

**CITY COUNCIL MEETING
CITY OF FRIDLEY
SEPTEMBER 9, 2019**

The City Council meeting for the City of Fridley was called to order by Mayor Lund at 7:02 p.m.

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

OTHERS PRESENT: Wally Wysopal, City Manager
Scott Hickok, Community Development Director
Dan Tietner, Director of Finance
Jim Kosluchar, Public Works Director
Jay Karlovich, City Attorney
Brian Weierke, Public Safety Director

PROCLAMATIONS:

Constitution Week – September 17-23, 2019

Bob Barnette Appreciation Day – Saturday, September 14, 2019

APPROVAL OF PROPOSED CONSENT AGENDA:

APPROVAL OF MINUTES:

1. City Council Meeting Minutes of August 26, 2019.

Councilmember Bolkom noted a correction page 26, 2nd paragraph, “Director of Public Safety” should read “Fire Chief.”

APPROVED AS AMENDED.

OLD BUSINESS:

2. Second Reading of an Ordinance Amending Chapters 6 and 128 of the Fridley City Code, and Section 205.05 of the Fridley Zoning Code Pertaining to the Dissolution of the Appeals Commission and Transfer of Responsibilities to the Planning Commission (Text Amendment, TA #19-04);

and

Adopt Official Title and Summary Ordinance.

Pam Reynolds, 1241 Norton Avenue, asked who would be serving on the Planning Commission.

Mayor Lund said that had not been addressed yet.

Scott Hickok, Community Development Director, stated the Commission is made up of Chairs from other Commissions and the belief was that the members from the other Commission would serve at-large for the Planning Commission.

Councilmember Bolkcom noted that Brad Sielaff was the Chair of the Appeals Commission and asked if he would stay as a member or become a member at-large.

Mr. Hickok replied that Brad Sielaff would remain on the Planning Commission.

Councilmember Bolkcom asked about those whose terms are up this next year if they would be filled from another Commission or have one less member.

Mr. Hickok replied that the proper number of commissioners are serving now. Any additional members would be an at-large member.

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

- 3. Second Reading of an Ordinance Amending Chapter 205, defining Massage Therapy, Prohibiting a Massage Therapy Business in Residential Districts and Permitting a Massage Therapy Business in Certain Commercial Zoning Districts (Text Amendment, TA #19-05**

WAIVED THE READING OF THE ORDINANCE AND ADOPTED ORDINANCE NO. 1374 ON SECOND READING AND ORDERED PUBLICATION.

NEW BUSINESS:

- 4. Approve Extension Request for Special Use Permit, SP #18-03, by Watermark Enhanced Care Suites of Fridley, LLC, to Allow the Construction of an Addition to the Existing Watermark Assisted Living and Transitional Care Facility to be Located on the Parcels at 5320 and 5326 Fourth Street N.E. (Ward 1)**

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

- 5. Approve Change Order No. 2 (Final) for West Moore Lake Drive Trail and Street Resurfacing Project No. 17-21**

APPROVED.

6. Claims (186314 - 185462).

APPROVED.

ADOPTION OF PROPOSED CONSENT AGENDA:

MOTION by Councilmember Barnette to adopt the proposed consent agenda with the removal of Item Nos. 2 and 4. Seconded by Councilmember Eggert.

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

OPEN FORUM, VISITORS:

A.J. Brillhart, 830 Moore Lake Drive, asked why Moore Lake Park only had one piece of playground equipment and if there would be more playground equipment in the future

Deb Dahl, Community Services and Employee Resources Director, replied that the City is working on park plans for next year right now to decide which parks to add equipment to and upgrade. Once information is confirmed it will be shared with the residents.

Abby Kosberg introduced herself and said she is the new Executive Director for the Banfill-Locke Center for the Arts. She started in early August and is looking forward to continuing the relationship with the City of Fridley and creating a better place and activities in the community.

ADOPTION OF AGENDA:

MOTION by Councilmember Bolkcom to adopt the agenda with the addition of Item Nos. 2 and 4. Seconded by Councilmember Tillberry.

