

**CITY COUNCIL MEETING
CITY OF FRIDLEY
JUNE 13, 2016**

The City Council meeting for the City of Fridley was called to order by Mayor Lund at 7:00 p.m.

ROLL CALL:

MEMBERS PRESENT: Mayor Lund
Councilmember Barnette
Councilmember Saefke
Councilmember Varichak
Councilmember Bolkcom

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

PRESENTATION:

Contribution from the Fridley Lions for the Springbrook Nature Center SPRING Project.

APPROVAL OF PROPOSED CONSENT AGENDA:

Councilmember Bolkcom asked for an explanation of the emergency exam of a stray kitten that cost \$116 which was listed in the Claims.

Mayor Lund said he would check staff and get back to Council.

Councilmember Saefke requested the following changes: On Page 155, under Section 609.06, first paragraph, change “reason” to “reasons.” On Page 163, Section 610.02(4), change “Publication” to “Public”.

Mayor Lund asked if absentee ballot voting that starts June 24 is for the upcoming primary election or for the general election.

Deb Skogen, City Clerk, replied that the absentee ballot process beginning June 24 is for the primary election. The absentee ballot process for the general election will start in September.

Councilmember Bolkcom asked to remove Item Nos. 3, 4, and 6 from the Consent Agenda.

MOTION by Councilmember Barnette to approve the Consent Agenda with the corrections as stated and remove Item Nos. 3, 4, and 6. Seconded by Councilmember Varichak.

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

APPROVAL OF MINUTES:

City Council Meeting of May 23, 2016.

Councilmember Saefke asked that the following corrections be made to the minutes: Page 3, last paragraph, insert a comma after “it” instead of “read”. Page 8, third paragraph, third line, delete the word “put”. Page 11, fifth paragraph, last line, insert “are” after “there”. Page 13, ninth paragraph, last line, insert the word “they” after “know”. Page 13, last paragraph, first line, delete the word “though” and insert “thought”. Page 18, eighth paragraph, second line, delete the word “aggregable” and insert “agreeable”.

APPROVED AS AMENDED.

OLD BUSINESS:

- 1. Second Reading of an Ordinance Amending Chapter 205.10, R-4 Mobile Home Park District Regulations, in the Fridley City Code (Text Amendment Request, TA #16-02**

WAIVED THE READING OF THE ORDINANCE AND ADOPTED ORDINANCE NO. 136 ON SECOND READING AND ORDERED PUBLICATION.

NEW BUSINESS:

- 2. Receive the Minutes of the Planning Commission Meeting of May 18, 2016**

RECEIVED.

- 3. Special Use Permit Request, SP #16-03, by TCO Design, to Revise Special Use Permit, SP #15-09, that was Approved to Allow a 23-Patient Room Home Health Care Building in an R-3, Multi-Family Zoning District, to Increase the Amount of Patient Rooms to 28, Generally Located at 5300 Fourth Street N.E.**

and

Resolution Approving Special Use Permit, SP #16-03, for TCO Design, the Petitioner on Behalf of Gen One LLC, to Allow the Construction of a Home Health Care Facility on the Property Located at 5300 Fourth Street N.E. (Ward 1)

THIS ITEM WAS REMOVED FROM THE CONSENT AGENDA AND PLACED ON THE AGENDA.

- 4. Special Use Permit Request, SP #16-04, by Mobile Maintenance, Inc., to Allow the Construction of a Parking Lot on a Lot Zoned R-1, Single Family, for the Purpose of Parking Vehicles Related to the Petitioner's Business, Generally Located at 513 Fairmont Street N.E;**

and

Resolution Approving a Special Use Permit, SP #16-04 to Allow Parking Lot in a Residential District for Mobile Maintenance, Inc., Generally Located at 513 Fairmont Street N.E. (Ward 3)

THIS ITEM WAS REMOVED FROM THE CONSENT AGENDA AND PLACED ON THE REGULAR AGENDA.

- 5. Resolution Approving State of Minnesota Joint Powers Agreements with the City of Fridley on Behalf of its City Attorney**

ADOPTED RESOLUTION NO. 2016-28.

