

**CITY COUNCIL MEETING
CITY OF FRIDLEY
JUNE 11, 2018**

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
Scott Hickok, Community Development Director
Deb Skogen, City Clerk
Paul Bolin, HRA Assistant Executive Director

APPROVAL OF PROPOSED CONSENT AGENDA:

APPROVAL OF MINUTES:

1. City Council Meeting of May 29, 2018.

APPROVED.

NEW BUSINESS:

2. Receive the Minutes from the Planning Commission Meeting of May 16, 2018.

RECEIVED.

3. Variance Request, VAR #18-01, by Archnet, Inc., on behalf of the Property Owner, GMROI, LLC, to Allow the Construction of a Canopy for a Customer Pick-Up Area Along the North Side of the Building, that will Encroach into the Front Yard Setback 11 Feet, 7 Inches, Instead of the Cod-Required 25 Feet, Generally Located at 5353 East River Road N.E.

and

Resolution Approving Variance, VAR#18-01, to Allow a Canopy to Encroach into the Front Yard Setback 11 Feet, 7 Inches, at 5353 East River Road N.E., Petitioned by Archnet, on Behalf of the Property Owner, GMROI, LLC (Ward 3).

APPROVED VARIANCE REQUEST, VAR #18-01 AND ADOPTED RESOLUTION NO. NO. 2018-27.

- 4. Special Use Permit Request, SP #18-02 by Archnet, Inc., to Allow a Building Addition that will Increase the Lot Coverage from 40% to 49.2%, Generally Located at 5353 East River Road N.E.**

and

Resolution Approving Special Use Permit, SP #18-02, for Archnet on Behalf of the Property Owners, GMROI, LLC, and Patricia Paraschuk, for the Properties Located at 5353 East River Road NE, and Parcel ID Number (PIN) 22-30-24-43-0009 (Ward 3)

APPROVED SPECIAL USE PERMIT REQUEST NO. SP #18-02 AND ADOPTED RESOLUTION NO. 2018-28.

- 5. Resolution Appointing and Absentee Ballot Board for the 2018 Election Cycle.**

ADOPTED RESOLUTION NO. 2018-29.

- 6. Approve a Pollbook Use Agreement for Elections between the City of Fridley and the County of Anoka.**

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

- 7. Approve Revised Construction Cooperation Agreement between the City of Fridley and Metropolitan Council Environmental Services for Restoration of Community Park (Ward 3)**

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

- 8. Receive the 2017 Single Audit Financial Report and Audit Review**

RECEIVED THE 2017 SINGLE AUDIT FINANCIAL REPORT AND AUDIT REVIEW.

- 9. Claims (1810140603 - 180859)**

APPROVED.

ADOPTION OF PROPOSED CONSENT AGENDA:

Councilmember Bolkcom asked for Item Nos. 6 and 7 to be removed from the consent agenda and placed on the regular agenda.

MOTION by Councilmember Barnette to adopt the proposed consent agenda with removal of Item Nos. 6 and 7. Seconded by Councilmember Varichak.

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

OPEN FORUM, VISITORS:

Paul Nealey, 6610 Lucia Lane, was encouraged by the Planning Commission to talk about his concerns about the traffic on Lucia Lane. There has been increased traffic for the last several years and the main source of traffic is from the Islamic University School.

Mayor Lund replied that the police have talked to them and have also been cooperative to try and do something to lessen the traffic.

Mr. Nealey said he received confirmation from the Planning Commission that something will be done to provide temporary traffic relief. Other sources of traffic include commuter traffic that does not want to wait to turn at the light. Police do have a presence on the street during high traffic times which has helped slow people down. The neighborhood is hoping that something permanent will be done to eliminate the traffic from flowing through the area.

Mayor Lund noted that this is an ongoing issue and staff will continue to speak with the police to tag traffic violators, especially on busy days.

Mr. Nealey stated this is a unique street with only one way in and one way out. They do not want people to move because of the traffic issues and two neighbors have already left.

Councilmember Saefke asked if they were okay with speed bumps on the street.

Mr. Nealey replied yes, that will help slow the traffic down.

Wally Wysopal, City Manager, said the City Engineer would be at the next Council meeting to provide recommendations to control traffic in that area. Something constructive may be built later this summer.

Charles Hawkins, 6520 Lucia Lane, said he lives two houses down from the light and traffic is really bad outside of his home around 11:30 to 12:00 in the afternoon. Many times he cannot get out of his driveway. Speed bumps will not help this issue. Something needs to be done. Closing down the road would help. He does not want to move.