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

OLD BUSINESS:

7. Second Reading of an Ordinance Amending Chapter 125 of the Fridley City Code Related to Massage Therapy Businesses and Massage Therapists;

and

Adopt Official Title and Summary Ordinance

Deb Skogen, City Clerk, stated that the first reading of this ordinance was held on August 26. Local business owner Sharon Sloper and her attorney had some concerns about some of the language. City Council directed staff to work with Ms. Sloper and her attorney between the first and second readings to develop acceptable language. Staff met with them on August 29 to develop acceptable language. The following changes have been made:

- Section 1, Section 125.05 - License application language was added to include limited liability companies. Language was amended by adding recommended for denial and non-renewal throughout this section to make it consistent.
- Section 5, Section 125.11 - License Restrictions 12 changed “posting of rates” to “rates.” Removing requirement of posting rates to allowing business owner to have rates available upon request (can be in brochure form, a list on the counter, on website, etc.)
- Section 6, Section 125.12 - Restrictions Regarding Sanitation Health and Safety. The discussion centered on the equipment and the modalities of massage therapy. It is not the intent of the City to prohibit modalities but rather prohibit specific equipment. No. 5 was amended to include mats similar to those used in yoga and repeal prohibited equipment. No. 6 was amended from prohibiting massage services to prohibiting certain types of massage equipment such as a sofa, mattress or futon in the areas where massage services are provided.
- Section 10, Section 125.02 - Definitions – NEW SECTION. This section was added to make a few amendments. While Section 125.02 is at the beginning of the Code, this section was placed at the end to avoid any confusion of the changes made between the first and second readings. 1. Accredited institution and 2. Accredited Program – added “state” and changed “agencies” to “agency.” 7. Added the word “feet” as an additional part of the body allowed to perform massage therapy services.

Ms. Skogen said staff recommends a motion waiving the reading and adopting the second reading of an Ordinance Amending Fridley City Code Chapter 126 Massage Therapy Businesses and Massage Therapists, and a motion waiving the reading and ordering the adoption of a Summary Ordinance Amending Fridley City Code Chapter 125 Massage Therapy Businesses and Massage Therapists.

Councilmember Bolkcom asked if all the parties met to discuss and agree about these changes.

Ms. Skogen replied yes.

MOTION by Councilmember Bolkcom to waive the reading of the ordinance and adopt Ordinance No. 1375 on second reading and adopt the official Title and Summary Ordinance. Seconded by Councilmember Eggert.

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

NEW BUSINESS:

8. Motion Accepting the Letter of Resignation from Councilmember-at-Large Robert Barnette, Effective September 15, 2019

Deb Skogen, City Clerk, stated Councilmember-at-Large Bob Barnette has tendered his resignation to become effective September 15, 2019. This resignation will create a vacancy in the mayor pro tem position until the vacancy is filled. This resignation will also create a vacancy in the councilmember-at-large position. Section 2.04.1 states that the councilmember-at-large serves

as the mayor pro tem in the temporary absence of the Mayor. Section 2.03.1 states, “Should neither (the mayor or mayor pro tem) be available, the mayor pro tem shall be chosen from the remaining councilmembers to serve at the pleasure of the Council.” The City Council should discuss, select and appoint the mayor pro tem to serve during the vacancy period beginning September 15, 2019.

Ms. Skogen noted that Fridley City Charter Section 2.07.1 defines a vacancy shall exist by reason of death, resignation, removal from office; by ceasing to be a resident of the city or the ward from which elected. Fridley City charter 2.07.1 requires the City Council to adopt a resolution declaring a vacancy to exist within 30 days. Fridley City Charter Section 2.07.2 requires the City Council to appoint by majority vote a qualified person to assume the office until the next general election.

Ms. Skogen said that staff recommends the following:

1. A motion accepting the letter of resignation from Councilmember at Large Barnette effective September 15, 2019.
2. A motion choosing and appointing a mayor pro tem to serve the mayor’s absence or disability until the councilmember-at-large vacancy is filled.
3. A motion adopting a Resolution Declaring a Vacancy in the City Council and Calling for Appointment of a Qualified Person within Thirty Days of Vacancy.
4. A motion adopting an appointment process for the councilmember-at-large vacancy.