- 6. Resolution to Approve Agreement #1003368: State of Minnesota, Department of Transportation (MnDOT Landscaping Partnership Cooperative Agreement)**

THIS ITEM WAS REMOVED FROM THE CONSENT AGENDA AND PLACED ON THE REGULAR AGENDA.

- 7. Resolution Appointing an Absentee Ballot Board for the 2016 Election Cycle.**

ADOPTED RESOLUTION NO. 2016-30.

- 8. Claims: ACH PCard – 1605; 172717 – 172963.**

APPROVED.

- 9. Estimates:**

Key Well Drilling Company
 1156 Homer Street
 St. Paul, MN 55116-3232
 2016 Well Rehabilitation Project No. 448
 Estimate No. 2.....\$33,772.50

O'Malley Construction, Inc.
 35812 – 241st Avenue NE
 LeCenter, MN 56057
 Safe Routes to School Project No. ST2011-21
 Estimate No. 2.....\$99,990.78

APPROVED.

OPEN FORUM VISITORS:

Judy Engebretson, 5216 Taylor Street N.E., said there was a large tree planted by the City in the boulevard in front of her home. She distributed photos of the tree. The tree has overtaken her yard. There are roots all over the yard, and in the sewer, with damage she has had to repair. The tree is a silver maple and is the worst kind of tree. The roots grow on the surface, making it difficult to grow grass. The roots grow into her sewer pipe. It is also hard to plant around a silver maple. Silver maples require pruning and pedestrian clearance. The branches form poor attachment resulting in breakage. Frequent pruning is required. This is the weakest wood and is subject to storm damage. Ten years ago she tried to take care of the root problem but had to stop because it would have killed the tree. Branches drop every 2 to 3 days, and causes a concern because a tree branch could fall on someone and cause injury. No wind is needed for branches to fall, and this becomes a liability issue for her and the City. The sidewalk has suffered because of the roots and is uneven. Mr. Kosluchar gave her some suggestions but she wants the tree removed. It would cost about \$2,500 to take the tree out and she would have to put up 80%. It would cost another \$5,000-\$6,000 to take care of the roots in her yard. She is not able to mow her yard over the roots as it has damaged her mower, so she will not be mowing where there are roots.

Mayor Lund said Council will look at her concerns and report back to her.

ADOPTION OF AGENDA:

MOTION by Councilmember Bolkcom to adopt the agenda with the additions of Item Nos. 3, 4 and 6. Seconded by Councilmember Saefke.

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

MOTION by Councilmember Bolkcom to amend Nos. 12, 13 and 14 to include a summary ordinance. Seconded by Councilmember Saefke.

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

PUBLIC HEARING:

10. Consideration of Off-Sale 3.2% Malt Liquor License to Jigar Patel, on Behalf of Hanuman, LLC, d/b/a Freedom Value, Located at 7600 University Avenue N.E. (Ward 3)

MOTION by Councilmember Bolkcom to waive the reading of the notice and 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 7:37 P.M.

Deb Skogen, City Clerk, stated Jigar Patel has applied for an off-sale 3.2% malt liquor license to operate a business known as Hanuman LLC, dba Freedom Valu. The retail store and gas station is located at 7600 University Avenue NE. Erickson Oil Products formerly owned the store and has held an off-sale 3.2% malt liquor license. The store was sold last week.

Ms. Skogen noted that Section 602.05 of the City Code requires a public hearing be held to consider the off-sale 3.2% malt liquor license. Notice of the public hearing was published in the Fridley *SunFocus* on June 3, 2016, meeting the ten-day advance notice requirement. The Police Department completed their background investigation and found no issues with Mr. Patel. Section 602.05 allows the City Council to approve the liquor license on the same night as the public hearing. Staff recommends the following action:

- Motion to approve the off-sale 3.2% malt liquor license to Jigar Patel for Hanuman LLC, dba Freedom Valu, located at 7600 University Avenue NE.

Councilmember Barnette asked if the address was correct.

Scott Hickok, Community Development Director, noted that addresses were in a different alignment at one time.