Tom Majkozuk, 6620 Lucia Lane, said he appreciated that this will be on the agenda for the next Council meeting. He met with staff, residents and block leaders three summers ago about this same issue and very little has been done. Something permanent needs to be done and everyone has been patient for a number of years. This is a great neighborhood and he would like to stay there.

John Vardas, 6546 Lucia Lane, said the issues have to do with the volume of cars at certain times of day, inattentive driving, and people speeding down the road. He was interested in what the long-term plan would be and appreciated anything that could be done short-term.

Councilmember Bolkcom asked if the neighborhood would get a report after the meeting.

Mr. Wysopal replied that the neighborhood would get notice of the proposed changes that will take place and an invitation to the meeting.

ADOPTION OF AGENDA:

MOTION by Councilmember Bolkcom to adopt the agenda with the addition of Item Nos. 6 and 7. Seconded by Councilmember Saefke.

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

OLD BUSINESS:

10. Second Reading of an Ordinance Repealing and Replacing Chapter 125 of the Fridley City Code Related to the Licensing of Massage Therapy Businesses and Massage Therapists;

and

Adopt Official Title and Summary Ordinance

Deb Skogen, City Clerk, stated that due to alleged criminal activity in the City with businesses claiming to do massage therapy, staff conducted a study. After thorough research and review, an ordinance was prepared repealing Fridley City Code, Chapter 125, entitled “Saunas and Massage Parlors” and replacing it with new language entitled “Massage Therapy Businesses and Massage Therapists.”

Ms. Skogen said the ordinance repeals the current language, as it is outdated and the City has not licensed this type of business in over 20 years. The ordinance was presented to the City Council at a conference meeting on May 14 and the first reading was held on May 29, 2018. Council asked staff to provide additional information on two items. First, Section 125.05.1.A(6), regarding past due taxes and utilities, appeared to be confusing. The language has been changed to identify what information an applicant is required to provide; and allows the information to be used in Section 125.10(9) as a grounds for suspension, revocation or denial of a license. Second, Section 125.05.05.2.J(3) defines proof that an applicant has met academic requirements. This section allows for an individual who has not met the new educational requirements but has experience practicing massage therapy and received certification from the National Certification Board for Therapeutic Massage to obtain a massage therapist license. This alternative path to licensing ensures experienced massage therapists currently licensed in the City will not be forced to stop working to complete a new course of education

Ms. Skogen stated after the first reading staff mailed letters with the ordinance to licensed therapists or businesses notifying them of the proposed change in the City Code. Staff received several telephone calls from individual massage therapists who were concerned about the high cost of the police investigation for an individual. While they understood and agreed changes were necessary, they wondered if the fee for the individual could be lowered and whether the fee would be required each year. After relaying these concerns to the Police Department and City Manager, it was agreed the individual background investigation fee would be lowered. Staff has recommended the following change to Chapter 11 fees:

Massage Therapy Business License - \$400 (No change)
Business Investigation Fees for Corporations/Partnerships - \$400 (new) \$200 (renewal)
Business Investigation Fees for Individuals - \$200 (new) \$100 (renewal)

Ms. Skogen said staff recommends a motion waiving the reading and adopting the second reading of an ordinance Repealing and Replacing Chapter 125 Related to the Licensing of Massager Therapy Businesses and Massage Therapists.

Councilmember Bolkcom asked for an explanation on number 6 on page 84.

Ms. Skogen replied if they are delinquent on utilities, for example, it could be a basis for denial.

Councilmember Bolkcom asked how staff decides if it was basis for denial.

Ms. Skogen replied it depends on each applicant. If staff thought there was basis for denial, it would be brought to City Council.

Mayor Lund noted it does not matter if they are in arrears, they must meet the requirements on page 87.

Councilmember Bolkcom asked how staff determines when it is okay and when it is not.

Ms. Skogen replied this gives staff grounds to deny a license.

Wally Wysopal, City Manager, this gives Council a reason whether or not to grant a license.

Attorney Jay Karlovich, City Attorney, said they have looked at city ordinances in the League of Minnesota Cities and they tried to come up with the best language.

Mayor Lund asked staff to look at the language on the bottom of page 14. It did not read right.

Attorney Karlovich, said they will try to improve that language.

