City Council Meeting

November 12, 2024

7:00 PM

Fridley City Hall, 7071 University Avenue NE

Minutes

Call to Order

Mayor Lund called the City Council Meeting of November 12, 2024, to order at 7:00 p.m.

Present

Mayor Scott Lund
Councilmember Dave Ostwald
Councilmember Tom Tillberry
Councilmember Ryan Evanson
Councilmember Ann Bolkcom

Others Present

Walter Wysopal, City Manager
Scott Hickok, Community Development Director
Paul Bolin, Housing and Redevelopment Authority Assistant Executive Director
Joe Starks, Finance Director
Brandon Brodhag, Assistant City Engineer
Sarah Sonsalla, City Attorney

Pledge Of Allegiance

Proclamations/Presentations

Approval of Proposed Consent Agenda

Motion made by Councilmember Tillberry to adopt the proposed Consent Agenda. Seconded by Councilmember Bolkcom.

Upon a voice vote, all voting aye, Mayor Lund declared the motion carried unanimously.

Approval/Receipt of Minutes

1. Approve the Minutes from the City Council Meeting of October 28, 2024.

2. Receive the Minutes from the City Council Conference Meeting of October 28, 2024.

New Business

3. Resolution No. 2024-159, Approving a Select Committee on Recycling and the Environment (SCORE) Grant Agreement with Anoka County for the Residential Recycling Program.

4. Resolution No 2024-160, Designating City Council Meeting Dates for 2025.

5. Resolution No. 2024-162, Requesting Anoka County Highway Department Perform a Speed Analysis or Speed Study on 85th Avenue (County Road 132) from East River Road to Springbrook Drive.

6. Resolution No. 2024-165, Accepting the 2025 Intensive Comprehensive Peace Officer Education and Training Grant.

7. Resolution No. 2024-166, Accepting the 2024-2026, Allied Radio Matrix for Emergency Response (ARMER) Equipment Grant.

Claims

8. Resolution No. 2024-167, Approving Claims for the Period Ending November 6, 2024.

Open Forum, Visitors: (Consideration of Items not on Agenda – 15 minutes.)

No one from the audience spoke.

Regular Agenda

Public Hearing(s)

9. Public Hearing and First Reading of Ordinance No. 1427, Conveying Outlots A, B, & C, Locke Ponte, to Pulte Homes of Minnesota LLC

Motion made by Councilmember Ostwald to open the public hearing. Seconded by Councilmember Bolkcom.

Upon a voice vote, all voting aye, Mayor Lund declared the motion carried unanimously.

Paul Bolin, Housing and Redevelopment Authority Assistant Executive Director, provided background information on the outlots that were needed for stormwater purposes within the development and the declaration of restrictive covenants and prohibition against tax exempt as well as language included in the development agreement which were meant to protect the City from becoming the owner of those outlots. He stated that this past May the outlots were conveyed by Pulte Homes to the City of Fridley and the City became aware of that in July. He stated that while most cities want these outlots, Fridley does not, and Pulte has agreed to reimburse the fees and time of the City for this process. He reviewed the steps the City has to follow in order to complete the process.

Mayor Lund commented that he does not believe the excuse of Pulte. He commented that the City has been mowing outlot B because it was not being maintained and asked if Pulte would be mowing that in the future. Mr. Bolin commented that they would maintain that edge by mowing a few times per year. Mayor Lund commented that the City has been mowing more than just the edge of that basin as there is not much water that stays in there. He asked that the outlot be mowed at least three times per summer. Mr. Bolin commented that it would need to be maintained to the same standard as any other property. Mayor Lund commented that he will have a discussion with the HOA in an attempt to have that better maintained. Mr. Bolin commented that Pulte had not turned the property over to the HOA, but that would be the plan going forward and the HOA would intend to better maintain the property.

Councilmember Evanson reiterated that this would just return the land to Pulte, who would then turn the land over to the HOA.

Patrick Vescio asked if the City had billed Pulte for the maintenance/mowing of the property that had been done. He noted that if the City were to mail a notice and mow the lawn of a resident, that charge would be billed to the resident. Mr. Bolin commented that there is nothing in the agreement to that degree. Mayor Lund commented that the property was being mowed because he made the request, and the mowing was more than what would have been required by Pulte. Mr. Vescio commented that in his current employment, he is sent to complete maintenance for code violations and believed that Pulte should be charged as anyone else would.

Scott Hickok, Community Development Director, commented that he could follow up to determine if there were any code enforcement letters sent for this property. He believed that the original intent for this property was a more natural state as it backs to a woodland area. Mayor Lund commented that he will follow up with the HOA to discuss ongoing maintenance.

Motion made by Councilmember Tillberry to close the public hearing, Seconded by Councilmember Bolkcom.