MOTION by Councilmember Bolkcom to close 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 CLOSED AT 7:40 P.M.

MOTION by Councilmember Bolkcom to approve issuing an Off-Sale 3.2% Malt Liquor License to Jigar Patel, on Behalf of Hanuman, LLC, d/b/a Freedom Value, Located at 7600 University Avenue N.E. (Ward 3). Seconded by Councilmember Saefke.

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

11. Consideration of On-Sale 3.2% Malt Liquor License to Robert Tomson of Bolar, LLC, d/b/a Pancheros Mexican Grill Fridley, Located at 284-57th Avenue N.E. (Ward 3).

MOTION by Councilmember Bolkcom to waive the reading of the notice and 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 7:41 P.M.

Deb Skogen, City Clerk, stated Robert Thomson, sole owner, has applied for an on-sale 3.2% malt liquor license to operate a business known as Pancheros Mexican Grill Fridley. The restaurant will be located at 284 57th Avenue NE. An outdoor patio will be available to patrons for food only. A sign will be posted inside the restaurant stating that all liquor must remain inside the establishment. The restaurant will be managed by Craig Noah.

Ms. Skogen noted that Section 602.05 of the City Code requires a public hearing be held to consider the on-sale 3.2% malt liquor license. Notice of the public hearing was published in the Fridley *SunFocus* on June 3, 2016, meeting the ten-day advance notice requirement. Staff believes this will be a successful business, bringing visitors to the City of Fridley. The Police Department completed their background investigation and found no issues with Mr. Thomson or Mr. Noah. Section 602.05 allows the City Council to approve the liquor license on the same night as the public hearing. Staff recommends the following action:

- Motion to approve the on-sale 3.2% malt liquor license to Robert J. Thomson for Bolar LLC, dba Pancheros Mexican Grill Fridley.

Mr. Noah stated the restaurant will be open 7 days a week.

Councilmember Bolkcom asked when they will be opening and what type of menu they would have.

Mr. Noah replied they will open on June 21 from 10:30 a.m. daily to 11p.m. on weekends and 10 p.m. on weeknights. Their tortillas are made to order for each customer. Their burritos are the most popular item. They are known for the fresh quality of food. There are two other locations in Golden Valley and Bloomington. They are looking forward to being a part of the community.

Councilmember Varichak asked if they made tortillas to go by the dozen.

Mr. Noah replied tortillas can be made to go but are best eaten within minutes after they are made.

Councilmember Varichak asked what type of beer they offered.

Mr. Noah replied two Mexican beers and two American beers.

MOTION by Councilmember Bolkcom to close 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 CLOSED AT 7:48 P.M.

MOTION by Councilmember Bolkcom to approve issuing an On-Sale 3.2% Malt L:iquor License to Robert Tomson of Bolar, LLC, d/b/a Pancheros Mexican Grill Fridley, located at 284 57th Avenue N.E. (Ward 3). Seconded by Councilmember Saefke.

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

NEW BUSINESS:

- 3. Special Use Permit Request, SP #16-03, by TCO Design, to Revise Special Use Permit, SP #15-09, that was Approved to Allow a 23-Patient Room Home Health Care Building in an R-3, Multi-Family Zoning District, to Increase the Amount of Patient Rooms to 28, Generally Located at 5300 Fourth Street N.E.**

and

Resolution Approving Special Use Permit, SP #16-03, for TCO Design, the Petitioner on Behalf of Gen One LLC, to Allow the Construction of a Home Health Care Facility on the Property Located at 5300 Fourth Street N.E. (Ward 1)

Councilmember Bolkcom asked if they were doing telemedicine at this time.

Scott Hickok, Community Development Director, replied no.

Councilmember Bolkcom said with respect to No. 6 of the stipulations, if there was a problem with parking is there space to expand.

Mr. Hickok replied that there may be some possibility. Initially, there was a concern about parking and there was an expansion. Parking is adequate based on staff and customers. If parking on the street becomes an issue, it would come back for public discussion.

