody's on April 28. The outcome of the review by Moody's Investors Service was completed on May 5. The City has maintained its already exceptional bond rating of Aa1. The credit opinion was included for your review. Since the bids were not due until Monday, May 9, the information from the bidders was not available until tonight's meeting. Brian Reilly from Ehlers will be present to review the results of the bidding process should there be any questions related to the sale.

**Brian Riley**, Ehlers, Inc., said he received bids today for the purchase of the bonds. He said Fridley has an AA1 rating which is just below the highest rating.

**Mayor Lund** noted that Fridley does not fall within the guidelines to achieve an AAA rating because of its size. This is the best rating we can get.

**MOTION** by Councilmember Bolkom to move in to record the record of sale and report Ehlers, Inc., dated May 9, 2016. Seconded by Councilmember Saefke.

**UPON A VOICE VOTE, ALL VOTING AYE, MAYOR LUND DECLARED THE MOTION CARRIED UNANIMOUSLY.**

**MOTION** by Councilmember Bolkom to adopt Resolution No. 2016-23. Seconded by Councilmember Saefke.

**UPON A VOICE VOTE, ALL VOTING AYE, MAYOR LUND DECLARED THE MOTION CARRIED UNANIMOUSLY.**

**11. Approve SPRING Project Gift Agreement between the City of Fridley and Jerome and Patricia Hartlaub.**

**Jack Kirk**, Park and Recreation Director, said at the January 22, 2016, City Council Meeting, the City Council adopted a resolution amending the naming and recognition policy for the Springbrook Nature Center SPRING project. The policy is intended to encourage donations and has been used as a guide by the Springbrook Nature Center Foundation as they seek dollars to make the SPRING project a reality. The naming and recognition policy identifies structures, features and amenities that could be used for naming opportunities in the fundraising process.

**Mr. Kirk** stated the Springbrook Nature Center Foundation has been successful in securing a number of sizeable donations to support the SPRING project. To date, over \$1 million dollars has been donated or pledged to the SPRING project, and an estimated \$450,000 worth of in-kind donations have been provided or pledged. To insure that the donor, the City of Fridley, and the Springbrook Nature Center Foundation all have the same understanding on what the naming and recognition includes, a formal agreement has been drawn up and will be completed for each donating party. The template for the SPRING Project Gift Agreement was presented to the Parks and Recreation Commission on Monday, May 2, 2016, and met with their approval and recommendation to present to the City Council.

**Mr. Kirk** said that Jerome and Patricia Hartlaub, of New Brighton, have donated \$202,500 to the Springbrook Nature Center Foundation to be used for the SPRING Project. The Medtronic Foundation has matched the Hartlaubs' donation with a \$200,000 donation to the Springbrook Nature Center Foundation. The Springbrook Nature Center Foundation representatives and City staff have worked with the Hartlaubs to determine how the donations will be recognized. The specific features and amenities that are supported through the Hartlaubs' donation are outlined in the attached SPRING Project Gift Agreement with Jerome and Patricia Hartlaub. The agreement was being presented to the Fridley City Council for their consideration.

**Mr. Kirk** stated the City of Fridley and the Springbrook Nature Center Foundation are very grateful and appreciative of the generous gift made by the Hartlaubs and the matching funds donated by the Medtronic Foundation. Staff recommends that the City Council approve the attached SPRING Project Gift Agreement with Jerome and Patricia Hartlaub.

**MOTION** by Councilmember Bolkcom to approve the SPRING Project Gift Agreement between the City of Fridley and Jerome and Patricia Hartlaub. Seconded by Councilmember Saefke.

**UPON A VOICE VOTE, ALL VOTING AYE, MAYOR LUND DECLARED THE MOTION CARRIED UNANIMOUSLY.**

**MOTION** by Councilmember Bolkcom to amend the agreement to say Medtronic Philanthropy Match. Seconded by Councilmember Saefke.

**UPON A VOICE VOTE, ALL VOTING AYE, MAYOR LUND DECLARED THE MOTION CARRIED UNANIMOUSLY.**

**12. Approve Change Orders #3 and #4 with Maertens-Brenny Construction Company; Change Order #2 with Stimey Electric, Inc.; Change Order #1 with Klamm Mechanical Contractor, Inc.; and Change Order #1 with Acoustics Associates, Inc. for the Springbrook Nature Center Improvements Project (Building Addition, Remodel, and Site Improvements) (Ward 3)**

**Jack Kirk**, Park and Recreation Director, stated that the following is a summary of the above change orders. Change Orders # 3 (FSB-03/09-1-3) and #4 (FSB-03/09-1-4) with Maertens-Brenny Construction Company are for the Springbrook Nature Center Improvements Project in the amounts of \$6,955.12 and \$29,747.54. Previous change orders with Maerten-Brenny Construction amounted to \$60,059.52. The four change orders together would increase the original contract by 7.54%.