Ms. Skogen noted that sometimes a person is filing on behalf of the corporation.

Attorney Karlovich, said a person can include a corporate entity. Person or entity or other type of language could be used.

Cynthia Miller, Owner of Duir Massage, said the timing of this is not great since all licenses were renewed in April. She just signed a three-year lease in February and now is having to pay \$900 in August. She has a small operation and to come up with that type of fee is not easy. She has been working in Fridley for four years and does not have a large client base to come up with those fees.

Ms. Skogen reviewed the fees. There is a business fee of \$400, an investigative fee of \$0, an individual fee of \$200, and then \$40 and \$25 for a total of \$675.

Ms. Miller appreciates the lowered fee, but the timing still is not great.

Mayor Lund said the reason for this license fee is because there are issues with some massage businesses in Fridley. When the industry fails to manage their businesses, unfortunately the government steps in and there is a cost to do that.

Ms. Miller asked if this could be for next year for those who already have licenses renewed this year.

Ms. Skogen replied that the license is from May 1 to April 30. Staff could consider an accommodation for those with renewed licenses this year. Something similar has been done in the past.

Mayor Lund said he thought it made sense to reduce the first year fees for those with renewed licenses.

Councilmember Bolkcom said that an investigation would still need to be done. Next year businesses would not have the additional fees. Whatever the cost is for staff to complete the inspection should be covered in the fees.

Ms. Skogen said another possibility would be for businesses to make payment increments rather than paying the full amount upfront.

Councilmember Bolkcom asked if there would be no new investigation for someone that already has a license.

Ms. Skogen replied yes.

Attorney Karlovich said at this time, staff does not have a good estimate on what the costs will be. These charges are about in the middle of where most cities are for fees.

Mayor Lund thought it made sense for existing businesses to pay for the investigation fee and licensing.

Councilmember Bolkcom asked staff to review the fees and bring it back to Council at the next meeting.

Ms. Miller was concerned about HIPPA regulations for client files when police come in to do their investigations.

Ms. Skogen replied the HIPPA laws refer to medical information and the police would be looking at financial records, tax returns, and any criminal activity.

Mayor Lund added that certain things cannot be looked at unless there was a search warrant.

Ms. Miller said she works late nights and alone so safety is important. She does support what staff is proposing but is concerned about the fees that are being assessed.

Ms. Skogen noted the City is following what several other cities have done to adopt similar ordinances.

Ms. Miller said it is unfortunate the State does not regulate this industry like other businesses.

Sharon Sloper, Massage Therapist, said she has been working to get this type of licensing since 1992. She encourages the license and encourages Council to consider when therapists move here from another state to recognize their certifications because they have met the criteria for that state.

Councilmember Bolcom said that should be part of the investigation.

Ms. Skogen said staff could look into that request and bring back to Council.

Ms. Sloper noted that the requirements are very consistent across the board.

MOTION by Mayor Lund to table this item for further clarification. Seconded by Councilmember Barnette.

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

PUBLIC HEARINGS:

- 11. Consider the Revocation of Special Use Permit, SP #07-01, to Allow an Auto Recycling Center (Junk Yard) in M-1, Light Industrial Zoning District, Generally Located at 1230 73rd Avenue N.E., 1240 73 ½ Avenue N.E., and 7340 Central Avenue N.E. (Ward 2)**

MOTION by Councilmember Varichak waive the reading of the public hearing notice and open the public hearing. Seconded by Councilmember Bolcom.

UPON A VOICE VOTE, ALL VOTING AYE, MAYOR LUND DECLARED THE MOTION CARRIED AND THE PUBLIC HEARING OPENED AT 8:22 P.M.

Scott Hickok, Community Development Director, stated a 2005 code enforcement case resulted in staff discovering that Sam's Auto Parts owner, Barry Hoosline, was not in compliance with zoning or with conditions of a Special Use Permit to operate a junk yard on the site. Mr. Hoosline obtained the necessary land use approvals in 2007 and was given various timelines to meet for several stipulations. A rezoning of some of the parcels used for the business was granted, a variance to fence height was granted, a special use permit was granted that allows the junk yard use and the stipulations made to the land use items were approved. The owner has made progress.

Mr. Hickok said that other improvements included landscaping and a screen fence. The west gate was removed. The following stipulations remain unfinished:

- Pond liner needs to be installed (was due 2009)
- 73rd access needs to be poured (was due 2010)
- Customer parking lot needs to be paved
- 73rd Ave gate needs to be properly screened

Mr. Hoosline also needs to purchase the 7340 Central lot, so they can combine all four lots. The owner indicates they have contractors lined up to complete the work and they can complete the remaining incomplete stipulations by the end of June.