Councilmember Bolkcom asked how staff decides when it becomes an issue; complaints, traffic congestion or accidents.

Mr. Hickok replied all of the above. Staff takes complaints seriously.

Councilmember Barnette asked if any parking was available in the alley.

Mr. Hickok replied yes. Most of the parking comes off the back of the site.

Councilmember Bolkcom said there was a discussion about Bona Brothers. She asked if the issues have been resolved.

Mr. Hickok replied yes, Bona understands this was for their convenience, but now realizes as the site develops, that practice will discontinue.

Councilmember Bolkcom asked if there would be beeping issues with deliveries at night.

Mr. Hickok replied that deliveries should be able to pull up to the alley without backing up. He would defer to the representatives of the facility.

Councilmember Bolkcom asked if there was enough room for snow storage.

Mr. Hickok replied yes.

Councilmember Saefke noted there is great flexibility on staff coming and going. He was concerned about backup on 53rd Avenue during peak traffic hours. Are they willing to change shift times and have delivery people come when they ask them to.

Todd Ofsthun, TCO Design, replied that deliveries at night would not be the first choice and there should not be a backup with traffic because there is a one-way street.

Councilmember Saefke asked what is parked in the garage.

Mr. Ofsthun replied it will be storage of stock and tools to be used on site.

Councilmember Saefke asked how long patients stay there.

Mr. Ofsthun replied there will be long-term assisted living type patients.

Councilmember Saefke asked if there were any complaints of facilities in residential areas.

Mr. Ofsthun replied they are a very quiet facility compared to a normal home. Activities are done during the day and a van takes them to outings.

Councilmember Saefke asked if having hospice in a residential area duplex side by side would be a problem with parking.

Mr. Ofsthun replied this is designated for that type of use.

Mayor Lund noted that looking at the drawings, it appears that additional parking is under the building.

Mr. Ofsthun stated that a great deal of the contained parking will be in open style parking.

Mayor Lund asked how they were increasing parking, as the footprint has not. He asked if they were making the bedrooms smaller.

Mr. Ofsthun replied that two parking stalls were pushed to the outside which added beds to the first floor and then they rearranged the gathering and common areas which added space.

Mayor Lund said that there are three floors total. They just rearranged the common space.

Mr. Ofsthun replied the room size did not change. The redesign brought bathrooms to all the rooms. The footprint is the same and the building is as big as it can be on that site.

MOTION by Councilmember Saefke to approve the Special Use Permit Request, SP #16-03, by TCO Design, with the following seven stipulations:

1. The petitioner shall obtain a demolition permit prior to removal of the existing house on the 5300 Fourth Street property.
2. The petitioner shall obtain all necessary permits prior to construction.
3. The petitioner shall meet all building, fire and ADA requirements.
4. City engineering staff to review and approve grading, drainage, and utility plan prior to issuance of a building permit.
5. Landscape and irrigation plan to be reviewed and approved by City Staff prior to issuance of building permit.
6. If on-street parking becomes an issue as a result of this use, the special use permit and options for additional parking shall be further reviewed by the City Council at the owner's expense.
7. If the comprehensive home health care use changes, the special use permit shall be further reviewed by the City Council at the owner's expense.

and adopt Resolution No. 2016-26. Seconded by Councilmember Bolkcom.

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

Mayor Lund noticed that mowing has been done on the site.

Nathan Running, Majority Owner, said they are now using City services for mowing.

4. **Special Use Permit Request, SP #16-04, by Mobile Maintenance, Inc., to Allow the Construction of a Parking Lot on a Lot Zoned R-1, Single Family, for the Purpose of Parking Vehicles Related to the Petitioner's Business, Generally Located at 513 Fairmont Street N.E;**

and

Resolution Approving a Special Use Permit, SP #16-04 to Allow Parking Lot in a Residential District for Mobile Maintenance, Inc., Generally Located at 513 Fairmont Street N.E. (Ward 3).

MOTION by Councilmember Bolkcom to move into record Petition 2016-02 that was received prior to the meeting. Seconded by Councilmember Barnette.