Work adjustments directed under Change order #3 include the following:

1. Demolition of upper level wall to be replaced with a shear wall.
2. Repair entry area trusses to correct radius and other work associated with the soffit in the area of the main building entrance.

3. Provide FSC certified wood doors.
4. Haul in and set up temporary heaters.
5. Remove frost from area by entry door.

Work adjustments directed under Change order #4 include the following:

1. Cut concrete floor out of mezzanine on second floor.
2. Revise structural steel and footings at interior of original building.
3. Provide FSC certified rough lumber wood.
4. Provide revised door hardware.
5. Remove lattice work on exterior concrete wall at existing building, remove roof edge metal shutters and associated hardware on storefront windows of existing building.
6. Frame soffits above the exhibit area.
7. Wall changes around the animal lab room.

Change Order No. 2 (FSB-16-26-1-2) with Stimey Electric, Inc. is for the Springbrook Nature Center Improvements Project in the amount of \$37,869.98. A previous change order with Stimey Electric Inc. was in the amount of \$17,662.32. The two change orders together would increase the original contract by 13.9%.

Work adjustments directed under Change Order #2 with Stimey Electric include the following:

1. Supply and install security cameras for the building and parking lot area.

Change Order No. 1 (FSB-15-22-1-1) with Klamm Mechanical Contractors, Inc., is for the Springbrook Nature Center Improvements Project in the amount of \$1,039.13. The change order would increase the original contract by .35%.

Work adjustments directed under Change Order #1 with Klamm Mechanical Contractors, Inc. include the following:

1. Adjust plumbing and associated layout of equipment in the restroom, janitor room and catering kitchen.

Change Order No. 1 (FSB-09-5-1) with Acoustics Associates, Inc. is for the Springbrook Nature Center Improvements Project in the amount of \$2,224.00. The change order would increase the original contract by 5.8%.

Work adjustments directed under Change Order #1 with Acoustics Associates, Inc. include the following:

1. Supply and install marmoleum flooring in the volunteer/breakroom.

**Mr. Kirk** said the overall budget for the Springbrook Nature Center Improvements project was set at \$5,460,000. The majority of the funding for this project is coming from the \$5M State Bonding Grant awarded to our City, with the balance to come from funds raised by the

Springbrook Nature Center Foundation. On September 28, 2015, the City Council awarded 14 contracts for the construction of the Springbrook facility and adjacent site improvements in the amount of \$3,630,871.98. At the time of awarding the contracts, we identified a construction contingency/undesignated funds amount of \$338,875.02 for the project. Previous change orders that were approved for this project have amounted to \$112,821.84. When taking into account these change orders in the amount of \$77,835.77, there is still a balance in the construction contingency of \$148,217.41.

**Mr. Kirk** stated that Staff is making the following recommendations:

- City Council *move to approve Change Orders No. 3 (FSB-03/09-1-3) and No. 4 (FSB-03/09-1-4) with Maertens-Brenny Construction Company in the amounts of \$6,955.12 and \$29,747.54.* If approved, the contract amount shall be increased from \$1,341,859.52 to \$1,378,562.18.
- Staff is recommending that the City Council *move to approve Change Order No. 2 (FSB-16-26-1-2) with Stimey Electric, Inc. in the amount of \$37,869.98.* If approved, the contract amount shall be increased from \$417,552.32 to \$455,422.30.
- City Council *move to approve Change Order No. 1 (FSB-15-22-1-1) with Klamm Mechanical Contractors, Inc. in the amount of \$1,039.13.* If approved, the contract amount shall be increased from \$291,000.00 to \$292,039.13.
- City Council *move to approve Change Order No. 1 (FSB-09-5-1) with Acoustics Associates, Inc. in the amount of \$2,224.00.* If approved, the contract amount shall be increased from \$38,445.00 to \$40,669.00.