Mr. Hickok said staff recommends proceeding with the public hearing because of many past unmet extension deadlines. Staff has been lenient due to the owner's health and financial issues. Staff recommends the City Council continue tonight's public hearing until July 9, 2018.

Pat Hoosline stated that contracts are in place to complete the projects by the end of June, and 15 of the 18 stipulations have been completed.

Mayor Lund asked if it could be completed within the timeframe allowed.

Mr. Hoosline said everything is in order for completion and it will be finished within the timeframe. The only problem would be weather or if the contractors do not show up, but signed contracts are in place.

Councilmember Bolcom asked why it took so long to get it done.

Mr. Hoosline replied health issues.

Councilmember Bolcom asked after this is completed if the business would be in compliance.

Mr. Hickok noted the chain link gate on the south side needs to be fixed.

MOTION by Councilmember Barnette to continue the public hearing to July 9, 2018. Seconded by Councilmember Varichak.

UPON A VOICE VOTE, ALL VOTING AYE, MAYOR LUND DECLARED THE MOTION CARRIED AND THE PUBLIC HEARING CONTINUED TO JULY 9, 2018.

12. Consider the Creation of Tax Increment Financing (TIF) District No. 24 – Northern Stacks VIII (Ward 3)

MOTION by Councilmember Bolkcom to waive the reading of the public hearing 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 8:34 P.M.

Paul Bolin, HRA Assistant Executive Director, stated Hyde Development is purchasing and redeveloping the former All Temp storage building located at 5101 Industrial Boyulevard, immediately north of their current Northern Stacks business park. The site is contaminated and the building requires significant changes to meet today's industry needs. In addition to their \$10M investment in acquisition, renovation and a portion of the contamination clean up, Hyde Development needs \$660,000 in TIF from the HRA and another \$680,000 in state grants to clean up the contamination.

Mr. Bolin noted the TIF funds used for the renovation of commercial and industrial buildings at the site are to allow for the Vapor Mitigation construction, construction of a heavy-duty drive, light duty parking and truck court pavements as engineered barriers for contaminated soil, construction of additions to permanent storm water system/construction of new storm pond to prevent infiltration through contaminated soil, construction of green space areas and modification of existing grade through excavation and placement of contaminated soil.

Mr. Bolin said staff recommends Council adopt the resolution

Paul Hyde, Hyde Development, reviewed the current plan and progress. They are able to utilize the existing building so the rental rates will be lower. The cleanup plan is done and has been approved by the state. The design will look like the other Northern Stacks building.

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 AND THE PUBLIC HEARING CLOSED AT 8:48 P.M.

6. Approve a Pollbook Use Agreement for Elections between the City of Fridley and the County of Anoka.

Councilmember Bolkcom asked about repairs and storage of the units.

Deb Skogen, City Clerk, replied that the County will pay for purchase of the equipment. The unit is size of a tackle box, so it will not be an issue to store. Contracts are in place with the County for maintenance and they would come to here or staff would bring the equipment to the County for repair.

Councilmember Bolkcom asked if staff knew what the charges for repair would be.

Ms. Skogen said that at the last election a ballot box fell over and repairs were \$150.

MOTION by Councilmember Bolkcom to approve the Pollbook Use Agreement for Elections between the City of Fridley and the County of Anoka. Seconded by Councilmember Saefke.

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

7. Approve Revised Construction Cooperation Agreement between the City of Fridley and Metropolitan Council Environmental Services for Restoration of Community Park (Ward 3).

Councilmember Bolkcom asked what the revisions were to the agreement.

Wally Wysopal, City Manager, replied that the revisions were in the liability and payment sections. Metropolitan Council requested those changes which is what held up the agreement.

Councilmember Bolkcom asked if the work would be done to our satisfaction.

Mr. .Wysopal would check with Mr. Kosluchar and report back to Council.

MOTION by Councilmember Bolkcom to approve the Revised Construction Cooperation Agreement between the City of Fridley and Metropolitan Council Environmental Services for Restoration of Community Park. Seconded by Councilmember Saefke.