MOTION by Mayor Lund to accept the letter of resignation from Councilmember-at-Large Robert Barnette. Seconded by Councilmember Bolkcom.

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

MOTION by Mayor Lund to appoint Ann Bolkcom as *Mayor Pro Tem* in the Mayor’s absence or disability until the At-Large Council vacancy is Filled. Seconded by Councilmember Barnette.

UPON A VOICE VOTE, ALL VOTING MAYOR LUND, COUNCILMEMBER BARNETTE, COUNCILMEMBER TILLBERRY AND COUNCILMEMBER EGGERT VOTING AYE AND COUNCILMEMBER BOLKCOM ABSTAINING, MAYOR LUND DECLARED THE MOTION CARRIED UNANIMOUSLY.

Resolution Declaring a Vacancy in the City Council and Calling for Appointment of a Qualified Person within Thirty Days of Vacancy;

Motion by Mayor Lund to adopt a Resolution Declaring a Vacancy in the City Council and Calling for Appointment of a Qualified Person within Thirty Days of Vacancy. Seconded by Councilmember Eggert.

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

Motion Adopting an Appointment Process for the At-Large Council Vacancy

MOTION by Mayor Lund to adopt an appointment process for the At-Large Council Vacancy and receive into record the memo dated September 6, 2019 from Wally Wysopal, City Manager Appointment Process for Vacancy and changing the date for personal interviews of the candidates from Wednesday, September 25 to Tuesday, September 24, at 6:30 p.m. Seconded by Councilmember Tillberry.

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

9. Resolution Approving a Deer Management Plan for the City of Fridley;

and

Motion Authorizing Staff to Proceed with Deer Management Activities Including Hiring a Contractor to Conduct the Work as Laid Out in the Plan.

Mike Maher, Springbrook Nature Center Director, shared the Deer Management Plan Goals as listed below:

1. To educate residents about white-tailed deer.
2. To reduce the number of citizen complaints.
3. To recommend, where possible, the use of non-lethal methods to minimize deer damage.
4. To reduce the annual number of deer-vehicle collisions within the City of Fridley.
5. To prevent deer-related damage within Fridley's parks and natural areas.
6. To actively monitor the deer population within the City of Fridley.
7. Work with other state or federal agencies to maintain deer population levels at or under the recommended 15-20 deer per any square mile.

Mr. Maher said that Fridley will continue to track the number of deer-vehicle collisions and citizen complaints concerning deer. The city will also conduct winter deer aerial population surveys at a minimum of bi-annually. The City of Fridley will contract deer herd management with the USDA Wildlife Services Division (or equivalent agency). They use trained sharp shooters that routinely operate in urban and suburban areas. Deer are baited and shot overnight using noise suppression and night vision technologies. The USDA Wildlife Services division donates the harvested deer to those in need.

Mr. Maher reviewed the approval process:

1. City staff recommends management activity.
2. City Manager provides approval.
3. City Council provides approval at public meeting.
4. DNS permitting is requested.
5. Written permission is secured if management will occur on private property.
6. Notice is provided to neighboring landowners.
7. A summary report will be provided to City Council upon completion of control measures.

Councilmember Eggert asked if this has been done in the past.

Mr. Maher replied yes, an approved management plan has existed at Springbrook Nature Center and has occurred over 20 to 30 years without incident.

MOTION by Councilmember Barnette to adopt Resolution No. 2019-44. Seconded by Councilmember Eggert.

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

MOTION by Councilmember Eggert to authorize Staff to proceed with deer management activities including hiring a contractor to conduct the work as laid out in the plan. Seconded by Councilmember Tillberry.

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

10. Resolution Confirming the Organizational Structure of the City Manager’s Office and the Department of Finance

Dan Tietner, Director of Finance, stated with the pending retirement of the City Clerk, staff reviewed the position and its various responsibilities. Staff identified an opportunity to improve organizational efficiency and effectiveness and significant interaction and overlap with various departments for certain tasks. As such, many of these activities are proposed to be assigned to these departments. Section 6.03 of the Charter and Section 2.02 of the City Code authorizes City Council to modify the organizational structure of the City.