**Mayor Lund** asked if there would be more changes coming on the horizon.

**Mr. Kirk** replied yes.

**Mayor Lund** asked if the request would be kept within the contingency range.

**Mr. Kirk** said he did not expect any major surprises and the project should keep within the budget that was set.

**MOTION** by Mayor Lund to approve the Change Orders #3 and #4 with Maertens-Brenny Construction Company; Change Order #2 with Stimey Electric, Inc.; Change Order #1 with Klamm Mechanical Contractor, Inc.; and Change Order #1 with Acoustics Associates, Inc. for the Springbrook Nature Center Improvements Project. Seconded by Councilmember Bolkom.

**UPON A VOICE VOTE, ALL VOTING AYE, MAYOR LUND DECLARED THE MOTION CARRIED UNANIMOUSLY.**

### 13. Approve Canada Goose Management Plan

**Jack Kirk**, Parks and Recreation Director, said Fridley has been contracting with a local company since 1990 to remove a good number of the Canada Geese that are at Moore Lake in the spring and early summer each year. Moore Lake Park and Beach is one of our most heavily used parks in the summer months. Park users participating in the popular activities of swimming, relaxing on the beach, picnicking, playing on the play equipment and using the athletic facilities at the park can have a negative experience when dealing with the mess that the Canadian Geese can create. The goose droppings on the trails, grass areas, beach, in the water, and on the play equipment are a health and safety concern. The goose removal program has kept the bird numbers at a reasonable level during the heavy use months of the summer each year.

**Mr. Kirk** said they have been notified by Canada Goose Management, the company that provides the removal service for us, that the Minnesota Department of Natural Resources (DNR) has implemented some changes in the summer removal permit process. The DNR is requiring that local government units (i.e. cities, townships, park departments etc.) have a DNR-approved Canada Goose management plan in place before Canada Geese can be trapped and removed this summer. Once an approved plan is in place, the City can then request a DNR permit for summer removal for specific sites. If the DNR approves the removal permit, Canada Goose Management Company will then be able to able to conduct the removal.

**Mr. Kirk** presented this to the Parks and Recreation Commission at their meeting on Monday, May 2, 2016, and they passed a motion of support for the plan. If the City Council approves the policy, the next step would be to apply for a DNR permit to have the goose removal at Moore Lake again this summer. The removal program is normally conducted in mid-June. The Canada Goose Management Plan being proposed addresses the following items:

- Monitoring of Canada Goose concentrations and related problems
- Waterfowl feeding
- Education on goose management techniques and methods
- Dealing with aircraft hazard
- Canada Goose management in City parks and public property
- Canada Goose management on private property
- Current goose population estimates

**Mr. Kirk** said staff recommended the City Council pass a motion approving the attached Canada Goose Management Plan for our community.

**Councilmember Bolkom** recommended in the third sentence where it starts with “in addition” to take off the word above.

**Councilmember Varichak** noted that it stated that in City parks the population be fewer than 10 birds at Moore Lake; she asked how they would ever have fewer than 10 birds at Moore Lake.

**Mr. Kirk** replied that is after the removal program for June, July and part of August. There will be more birds at other times but during heavy use of Moore Lake the goal is to have 10 or less.

**Councilmember Barnette** said that Harris Lake has the same problem.

**Mr. Kirk** agreed there are some concerns over there but people should not feed them.

**MOTION** by Councilmember Varichak to move into record the new Canadian Goose Management Plan.

**UPON A VOICE VOTE, ALL VOTING AYE, MAYOR LUND DECLARED THE MOTION CARRIED UNANIMOUSLY.**

**MOTION** by Councilmember Varichak to Approve the Canada Goose Management Plan. Seconded by Councilmember Bolkcom.

**UPON A VOICE VOTE, ALL VOTING AYE, MAYOR LUND DECLARED THE MOTION CARRIED UNANIMOUSLY.**

**14. Informal Status Reports.**

**Scott Hickok**, Community Development Director, said that the recycling event was the biggest ever with 616 cars at the event. He thanked everyone for a wonderful event.

**ADJOURN:**

**MOTION** by Councilmember Barnette to adjourn. Seconded by Councilmember Varichak.

**UPON A VOICE VOTE, ALL VOTING AYE, MAYOR LUND DECLARED THE MOTION CARRIED UNANIMOUSLY AND THE MEETING ADJOURNED AT 9:52 P.M.**

Respectfully Submitted,

Krista Peterson  
Recording Secretary

Scott J. Lund  
Mayor