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

Scott Hickok, Community Development Director, stated the property owner wanted to rezone this property, but the provision in the ordinance states that without rezoning, it would allow expansion for parking. The special use permit allows for parking under certain conditions and would allow something like this. Using the adjacent parcel, granted under certain stipulations, would keep the special use permit alive.

Councilmember Bolkcom said the property has been having parking issues for many years and there were discussions recently about the parking and how it spans out into the street, about safety issue and about break-ins.

Mr. Hickok stated that granting the special use permit would allow vehicles to park out of the way. This business has been successful, but he can see where vehicles are pushed out into the right of way.

Councilmember Bolkcom said some residents think this business will hurt the appraisal of their home. The petition states that it is noisy early in the morning and they do not want the business to expand.

Mr. Hickok noted that power equipment is not permitted prior to 7 a.m. The City does not control when a business operates.

Councilmember Bolkcom stated the current fence is not adequate and the new fence will need to be tall enough to hide the vehicles.

Mr. Hickok said the fence along the north and west property line will be replaced, and a rain garden added along the front. He said they want police vehicles to see into the area and do not want to screen the parking lot from the street; but screen the parking lot from adjacent properties.

Councilmember Bolkcom said the petition requests another fence along the street.

Mr. Hickok replied that it would be daunting to have an area you cannot see into. The Police Department would want to be able to see into the area.

Councilmember Bolkcom asked if the landscaping would be watered.

Mr. Hickok replied that commercial properties are required to have sprinklers.

Debra Langer, 548 Fairmont Street NE, said she was speaking for all eight households in the area. They have a concern about the congestion this will bring and the impact on their property values.

Councilmember Bolkcom said with the business parking vehicles in the next lot and with the screening and landscaping, it will look better.

Ms. Langer said she was not sure if they would add more trucks. This morning when she drove by the company, there were 10 trucks parked there. She is concerned there would be more trucks parked there.

Councilmember Bolkcom asked how many vehicles could be parked there and if the parking area would be striped.

Mr. Hickok replied they would be limited on how many vehicles could be parked there. The code requires the lot to be striped and vehicles parked in the parking stalls. There would be about 12 vehicles on site. Any more would be pressing.

Councilmember Bolkcom asked what would happen if this is not approved. There have been issues in the past at this site with code enforcement.

Mr. Hickok replied they would be required to put in the curb and not park on the residential site. Approving this would make things right and put vehicles in a stall. Now there is parking on an unapproved surface.

Steve Witzel, Mobile Maintenance, Inc., said the photograph that was used in the presentation is 6 years old and the shed has been removed. He bought the lot over 20 years ago. It would be pretty tight to build a home on this lot. He has not had many vehicles on this site for years. The employees have been parking on the laundromat site and he plows their lot in the winter. The work vehicles are parked tight because they have had issues with people breaking into the vehicles. The last few years it has gotten better. They will build a cedar fence around the property and have been told not to put a fence on Fairmont Street for vision reasons. This will make the area safer and improve the flow of the parking lot.

Mayor Lund said he thought this was an improvement to the neighborhood and would clean up the parking situation. Mr. Witzel is generous making the residential lot into a parking lot. He does not think this is expanding the business and he should be a good neighbor regarding the noise concerns.

Mr. Witzel said no one starts before 8:00 a.m.

Councilmember Bolkcom said there has been a fair amount of code enforcements in the past with this business and this can come back to Council at any time if the stipulations are not followed.

Mr. Witzel said he should have 7 to 8 parking spaces in the winter and in the summer he would store trailers where the snow storage is in the winter.

Mr. Hickok said trailers are outdoor storage if they are not attached to the vehicle.

Mr. Witzel replied he was led to believe he could put trailers in the parking lot. He has been parking them in the storage area.

Darcy Erickson, City Attorney, wanted to be clear that trailers are allowed to be parked in the lot if they are attached to a vehicle.

Mr. Hickok replied yes. That is reasonable and practical. Commercial semi and trailer connected to the truck is permissible but unconnected would be considered outdoor storage.

Councilmember Bolkcom asked if Mr. Witzel was okay with the stipulations.