Mr. Tietner said staff proposes to reassign licenses, permits and insurance administration to other departments/divisions. Staff also reclassified the City Clerk position as an Administrative Services Coordinator, which will maintain responsibility for data practices, elections, general

administration and records retention. Based on the process to date, staff recommends the City Council adopt the resolution to reorganize the City Clerk and Elections Divisions from the City Manager's Office to the Department of Finance; and combine the City Treasurer and City Clerk positions into a single position.

Councilmember Bolkcom noted that in the past Ms. Skogen was involved in the Charter Commission. She asked who that role would be assigned to.

Mr. Tietner replied that would be an Administrative Services Coordinator role and he would also attend.

MOTION by Councilmember Tillberry to adopt Resolution No. 2019.45. Seconded by Councilmember Bolkcom.

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

11. Resolution Declaring the Cost to be Assessed, Ordering Preparation of Processed Assessment and Directing Publication of the Hearing on the Proposed Assessment for the Street Improvement Project No. ST-2017-21

Dan Tietner, Director of Finance, stated that Minnesota Statute 429.021 and City Charter 8.03 authorize the City Council to finance certain public improvements through special assessments. Special assessments are generally considered a form of tax levied by a local government against benefiting properties. Consistent with City Code, Chapter 7 and other policies, the City of Fridley (City) typically levies special assessments as part of most street improvement projects.

Mr. Tietner said that Minnesota Statute 429 outlines a specific process for a local government to levy a special assessment. Consistent with this process, the City Council completed the following steps: ordered a preliminary report, conducted a project workshop (not required), accepted a preliminary report, called for a public hearing, conducted the public hearing, accepted the feasibility study, ordered improvements and called for bids, and received bids and awarded a contract. With substantial completion of the project, the City may now proceed with the final portions of the special assessment process. Declare costs subject to special assessments, direct the preparation of a proposed special assessment roll and call for a public hearing. Assuming the City Council approval, the Assessment Hearing will be held on October 14, 2019 at 7:00 p.m. as part of the City Council meeting. At that meeting, the City Council may receive comment on the proposed special assessment and approve the final assessment roll.

Mr. Tietner noted the special assessments under consideration pertain to the rehabilitation of streets identified in the Street Resurfacing plan. ST-2017-21 includes the reconstruction of West Moore Lake Drive, including curb and gutter along with the installation of the trail. Only the street construction portion of the project are subject to special assessments. Per City policy, the special assessment for ST-2017021 totals \$120,370 levied again 34 properties within project area. Project costs totaled \$704,550, including a construction cost of \$584,180. The special assessments for this project are consistent with the Roadway Major Maintenance Financing Policy. Of the 34

properties, the special assessment are proposed as 32 low-density residential properties for total special assessment of \$67,605 and 2 other properties for total assessment of \$52,765.

Mr. Tietner noted that the proposed special assessments compare favorable with the estimate included in the feasibility study. Per City policy, property owners may repay the special assessment over a 10-year period at an interest rate of 7.25%. Property owners may pay their special assessment, interest free, for 30 days after adoption of the special assessment roll. Per Chapter 7 of the Fridley City Code, any person may pay all or at least half of the special assessment, provided that the partial payment exceeds \$100. Any remaining balance, with the interest as accrued from the date of City Council adoption, will be certified to the County for collection with property taxes. The remaining balance may be paid in total by November 15 annually.

Mr. Tietner stated that per City policy (Resolution No. 14-1995), a retired or disabled property owner may defer their special assessment under certain circumstances. The property owner must own the property as a qualified residential homestead, be at least 65 years of age or older, or be disabled, retired and payment would be considered a hardship, make application within 30 days of approval of the final assessment roll by the City Council and meet certain income standards (i.e., annual payment exceeds 1% of adjusted gross income). Based on the process to date, staff recommend the City Council adopt the resolution to declare costs to be supported by special assessments, direct the preparation of the proposed special assessment roll and call for an assessment hearing.

