

**CITY COUNCIL MEETING
CITY OF FRIDLEY
MAY 28, 2019**

The City Council meeting for the City of Fridley was called to order by Mayor Lund at 7:20 p.m.

MEMBERS PRESENT: Mayor Lund
Councilmember Barnette
Councilmember Tillberry
Commissioner Eggert
Councilmember Bolkom

OTHERS PRESENT: Wally Wysopal, City Manager
Dan Tienter, Director of Finance/City Treasurer
Julie Jones, Planning Manager
Jay Karlovich, City Attorney
David Mol, Redpath and Company
Pam Reynolds, 1241 Norton Avenue

APPROVAL OF PROPOSED CONSENT AGENDA:

APPROVAL OF MINUTES:

1. City Council Meeting of May 13, 2019.

APPROVED.

NEW BUSINESS:

2. Receive the Minutes from the Planning Commission Meeting of May 15, 2019.

RECEIVED.

3. Resolution Approving a Final Plat, P.S. #18-05, by Fridley Investments, LLC, on Behalf of the Property Owner, the City's Housing and Redevelopment Authority, to Accommodate Redevelopment of the Property Generally Located at 6431 University Avenue NE (Ward 1).

ADOPTED RESOLUTION NO. 2019-22.

4. Resolution Approving Gifts, Donations, and Sponsorships for the City of Fridley.

ADOPTED RESOLUTION NO. 2019-23.

5. Approve School Resource Officer Program Agreement between the City of Fridley and Independent School District 14 (Ward 1).

APPROVED.

6. Approve School Resource Officer Program Agreement between the City of Fridley and Northeast Metro 916 Intermediate School District

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

7. Claims (184557 - 184724).

APPROVED.

ADOPTION OF PROPOSED CONSENT AGENDA:

Councilmember Bolkcom asked for Item No. 6 to be removed from the consent agenda.

MOTION by Councilmember Barnette to adopt the proposed consent agenda with the removal of Item No. 6. Seconded by Councilmember Eggert.

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 with addition of Item No. 6. Seconded by Councilmember Tillberry.

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

NEW BUSINESS:

8. Resolution to Approve and Accept the Comprehensive Annual Financial Report for the Fiscal Year Ending December 31, 2018.

David Mol, CPA Redpath and Company, provided an annual financial report overview for fiscal year ending December 31, 2018. He highlighted the following:

- **OPINION ON THE FAIR PRESENTATION OF THE FINANCIAL STATEMENTS**

What did we do? Determine the financial statements as presented in accordance with established accounting principles and free of material misstatement.

How did we do it? Audit Standards, American Institute of Certified Public Accountants (AICPA), Government Accountability Office (GAO). Plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement.

What is the result? An unmodified or “clean” opinion was issued on the 2018 financial statements.

- **GFOA AWARD FOR EXCELLENCE IN FINANCIAL REPORTING**

The City has received this award for seven consecutive years. The Award demonstrates the City’s commitment to preparing Financial Statements that are comprehensive, transparent and consistent with Accounting standards.

- **REPORT ON INTERNAL CONTROLS**

What did we do? We gained an understanding of internal controls in place and their effectiveness in order to design our audit procedures for expressing an opinion on the financial statements. Deficiencies in internal control that are identified are discussed with management and reported to the City Council.

What is the result? No items noted.

- **REPORT ON MINNESOTA LEGAL COMPLIANCE**

What did we do? Determine the City has complied with certain Minnesota Statutes / Laws that pertain to financial transactions. Followed the audit guide published by the Office of the State Auditor. The guide consists of seven sections:

Conflicts of interest	- Public Indebtedness
Contracting bid laws	- Claims and disbursements
Miscellaneous provisions	- Tax increment
Depositories of public funds and investments	

How did we do it? Select sample of transactions to test for compliance with statutory provisions.

What is the result? One item noted regarding collateral for deposits.

- **COMMUNICATION TO THOSE CHARGED WITH GOVERNANCE**

Accounting policies used and/or changed. New OPEB accounting standard implemented for 2018.

Accounting estimates in the financial statements.

Net OPEB Obligation (\$775,000)
Net Pension Liability (\$11,259,000)
Depreciation expense (\$4,100,000)

Financial statement adjustments identified during the audit--no material adjustments, no difficulties encountered in performing the audit, no disagreements with management.
Other Matters: More changes in accounting standards on the way.

Mayor Lund said the one incident now has controls in place so that will not reoccur.

Mr. Mol replied that the incident occurred in a short time frame and was corrected right away.

Dan Tienter, Finance Director, said three controls are in place. One is to notify the bank of large deposits. The second is to deposit transfers on the next day business. The third is to monitor collateral independently and contact the Federal Reserve to ensure we have appropriate collateral.

Councilmember Bolkcom said it appears Public Safety wages are down. She asked if there was a reduction in the number of employees.

Wally Wysopal replied that they were in the process of hiring new officials. There is no reduction in the number of employees.

Mr. Tienter added that it is also due to the merger of Public Safety staff.

Mr. Tienter thanked Korrie Johnson, and Dave Mol and his team for their effort and time spent on the audit. He thought it went very smoothly.