Mr. Witzel replied yes.

MOTION by Councilmember Bolkcom to approve the Special Use Permit Request, SP #16-04, by Mobile Maintenance, Inc., with the following three stipulations:

1. The petitioner to obtain a land alteration permit from the City's engineering staff prior to start of construction of parking area.
2. The petitioner shall obtain any required permits from the Coon Creek Watershed District.
3. The new parking area, curb, gutter, fence and landscaping shall be installed by September 30, 2016.

and adopt Resolution No. 2016-27. Seconded by Councilmember Saefke.

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

6. Resolution to Approve Agreement #1003368: State of Minnesota, Department of Transportation (MnDOT Landscaping Partnership Cooperative Agreement).

Councilmember Bolkcom asked What the maintenance costs would be and how much time would be spent on this.

Kay Qualley replied that people can adopt parks and areas so we will not be so dependent on Public Works. Weeding and fertilizing would take place in 1 to 3 years, and a Boy Scout, Girl Scout or garden club, for example, could be involved in these types of things. Public Works will need to haul mulch to the site and more work could come in 1 to 3 years as the area matures.

Councilmember Bolkcom said she thought it was a great idea to get people involved. She asked what would happen if volunteers did not come forward. That would put pressure on Public Works and Parks.

Jim Kosluchar, Public Works Director, replied that Public Works can manage the time. This can be a pilot project, and over long-term there would be a savings in overall maintenance.

Councilmember Bolkcom asked if a plant dies if the City is on the hook for a new plant.

Ms. Qualley replied that living plants do not live forever. They will use a combination of resilience and native species with good roots--plants that self-seed to make smaller colonies.

MOTION by Councilmember Bolkom to adopt Resolution No. 2016-29. Seconded by Councilmember Barnette.

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

OLD BUSINESS:

12. Second Reading of an Ordinance Amending the Fridley City Code by Creating Chapter 609, Liquor Caterers Registration and Event Notification Permit; Amending Chapter 508 Parks and Parkways, Section 508.21.5.D. Allowing City-Registered Caterers to Serve Alcoholic Beverages at Springbrook Nature Center; and Chapter 11, General Provisions and Fees, Section 11.10. Fees, Creating Fees for Registration of Caterers and Event Notification Permits.

Deb Skogen, City Clerk, stated that there has been a lot of discussion about “Event Centers”. As properties have become vacant or have been on the market for a long period of time, properties are being purchased without the buyers inquiring as to the zoning or use of the property. As a result, staff has received a lot of inquiries about whether a liquor license can be acquired for a specific event in a specific location that does not have a liquor license.

Ms. Skogen noted that MN Statutes, Section 340A.404, Subd. 12, provides language allowing a restaurant with an on-sale liquor license to acquire a state caterer’s permit. The holder of the permit may sell intoxicating liquor as an incidental part of a food service that serves prepared meals offsite of their licensed premises. The statute allows cities to regulate caterers, and requires caterers to notify the local police department of the event and location. After reviewing several other municipal codes, an ordinance was drafted requiring caterers to register with the City and provide an Event Notification Permit for each event. The first reading was held on May 23, 2016.

Ms. Skogen reviewed the ordinance. She said it defines the conditions of registration; defines information required for reviewal of registration; requires an Event Notification Permit for all events 10 days prior to event; provides an appeal process; and creates administrative offenses and fines for required liquor compliance checks, similar to licensed establishments in the City.

During the first reading there were several questions. The City Attorney and staff reviewed the language and proposed several amendments to Chapter 609 for clarification and understanding.

Section 609.03 – Conditions of Licensed Caterers

609.03.1 was put into bullet point format

609.03.5 the words “shall occur” were amended to “is permitted”

609.03.8 the words “indicate how” were amended to “define the premises to which”

609.03.10 was removed and number 11 was changed to 10.

Section 609.07 – Administrative Offenses

609.07.2.A. – the words “a party” were amended to “an individual”.

609.07.6. – the words “At the discretion of” were placed before city manager and removed from after the city manager.