Upon a voice vote, all voting aye, Mayor Lund declared the motion carried unanimously.

Motion made by Councilmember Tillberry to approve the first reading of Ordinance No. 1427, Conveying Outlots A, B & C, Locke Pointe, to Pulte Homes of Minnesota LLC. Seconded by Councilmember Bolkcom.

Upon a voice vote, all voting aye, Mayor Lund declared the motion carried unanimously.

Adoption of Regular Agenda

Motion made by Councilmember Tillberry to adopt the regular agenda. Seconded by Councilmember Evanson.

Upon a voice vote, all voting aye, Mayor Lund declared the motion carried unanimously.

Regular Agenda (Continued)

New Business

10. Resolution No. 2024-158, Considering Variance, VAR #24-01 Petitioned by Jason Zemke

Mr. Hickok presented a request for a variance to allow a nine-by-20-foot addition within the side yard setback of an existing nonconforming home at 257 69th Avenue. He reviewed the site description and history, and current conditions. He reviewed the applicant's proposal for the addition as well as an alternative provided by staff that would not require a variance. He stated that staff recommended denial at the Planning Commission meeting as there was an alternative option. The Planning Commission held a public hearing on October 16th where the property owner and neighbor spoke in favor of the variance. The Planning Commission supported the applicant's request and recommended approval as presented.

Councilmember Tillberry asked about the cost difference between the applicant's proposal and staff alternative. Mr. Hickok stated that the cost difference was not analyzed as staff cannot consider that as part of the review. Councilmember Tillberry asked and received confirmation that the neighbor who supported the request was the neighbor to the west.

Councilmember Tillberry asked the precedent that would be set if this were to be approved. Mr. Hickok commented that variance requests are unique and evaluated on their own merit.

Councilmember Bolkcom stated that she and Councilmember Ostwald met with the applicants and stated that if this were her home she would move forward with the proposal of the applicant. She noted that the property is already nonconforming, the adjacent property owner supports the request, the cost is lower, and the staff alternative takes up more green space from the yard. She believed that this was a great opportunity for the property owner to remain in their home with increased space.

Mayor Lund commented that he drove by the property and noticed the different property stakes, asking for clarification. Jason Zemke, applicant, replied that the yellow stakes mark the corners of their egress windows to ensure there is not damage from equipment.

Mayor Lund appreciated the hard work of staff but believed the staff alternative is most likely much more expensive than the proposal of the applicant. Mr. Zemke stated that he would estimate the cost to be about double of what is proposed. He stated that they have worked with their builder to seamlessly blend into the existing roof line. Mayor Lund commented that he agrees with the addition.

Mayor Lund asked if this house has received a variance in the past as it currently does not meet the standards with its positioning. He recognized that the Planning Commission unanimously recommended approval, which also carries weight.

Councilmember Evanson recognized that the resident wants to stay here and invest in their property rather than move. He respected the work of staff and their recommendation but does not believe that this addition will dramatically change the character of the block, and the neighbor also provided support.

Councilmember Bolkcom commented that she believes that the staff alternative would more dramatically change the character of the block.

Councilmember Evanson referenced the statement of staff that they could look at the standards in this area and stated that perhaps it would make sense to review the standards to determine if things have changed in the last 60 years. Mayor Lund commented that this is a unique situation in which the home was built. Councilmember Evanson commented that if there are additional requests that come forward, perhaps then they would consider review of the standards.

Councilmember Ostwald asked how long the applicant has lived in the home. Mr. Zemke commented that they have lived in the home for 26 years. Councilmember Ostwald commented that this will tie in nicely with the configuration of the home and look like it was originally designed in this manner. He did not believe the applicant should be penalized for something that already existed when the home was purchased.

Councilmember Tillberry commented that he felt that it was important that the neighbor most impacted was supportive of the request.

Motion made by Councilmember Bolkcom, to approve Resolution No. 2024-158, Approving Variance, VAR #24-01, to Reduce the Side Yard Setback to Allow the Proposed Addition at the Property Located at 257 69th Avenue, Owned by Jason Zemke and Rochelle Zemke. Seconded by Councilmember Tillberry.

Upon a voice vote, all voting aye, Mayor Lund declared the motion carried unanimously.

Mr. Hickok stated that in the past the front yard setback was reduced in response to a number of requests that were received by residents to add a front porch. He did not anticipate that they would see a number of side yard reduction requests as that area is already small.

11. Resolution No. 2024-161, Approving Water, Sanitary Sewer, Storm Water and Solid Waste Abatement Charges and Rates for the Year 2025

Joe Starks, Finance Director, reviewed the major assumptions for all utility funds as well as more specific information and assumptions for the water utility fund, sanitary sewer fund, storm water fund, and solid waste abatement special revenue fund. He also reviewed a sample quarterly utility bill for a residential property.