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

NEW BUSINESS:

13. Resolution Modifying the Redevelopment Plan for Redevelopment Project No. 1 and the Tax Increment Financing Plans for Tax Increment Financing Districts No. 6, 9, 11-13 and 17-23, to Reflect Increased Project Costs and Increased Bonding Authority within Redevelopment Project No. 1, Creating Tax Increment Financing District No. 24 and Adopting a Tax Increment Financing Plan Relating Thereto (Ward 3)

MOTION by Councilmember Bolkcom to adopt Resolution No. 2018-30. Seconded by Councilmember Barnette.

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

14. Preliminary Plat Request, PS #18-03, by Cornerstone Private Asset Trust Co., LLC, FBO Gary Valley, to Subdivide one Large Single-Family Lot to create Three Single-Family Lots, Generally Located at 6663 Lucia Lane N.E. (Ward 2)

Scott Hickok, Community Development Director, stated the petitioner is requesting a preliminary plat to allow the subdivision of one large single family lot to create three single family lots. The existing lot is 81,515 square feet. The proposed Lot #1 which is where the existing house and garage is, will be 30,950 square feet in size and 75 feet wide. Lot #2 which is where the older garage is located will be 10,540 square feet in size and 75 feet wide. Lot #3 will be 40,000 square feet in size and 144 feet wide. The petitioner notes that the reason Lot #3 is so large is because they want to keep it as close as they can to allow connection to the sanitary sewer in the street. The reason that Lot #2 has a jog to it is to ensure it has the 75 feet of width that is required and to also make sure the existing garage on Lot #2 will meet the 5 foot setback requirement for an accessory structure.

Mr. Hickok said that as a result of neighbors' concerns related to traffic on Lucia Lane, City staff met with the Islamic University last week and informed them that we are looking at doing a few traffic calming initiatives along Lucia Lane to help the concerns of the neighbors. Those items include:

- Install a speed limit sign along Lucia Lane.
- Install a curb extender on the corner of 68th Place and Lucia Lane to prevent motorists from going southbound on Lucia Lane from 68th Place and the Highway 65 Service Drive.
- Install a speed hump or two along Lucia Lane to slow the overall traffic through the neighborhood.

Mr. Hickok noted that the Planning Commission held a public hearing for PS #18-03 on May 16, 2018. After receiving the neighbor's letters and hearing from the audience, the Planning Commission recommended approval of Plat Request, PS #18-03. The motion carried unanimously. City Staff recommends concurrence with the Planning Commission and approval of the Preliminary Plat, PS #18-03, with eight stipulations.

Councilmember Varichak asked if this is the first time neighbors have seen this improvement plan to the street.

Mr. Hickok replied Engineering staff just designed this and communication with the neighborhood will happen in the near future.

Councilmember Varichak wondered how this would affect the people in the neighborhood.

Mr. Hickok replied that neighbors would prefer to have a cul-de-sac there. Although this is not a cul-de-sac, it will be an improvement from what is currently on the street.

Councilmember Bolkcom said it states the house had to be constructed within two years or the garage would need to be torn down. She asked if there was a stipulation that the garage needed to be comparable in design to the house.

Mr. Hickok replied the ordinance specifies R1 structures must be architecturally compatible.

Mayor Lund asked about the traffic design and if that would come out of the street budget.

Wally Wysopal, City Manager, reminded Council that they are not approving the traffic redesign but the preliminary plat. The traffic redesign will be presented at the next meeting.

MOTION by Councilmember Varichak to approve Preliminary Plat Request, PS #18-03, by Cornerstone Private Asset Trust Co., LLC, FBO Gary Valley, to Subdivide one Large Single-Family Lot to create Three Single-Family Lots, Generally Located at 6663 Lucia Lane N.E. with the following eight stipulations:

1. All necessary permits shall be obtained prior to construction of new homes, including but not limited to building, driveway, land alteration.
2. Grading and drainage plan to be approved by City's engineering staff prior to the issuance of any building permits, in order to minimize impacts to the surrounding properties.
3. Any requirements set forth by the Rice Creek Watershed district shall be met.
4. Property owner, at time of building permit application, shall provide proof that any existing wells or individual sewage treatment systems located on the site are properly capped or removed.
5. Property owner at time, of building permit application for the construction of the single family homes, shall pay all water and sewer connection fees.
6. Property owner, at time of building permit application for the construction of each new single family home, shall pay \$1,500.00 required park dedication fee per lot. (2 new lots = \$3,000.00 park dedication fees to be paid.)
7. The petitioner shall agree to preserve mature trees to the extent possible. All trees required to be removed for the proposed homes shall be marked and approved by City staff prior to issuance of building permits.
8. The new house on Lot #2 needs to be constructed within 36 months of final plat approval or the existing garage needs to be removed.