609.07.9 – the words “a party” were amended to “an individual employed by the caterer” and the words “fails to pay the penalty” were added.

Section 609.04 – Event Notification Permit

The word Permit was added to the title of this section and the word “registered” was added to the first paragraph for further clarification.

609.04.4 – New language was created allowing the Director of Public Safety or designee to terminate an event if it were to disturb the peace by resulting in disorderly behavior, noise, traffic, litter or parking problems at or in the area of the event’s location.

Section 609.06 – Denial, Suspension or Revocation of Registration

The words “registered” was added to the first paragraph for further clarification of what can be denied, suspended or revoked.

Replacing the words “does or will” with the word “has” and changing “disturb” to “disturbed”.

Replacing the words “does or will” with the word “has” and changing “contribute” to “contributed”.

Adding the word “catered” for further clarification.

Chapters 508 and 11

In addition to requiring registration and event notification, this ordinance amends Chapter 508 of the City Code allowing a registered caterer to provide food, malt liquor and wine for events at Springbrook Nature Center; and establishes the fees for the registration and event notification permit.

Ms. Skogen said staff recommends a motion holding the second reading of this ordinance and adopting the ordinance and summary ordinance.

Councilmember Barnette asked if the caterers had to meet the 40/60 food to liquor ratio.

Ms. Skogen replied no, because the caterer would be licensed by another municipality.

Wally Wysopal, City Manager, added that if the caterer had an event in Fridley the liquor has to be incidental to the food they provide. They cannot just serve liquor.

Ms. Skogen noted that state law requires food and liquor to be provided by the same caterer.

MOTION by Councilmember Barnette to waive the reading of the ordinance and adopt Ordinance No. 1333 on second reading and order publication. Seconded by Councilmember Varichak.

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

MOTION by Councilmember Barnette to adopt the summary ordinance. Seconded by Councilmember Saefke.

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

13. Second Reading of an Ordinance Creating a New Chapter of the Fridley City Code, Chapter 610, Liquor Manufacturers, and Amending Chapter 11 of the City Code by Establishing Fees.

Debra Skogen, City Clerk, stated that due to increasing popularity of craft beers and microdistilleries an ordinance was drafted to address how the City could license liquor manufacturers. The ordinance received its first reading May 23, 2016.

Ms. Skogen said in Chapter 610, language was drafted to allow a manufacturer to receive a license from the City for: An on-sale brewer “taproom” license; an off-sale small brewer license, allowing for the sale of “Growlers” at the brewery; an on or off-sale brew-pub license; an on-sale Microdistillery “cocktail room license” and an off-sale Microdistillery license. The City can be more restrictive than the state.

Ms. Skogen said staff recommended the following:

On-Sale brewer taprooms and microdistiller cocktail rooms be open similar to the times of restaurants and clubs.

Off-sale brewer license and brew pub license are limited to the hours of 8 am through 10 pm Monday through Sunday.

Off-Sale microdistillery license are limited to the hours of 8 am through 10 pm Monday through Saturday and closed on Sunday.

Ms. Skogen said to remain consistent with the City’s other liquor codes, the remainder of the ordinance is in the same format as those chapters. Chapter 11 is amended to establish license fees.

Ms. Skogen said staff recommends holding the second reading of an ordinance Creating a New Chapter of the Fridley City Code, Chapter 610, Liquor Manufacturers and Amending chapter 11 of the City Code by Establishing Fees, and adopting this ordinance and the summary ordinance.

Ms. Skogen stated that a lot of research and discussion went into Chapter 610. As a result, a few minor changes were needed to Chapters 602, 603 and 606 to allow for Beer Pubs and to amend the hours of operation.

MOTION by Councilmember Saefke to waive the reading of the ordinance and adopt Ordinance No. 1334 on second reading and order publication. Seconded by Councilmember Bolkcom.

Councilmember Bolkcom asked if you could have more than one.

Ms. Skogen replied the number is limited and a brewer may only have one taproom license and no ownership in a brew pub.

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

MOTION by Councilmember Saefke to adopt the summary ordinance. Seconded by Councilmember Bolkcom.