MOTION by Councilmember Eggert to adopt Resolution No. 2019-46. Seconded by Councilmember Barnette.

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

- 4. Approve Extension Request for Special Use Permit, SP #18-03, by Watermark Enhanced Care Suites of Fridley, LLC, to Allow the Construction of an Addition to the Existing Watermark Assisted Living and Transitional Care Facility to be Located on the Parcels at 5320 and 5326 Fourth Street N.E. (Ward 1)**

Councilmember Bolkcom asked if staff was comfortable with the extension.

Scott Hickok, Community Development Director, replied this is the first phase of this project and they are proposing a second phase adding 18 more units. Demolition is scheduled to start soon, and they have switched contractors to build the next phase and had some financing delays for approvals. It is not unusual to have a contractor change for a project of this size. Staff is not concerned that this project is not going to happen. Plans have been reviewed and approved by building officials.

Mayor Lund recalled issues with parking. He wanted to make sure adequate parking is provided for employees and guests.

Mr. Hickok replied that there used to be a card swipe for employees, and it was easier to park on the street to access that door. Staff has contacted them about this issue, and in the next phase, all employee parking will be underneath, and employees will be required to park in that area.

MOTION by Councilmember Bolkcom to approve the Extension Request for Special Use Permit, SP #18-03, by Watermark Enhanced Care Suites of Fridley, LLC, to Allow the Construction of an Addition to the Existing Watermark Assisted Living and Transitional Care Facility to be Located on the Parcels at 5320 and 5326 Fourth Street N.E. (Ward 1). Seconded by Councilmember Tillberry.

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

2. Second Reading of an Ordinance Amending Chapters 6 and 128 of the Fridley City Code, and Section 205.05 of the Fridley Zoning Code Pertaining to the Dissolution of the Appeals Commission and Transfer of Responsibilities to the Planning Commission (Text Amendment, TA #19-04);

and

Adopt Official Title and Summary Ordinance.

MOTION by Councilmember Bolkcom to continue the Second Reading of an Ordinance Amending Chapters 6 and 128 of the Fridley City Code, and Section 205.05 of the Fridley Zoning Code Pertaining to the Dissolution of the Appeals Commission and Transfer of Responsibilities to the Planning Commission (Text Amendment, TA #19-04); And Adopt Official Title and Summary Ordinance to September 23, 2019. Seconded by Councilmember Barnette.

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

13. Informal Status Report

Jim Kosluchar, Public Works Director, announced three street meetings. Tomorrow night, September 10, regarding the proposed traffic light change; Wednesday, University Avenue west to Mercury Drive starting at 6 p.m. There will be an open house on the street rehabilitation project Tuesday, September 17 and finally an Open House for Mississippi Street Improvements with Anoka County on Tuesday September 24 from 4:30 p.m. to 6:30 p.m.

Councilmember Bolkcom said that September 19 is the Timberwolves dedication at 4:30 p.m. at Madsen Park. Preregistration is full but people can still attend. There will be a Timberwolves player in attendance along with the mascot.

Councilmember Eggert said the Autumn Sampler, will be held on September 14, 4:30-8:30 p.m., at Springbrook featuring beverages and local restaurants is a fundraiser for the foundation and is in partnership with Fridley Liquor Store. Tickets can be purchased at the door.

Wally Wysopal, City Manager, said there will be a new look to the City's website. There is a new design and it should be easier to find things on the website.

ADJOURN:

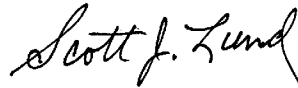
MOTION by Councilmember Barnette to adjourn. Seconded by Councilmember Eggert.

UPON A VOICE VOTE, ALL VOTING AYE, MAYOR LUND DECLARED THE MOTION CARRIED UNANIMOUSLY AND THE MEETING ADJOURNED AT 8:22 P.M.

Respectfully submitted,



Krista Peterson
Recording Secretary



Scott J. Lund
Mayor