Motion made by Councilmember Evanson to adopt Resolution No. 2024-161, Approving Water, Sanitary Sewer, Storm Water and Solid Waste Abatement Charges and Rates for the Year 2025. Seconded by Councilmember Ostwald.

Upon a voice vote, all voting aye, Mayor Lund declared the motion carried unanimously.

12. Resolution No. 2024-163, Receiving Feasibility Report and Calling for Public Hearing on the 2025 Street Rehabilitation Project No. ST2025-01

Brandon Brodhag, Assistant City Engineer, provided background information on the proposed project including the project area, project needs, as well as the process of concrete pavement rehabilitation.

He stated that staff recommends that diamond surface grinding be included as a bid alternate. He stated that the project would also include utility improvements and provided information on the recommended special assessment and the project budget. He provided details on traffic calming and stated that staff will amend the feasibility report to include a recommendation on traffic calming implementation following additional public outreach along the corridor. He stated that if approved, staff will prepare materials and provide necessary notice for a public hearing at the December 9th City Council meeting.

Councilmember Evanson commented that it appears there will be an opportunity for residents to provide feedback on potential traffic calming measures and staff can then use that input to provide a recommendation. Mr. Brodhag confirmed that to be correct and anticipated that public engagement would most likely occur in December. He stated that a mailer would be sent to the impacted residents.

Councilmember Tillberry appreciated the input on the concrete rehabilitation process and explanation of alternative assessment formula. He used the scenario that a resident does not have panels improved in front of their home and yet would still be assessed and asked for input from staff. Mr. Brodhag commented that staff has discussed that as improvements will not be in front of every property and instead based on the areas that need improvement. He stated that the policy is related to the users of the street, which all the properties use the street regardless of whether the improvement occurs directly in front of their home. Mayor Lund commented that the residents still benefit because they drive down the road.

Councilmember Evanson commented that this balances the need and aesthetic. He commented that if the entire road were reconstructed the cost would be much higher for residents as concrete is more expensive than asphalt roads. He noted that this process seems to make sense.

Councilmember Bolkcom asked the anticipated length of life for the type three crack repair. She also asked for details on the process if the panels not replaced were to crack in the next year or so. Mr. Brodhag anticipated 25 plus years for the length of those repairs. He stated that they cannot predict when the other panels would crack and would be addressed through ongoing maintenance. He stated that the new concrete would have a two-year warranty. Councilmember Bolkcom asked if the replacement process could cause problems in the future related to the strength of adjacent panels. Mr. Brodhag provided details on the process for the concrete replacement that would tie into the existing panels and improve the structure.

Councilmember Bolkcom asked how the traffic calming would be decided. Mr. Brodhag commented that the only complaints that were received were on East Danube and explained the elements that would be considered as part of that process.

Mayor Lund asked if the additional traffic on East Danube is coming from Totino Grace. Mr. Brodhag commented that traffic counts were done in July when there was no school and those counts were similar to the counts completed in September when school was in session.

Wally Wysopal, City Manager, commented that when a street is repaired, they anticipate a 20-year lifespan, but sometimes the City receives a petition for repair before that length of time. He anticipated that this level of repair would not be needed for another 20 plus years, but recognized that some maintenance may still be required during that time period.

Councilmember Ostwald asked if the City is coordinating with utilities to determine if any work is needed. Mr. Brodhag confirmed that they have been coordinating that work and there are some minor improvements for utilities planned.

Councilmember Ostwald commented that typically residents are provided the opportunity to have their sewer line televised as part of a road project because the road is already opened but recognized that may not be an option during this project. Mr. Brodhag commented that typically the work from the homeowner, if needed, does not occur prior to the road project being completed and therefore still has the additional cost to the homeowner.

Motion made by Councilmember Evanson to adopt Resolution No. 2024-163, Receiving Feasibility Report and Calling for Public Hearing on the 2025 Street Rehabilitation Project No. ST2025-01. Seconded by Councilmember Ostwald.

Upon a voice vote, all voting aye, Mayor Lund declared the motion carried unanimously.

Informal Status Reports

Councilmember Tillberry commented on the recent Autumn Sampler event at Springbrook which was a great time.

The Council thanked everyone that voted as well as the staff and the volunteers that worked to make elections run smoothly in the community.

Adjourn

Motion made by Councilmember Ostwald to adjourn. Seconded by Councilmember Evanson.

Upon a voice vote, all voting aye, Mayor Lund declared the motion carried unanimously and the meeting adjourned at 8:36 p.m.

Respectfully Submitted,

Melissa Moore City Clerk	Scott J. Lund Mayor