MOTION by Councilmember Bolkcom to adopt Resolution No. 2019-24. Seconded by Councilmember Eggert.

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

PUBLIC HEARINGS:

- 9. Consider an Ordinance Amending Chapter 205.07 R-1 One-Family Dwellings, Chapter 205.08 R-2 Two-Family Dwellings, and Chapter 205.23 Hyde Park Neighborhood Zoning District Regulations to Codify Current Policy and Add Requirements for Tree Planting in New Home Construction (Text Amendment, TA #19-01, by the City of Fridley).**

MOTION by Councilmember Bolkcom to open 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 OPENED AT 7:43 P.M.

Julie Jones, Planning Manager, stated the purpose of this amendment is to incorporate minimum tree planting requirements at the time of single-family residential construction, restructure description of parking requirements for places of assembly under special use permits, incorporate graphic explanations where helpful, incorporate requirements in policy, remove outdated and repeated language and clarify confusing code sections. The residential code sections include R-1, Single-Family Residential; R-2, Two-Family Residential; and S-1, Hyde Park Neighborhood. The Planning Commission discussed adding another graphic to explain setbacks, putting restrictions on maximum garage space, determining the minimum dwelling floor area, allowing a 2nd dwelling on an R-1 lot, and requiring a minimum parking space. The changes since the first hearing were made in Section 1 to correct exterior storage text. There no changes in Section 2. The Planning Commission moved unanimously for approval with correction. Staff recommends proceeding with the first reading of the ordinance on June 10.

Councilmember Bolkcom asked for clarification on page 87 where it talks about a 1,000 sq. ft. house and how much square feet an accessory structure could have.

Ms. Jones replied a 1,000 sq. ft. house, can have a 1,000 sq. ft. accessory structure. She said the square footage of an accessory structure shall not exceed 100% of the dwelling unit.

Councilmember Bolkcom asked about the smaller homes that may need a larger accessory for storage.

Ms. Jones replied the home is the principal use of the lot, not storage. Some larger structures may encourage illegal use of the structure for home occupations. Staff is willing to work with residents to create a solution that works for them.

Councilmember Bolkcom asked about commercial vehicles on the property.

Ms. Jones replied that was added a few years ago. Special zoning is needed to store commercial vehicles on the property that are needed to go to and from work. It may be approved if the setback requirements are met.

Councilmember Bolkcom asked about the parking. If she had a church service in her home, could people park on her property?

Ms. Jones replied a special permit would be needed. They would have to park on the property, and not on the public street.

Councilmember Bolkcom asked about wind generators and whether they could be attached to a 20-foot-tall roof.

Ms. Jones replied this is existing text. The only change was the graphic. This would be a rare situation.

Councilmember Bolkcom asked staff to look at page 95, 4, B-1. It is a long sentence. Also, page 96, 5A, #3 should be made into two sentences. With respect to Page 99, #2, she asked if she would she be able to have her entire yard covered with mulch instead of grass or seed.

Ms. Jones replied massive areas of mulch and dirt would not be allowed. The purpose is to provide vegetative cover to prevent soil erosion.

Wally Wysopal, City Manager, noted on page 87, 1B, Accessory Structures, the second garage increased from 120 sq. ft. to 200 sq. ft. What if people have sheds 120 sq. ft. or bigger?

Ms. Jones replied the reason for the change is 120 sq. ft. required a building permit and that was changed to 200 sq. ft. a few years ago. The first reading for this item is scheduled for June 10.

Pam Reynolds, 1241 Norton Avenue, asked about the general provision in Section 5, regarding the requirement that a concrete driveway shall be set back 3' from any property line. The drawing on page 94 that allow you to have a 26' wide driveway is confusing.

Ms. Jones replied that the 26' is at the property line. This pertains to new construction only.

Ms. Reynolds thought the new construction was for the tree plantings, but this does not pertain to changing existing driveways.

Ms. Jones said this addresses the curb cut. The dimensions have not changed and have been in the policy for years.

Ms. Reynolds asked about page 99, 2C, where it says to fix a hole in the siding if its one inch or larger. She asked how staff will enforce this rule?

Ms. Reynolds asked about the planting of two different trees within six months of new construction of a home. Who provides the trees and how could the City dictate people to plant trees on their property?

Mayor Lund said that is currently required for commercial and industrial construction.

Ms. Reynolds asked how the City had the right to do that. She said what if the property owner did not want trees in their yard or for some medical reason could not pick up leaves from trees. She asked what kind of trees were required to be planted.

Councilmember Bolkcom said staff would give a list of tree suggestions to the property owner.

Mayor Lund added that new construction requires to put sod down and now they would need to plant two trees. Currently there is no provision to plant trees.

Ms. Reynolds asked if the City would plant the trees on the boulevard. She said there is a fine line as to what the City can dictate and enforce what a property owner wants to put on their own property. She does not think the City should force people to plant trees.

Mayor Lund replied that trees help create a green canopy for the City and have many other benefits.

MOTION by Councilmember Bolkcom to close the public hearing. Seconded by Councilmember Eggert.