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

14. Second Reading of an Ordinance Amending Chapter 603 of the Fridley City Code Entitled Intoxicating Liquor to Allow for Brew Pubs and Amend the Hours of Operation; Chapter 602, Section 602.09; and Chapter 606, Section 606.11, Amending the Hours of Operation.

Deb Skogen, City Clerk, outlined the changes that were made.

Amending Chapter 603

A brew pub may only operate as a restaurant to be eligible for an on-sale brew pub license. To allow for brew pubs, there are a few amendments to Chapter 603:

Section 603.01 provides for a definition of a brew pub

Section 603.02 allows for a license to be granted

Section 603.08 provides for an exception to a manufacturer to allow for a brew pub

Section 603.09 defines places that are ineligible for a brew pub license

Section 603.10 provides for an exception to a brew pub to allow for the “off-sale” of the “growler” and requires brew pubs to have a minimum food sales of 40%.

Section 603.11 amends the opening hours of operation of restaurants and brew pubs to 8:00 am Monday through Sunday

Section 603.26 allows a brew pub to apply for a patio endorsement.

Amending Chapters 602 and 606

Section 602.09 is amended to allow for the sale of 3.2% malt liquor between the hours of 8:00 am and 1:00 am Monday through Sunday.

Section 606.11 is amended to allow for the sale of intoxicating liquor at a Club between the hours of 8:00 am and 1:00 am Monday through Sunday.

Ms. Skogen said staff recommended holding the second reading of an Ordinance Amending Chapter 603 of the Fridley City Code Entitled Intoxicating Liquor to Allow for Brew Pubs and Amending the Hours of operation; Chapter 602, Section 602.09 and Chapter 606, Section 606.11 Amending the Hours of Operation and adopting the ordinance and the summary ordinance.

MOTION by Councilmember Saefke to waive the reading of the ordinance and adopt Ordinance No. 1335 on second reading and order publication. Seconded by Councilmember Bolkcom.

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

MOTION by Councilmember Saefke to adopt the summary ordinance. Seconded by Councilmember Barnette.

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

NEW BUSINESS:

15. Receive the 2015 Comprehensive Annual Financial Report.

David Mol, Partner with Redpath and Company, presented the 2015 Comprehensive Annual Report.

Mayor Lund asked what they saw going forward as far as our finances.

Mr. Mol replied that it is always a challenge to balance out the needs verses a tax levy. Through your process of maintaining adequate reserves, we have seen good financial management over time.

Councilmember Bolkcom asked about the end of the year and closing out the new system.

Shelly Peterson, Finance Director, replied the last year, we were starting with the new system and were unable to test several processes. The year-end posed a new training process and required a few weeks of program fixes. Going forward staff understands the year-end system.

MOTION by Councilmember Bolkcom to receive the 2015 Comprehensive Annual Financial Report. Seconded by Councilmember Saefke.

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

16. Informal Status Reports.

Wally Wysopal, City Manager, provided the following:

- Newly appointed Police Office, Brian Desjardins, will be replacing an open position due to the retirement of Office Steve Duane. Brian has completed all of the necessary requirements to begin his career with our Police Department. Officer Desjardin has worked for the Anoka County Sherriff's Department, Las Vegas, NV, Ladysmith, WI and River Falls, WI. He earned his B.A. from University of Wisconsin River Falls. He started June 6.
- Volunteers planted trees in Summit Square Park Saturday June 11 in the hot and humid weather. Ten trees were planted.

Councilmember Barnette reminded everyone of '49er Days coming up Thursday through Saturday.

Councilmember Bolkcom said that the Banfill-Locke Summer Solstice, is June 21. Tickets can be purchased online or by calling the art center. They are \$25 presale or \$30 at the door.

ADJOURN:

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

UPON A VOICE VOTE, ALL VOTING AYE, MAYOR LUND DECLARED THE MOTION CARRIED AND THE MEETING ADJOURNED AT 9:31 P.M.

Respectfully Submitted,

Krista Peterson
Recording Secretary

Scott J. Lund
Mayor