Seconded by Councilmember Bolkcom.

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

15. Final Plat Request, PS #18-02, by Pulte Homes, to Replat the Properties, Generally Located at 6911 University Avenue and the Vacant Parcel to the East to Allow for the Construction of 26 Villa homes;

and

Resolution Approving Final Plat, P.S. #18-02, by Pulte Homes, on Behalf of the Property Owner, the City's Housing and Redevelopment Authority, to Allow the Construction of Villa Homes on the Property, Generally Located at 6911 University Avenue N.E. and Parcel ID Number (PIN) 11-30-24-34-0014.

Scott Hickok, Community Development Director, said that citizens that are interested in buying homes should call PJ Cushing, Pulte Home Sales at (952) 229-0766.

MOTION by Councilmember Bolkcom to Approve Final Plat, P.S. #18-02, by Pulte Homes, on Behalf of the Property Owner, the City's Housing and Redevelopment Authority, to Allow the Construction of Villa Homes on the Property, Generally Located at 6911 University Avenue N.E. and Parcel ID Number (PIN) 11-30-24-34-0014, and to adopt Resolution No. 2018-31. Seconded by Councilmember Saefke.

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

16. Approve Locke Pointe Development Contract between the City of Fridley and Pulte Homes (Ward 1)

Scott Hickok, Community Development Director, said the development agreement is standard contract the City uses and includes terms on roadways, pond, sidewalks etc. Details are defined in the development agreement.

Councilmember Bolkcom asked on page 146, if the requirements for public improvements needed to be completed prior to October 31.

Mr. Hickok replied yes, this is a realistic timeframe and will happen quickly.

Mayor Lund asked if the bids will be competitive given the time of year.

Mr. Hickok replied that they will, contractors are waiting to do this project.

MOTION by Councilmember Saefke to approve the Locke Point Development Contract between the City of Fridley and Pulte Homes. Seconded by Councilmember Bolkcom.

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

17. Motion to Suspend Individual Massage Therapy Licenses.

Deb Skogen, City Clerk, stated that Fridley City Code Chapter 125 entitled “Saunas and Massage Parlors” allows for an exemption to individuals practicing massage therapy under Section 125.03. Section 125.04 defines saunas and massage parlors and requires a business license. Section 205.15.1.C(13) requires a special use permit to operate a sauna and massage parlor. A recent inspection provided proof that two businesses in Fridley have violated:

- Section 125.04 for failing to obtain a massage parlor business license.
- Section 205.15 for failing to obtain a special use permit.
- Section 125.12 defines the restrictions and regulations of a massage parlor.
- Section 125.12.5 allows for an examination and inspection of every part of the business by a police, fire or health authority during normal business hours.
- Section 125.12.6 states the licensed premises shall be kept and maintained in a sanitary condition.
- Section 125.15 allows for a license revocation, suspension or non-renewal by the City Council upon recommendation of the City Manager.
- Section 125.3 states the licensee shall not engage in conduct or permit any conduct involving moral turpitude.
- Section 125.4 states failure to comply with any requirements of the City Code regarding sanitary and safety conditions, zoning or building code requirements, ordinances, violation which involves moral turpitude or noncompliance with any requirements of Chapter 125.

Ms. Skogen said that based on the information of the inspection, the lack of an application for a massage parlor business license and special use permit, it is recommended that the individual massage therapy licenses at the following locations be hereby suspended until such time as a thorough investigation and review is complete:

Sunlight Bodyworks at 7420 University Avenue NE
99 Massage at 1299 Mississippi Street NE

MOTION by Mayor Lund to suspend the individual massage therapy licenses of Sunlight Bodyworks and 99 Massage. Seconded by Councilmember Saefke.

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

18. Informal Status Reports.

Councilmember Bolkcom said that June 21 is the first day of summer and the Banfill Locke Center will be hosting a party/fundraiser from 5 to 8 p.m.

Mayor Lund stated that Thursday evening is the Fridley '49er Days parade starting at 6:30 p.m. The Fun Run is at 6:25 p.m.

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 9:22 P.M.

Respectfully submitted,

Krista Peterson
Recording Secretary

Scott J. Lund
Mayor