UPON A VOICE VOTE, ALL VOTING AYE, MAYOR LUND DECLARED THE MOTION CARRIED UNANIMOUSLY AND THE PUBLIC HEARING CLOSED AT 8:47 P.M.

10. Consider an Ordinance Amending Chapter 128 of the Fridley City Code Pertaining to Abatement of Exterior Nuisances (Text Amendment, TA #19-02, by the City of Fridley).

MOTION by Councilmember Eggert to open 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 OPENED AT 8:47 P.M.

Julie Jones, Planning Manager, stated the purpose of this amendment is that Chapter 128 needs to match Chapter 6, to clarify public nuisance definition to be less broad, to modify timelines to ensure the City can meet all appeal deadlines, to clarify the disposition and release of property and to better describe assessment process and payment options. There are no changes to the process in place--just better descriptions. The code needs to be improved as several other chapters refer to Chapter 128. Chapter 128 is sent with every abatement letter City mails out and the City wants to ensure the code is understandable. Staff wants to make sure language in the code matches our process.

Ms. Jones said the Planning Commission reviewed the ordinance and held a public hearing on May 15. They found two numbering errors and those errors are now corrected. No concerns were raised on the proposed text changes and there were no residents at the public hearing. The Planning Commission unanimously recommended approval with numbering corrections. Staff recommends Council hold the public hearing, review the text and make any suggestions for improvement. The first reading of the ordinance will be held at the June 10 City Council meeting.

Councilmember Bolkcom asked why on page 126 the recommendation is to change from a 20-day notice to a 10-day notice.

Ms. Jones replied in the process of an abatement letter, the homeowner has 20 days from the date of the letter to comply. The issue is when the homeowner waits until the 20th day to respond. By changing the date, staff can step in with the abatement process giving them more time to set up a hearing to review the case. Currently, 20 days is too lenient.

MOTION by Councilmember Eggert 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 8:54 P.M.

11. Consider an Ordinance Amending Chapter 110 of the Fridley City Code Pertaining to Abating Public Nuisances (Text Amendment, TA#19-03, by the City of Fridley).

MOTION by Councilmember Eggert to open the public hearing. Seconded by Councilmember Barnette.

UPON A VOICE VOTE, ALL VOTING AYE, MAYOR LUND DECLARED THE MOTION CARRIED AND THE PUBLIC HEARING OPENED AT 8:54 PM.

Julie Jones, Planning Manager, stated the purpose of this amendment is to better define exterior nuisance conditions that are abated, incorporate longstanding 24-hr abatement procedures in the code, refer to assessment procedures in Chapter 128 for mowing abatements and hazardous building abatements. The Code Changes proposed refer to definitions in Chapter 205 and 101, clarify public nuisance definition and exempt special use permits, clarify that abatement procedures follow Chapter 128, clarify that notice is always given to the *owner* by mail, add language about public right-of-way abatements, added *emergency* abatement procedures, and this includes referring to the procedures contained in Chapter 128 in Chapter 105, Landscape Maintenance, and Chapter 2e10, Hazardous Buildings.

Ms. Jones said the Planning Commission reviewed this, and the timeline and process for emergency abatements was debated, and defining “non-domestic” animals was debated. The numbering was confusing, so that was changed. The Planning Commission unanimously recommended approval. Staff Recommends Council hold the public hearing and review the proposed code language and make recommendations for modifications. The first reading of the ordinance will be scheduled for the June 10 City Council meeting.

MOTION by Councilmember Eggert to close the public hearing. Seconded by Councilmember Barnette.

UPON A VOICE VOTE, ALL VOTING AYE, MAYOR LUND DECLARED THE MOTION CARRIED AND THE PUBLIC HEARING CLOSED AT 8:58 P.M.

6. Approve School Resource Officer Program Agreement between the City of Fridley and Northeast Metro 916 Intermediate School District.

Councilmember Bolkcom said she thought that throughout the agreement the word “Chief” should be changed to “Director of Public Safety”. She asked why if the Principal does not feel the officers are performing their duties they could be removed from the program.

Jay Karlovich, City Attorney, replied that the Attorney for the School District drafted this document, and the school pays for the officer.

Councilmember Tillberry added that the school does not control who they get.

Attorney Karlovich said if the Principal does not like how the officers conducts themselves, or interacts with students, they can request someone else.

Councilmember Bolkcom thought it could be written in a more positive way.

Wally Wysopal, City Manager, said that the officers work closely with the schools. This district welcomes the officers and the relationships have been good in the past.

MOTION by Councilmember Bolkcom to approve the school resource officer program agreement between the City of Fridley and Northeast Metro 916 Intermediate School District. Seconded by Councilmember Barnette.

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

12. Informational Status Reports.

Mayor Lund reminded residents that '49er Days is coming up with the kickoff on June 13.

ADJOURN:

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

UPON A VOICE VOTE, ALL VOTING AYE, MAYOR LUND DECLARED THE MOTION CARRIED UNANIMOUSLY AND THE MEETING ADJOURNED AT 9:04 P.M.

Respectfully submitted,

Krista Peterson
Recording Secretary

Scott J. Lund
Mayor