



City Council Meeting

October 14, 2024

7:00 PM

Fridley City Hall, 7071 University Avenue NE

Minutes

Call to Order

Mayor Lund called the City Council Meeting of October 14, 2024, to order at 7:00 p.m.

Present

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

Absent

Others Present

Walter Wysopal, City Manager
Scott Hickok, Community Development Director
Stacy Stromberg, Planning Manager
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 Bolkom.

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 September 23, 2024.
2. Receive the Minutes from the City Council Conference Meeting of September 23, 2024.
3. Receive the Minutes from the Planning Commission Meeting of September 18, 2024.

4. Receive the Minutes from the Parks and Recreation Commission Meeting of August 5, 2024.
5. Receive the Minutes from the Parks and Recreation Commission Meeting of September 3, 2024.
6. Receive the Minutes from the Environmental Quality and Energy Commission (EQEC) Meeting of August 13, 2024.
7. Receive the Minutes from the Housing and Redevelopment Authority Meeting of September 5, 2024.
8. Receive the Minutes from the Public Arts Commission Meeting of September 4, 2024.
9. Receive the Minutes from the Public Arts Commission Meeting of June 12, 2024.
10. Receive the Minutes from the Public Arts Commission Meeting of July 10, 2024.
11. Receive the Minutes from the Public Arts Commission Meeting of August 7, 2024.

New Business

12. Resolution No. 2024-134, Approving a Grant Agreement with the Minnesota Pollution Control Agenda for the Electric Landscaping Equipment Campaign.
13. Resolution No 2024-137, Adopting the Assessment for 2024 Utility and Driveway Lateral Repair Projects.
14. Resolution No. 2024-139, Certifying Certain Delinquent Utility Services and Other Unpaid Charges for Collection with 2025 Property Taxes.
15. Resolution No. 2024-144, Accepting and Confirming Statutory Tort Limits.
16. Resolution No. 2024-146, Approving Cooperative Agreement #1056941 with the Minnesota Department of Transportation for the Trunk Highway 47 (University Avenue) Lighting Project.
17. Resolution No. 2024-147, Authorizing Execution of Grant Agreement with Minnesota Department of Transportation for 57th Avenue Overpass Project.
18. Resolution No. 2024-148, Authorizing an Agreement with Xcel Energy Consenting to Improvements for City of Fridley's K-9 Training Facility.
19. Resolution No. 2024-149, Approving a One-Time Rental Fee Waiver at Moore Lake Community Building for Lee Carlson Center for Mental Health and Well-Being.

20. Resolution No. 2024-150, Approving a One-Time Rental Fee Waiver at Moore Lake Community Building for Mississippi Watershed Management Organization (MWMO).

Licenses

21. Resolution No. 2024-141, Approving Massage Therapy Individual License.
22. Resolution No. 2024-142, Approving Temporary Gambling Permit for Twin Cities Trout Unlimited.

Claims

23. Resolution No. 2024-138 Approving Claims for the Period Ending October 9, 2024.

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

No one from the audience spoke.

Regular Agenda

Public Hearing(s)

24. Ordinance No. 1425, Public Hearing and First Reading to Consider a Rezoning, ZOA #24-01, by Natasha Lawrence to Rezone the Property at 6677 Lucia Lane N.E. from R-1, Single Family, to R-3, Multi-Family (Ward 2)

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

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

Mayor Lund noted that there will be one presentation for the dual public hearing items related to this case.

Stacy Stromberg, Planning Manager, stated that she would be presenting the rezoning and Comprehensive Plan amendment requests at this time, although they will be separate actions. She stated that the property owner is requesting a rezoning of the property from R-1 to R-3 to allow the construction of a duplex. A Comprehensive Plan amendment is also needed to change the future land use from single-family residential to multi-family residential. She reviewed the site description and history along with an analysis of the rezoning and Comprehensive Plan amendment requests. She stated that the Planning Commission reviewed the requests at its meeting on September 18th, providing a summary of that discussion and recommendation for approval of the rezoning and Comprehensive Plan amendment. She asked that the Council hold the public hearing and consider approval of the two actions requested tonight as presented.

Councilmember Evanson asked if R-2 would be the alternative if there were no issues with spot zoning. Ms. Stromberg stated that there is an R-2 zoning but because there are no other R-2 properties in

this area, staff recommended R-3 zoning. She recognized concerns that something larger could be constructed but noted that the petitioner has never eluded to anything other than a duplex. She confirmed that only two units could be constructed under R-2.

Councilmember Ostwald referenced the statement that wetlands could not be impacted and asked for more information on how that would be enforced. Ms. Stromberg stated that the Rice Creek Watershed would be the authority for wetland activity. She stated that currently there are no wetland impacts proposed and therefore if the plans changed, new approval would be needed. She stated that in her time in Fridley, there has not been a wetland filled and every development has had to develop around the wetland.

Mayor Lund asked for more information on the size of the wetlands, as credits can be purchased to fill a wetland. He recognized that residents do not want to see R-3 zoning because of the potential for a larger building to be constructed. He noted that another option would be to stay in R-1 zoning, allow a lot split and two homes to be constructed instead of a duplex. He recognized that there were already issues in the neighborhood because of the university. Ms. Stromberg replied that there are criteria that need to be met in order to purchase credits. She stated that because Fridley has had little development that has impacted wetlands over the last 25 years, she did not fear that would be the case.

Mayor Lund stated that he would like to have something in writing from the property owner stating that an apartment building would not be constructed, but recognized that the property could be sold to another entity after the rezoning occurs.

Councilmember Evanson referenced the parcel to the south, 6663, which is not an owner-occupied property and asked the status of that property. Ms. Stromberg stated that the property was subdivided in 2018 to create three lots, and someone is living in that property to the south but was unsure if it was a rental. He asked what would stop someone from purchasing that property as well to make a larger property for development. Scott Hickok, Community Development Director, commented that the fear is always bigger than the reality. He stated that a very large portion of the developable land area is wetland and therefore it would be an expensive process to mitigate those wetlands. He stated that there is also a high water table and therefore there is not a great likelihood of putting parking under the building, and without sufficient parking, you could not put a large building on the property. He stated that if the Comprehensive Plan stated that there was an intention to place R-2 between R-1 and R-3, that would then be a tool the City could use but because the City has not done that, it would result in spot zoning.

Mayor Lund recognized that it would be costly to change the land to support more development, but it could be done. He stated that in order to change the zoning to R-3 he would need some assurance beyond verbal commitments as plans can change.

Natasha Lawrence, applicant, stated that they are just trying to build a duplex and did not believe this would be such a big issue as when they looked into the property Anoka County stated that one to three units could be constructed. She stated that when they reached out to City staff, they were informed that only a single-family home could be constructed.

Mr. Lawrence stated that when they were here previously, they were happy because they were going to build a home on the lot, saving trees and protecting the wetlands.

Mrs. Lawrence stated that they were ready to move forward but the bank did not support that plan. She stated that the builder then proposed a duplex which would allow them to get some of the income back. She stated that the Rice Creek Watershed stated that only ten percent of the trees could be removed from the property and they cannot build on wetlands, so that constrains what could be built on the property.

Mr. Lawrence commented that they are homeowners and not developers. He recognized that in ten years someone could purchase multiple properties, demolish everything and building something larger. He stated that they have lived in the neighborhood since 2013, their daughter goes to the Spanish immersion school down the road, and they look forward to staying in the community. He stated that this has been a heartbreaking emotional rollercoaster, and they have worked with City staff to try to find an option and follow the rules. He stated that they do not object to R-2, and they would be willing to sign something saying they would only construct a duplex. He stated that they are just people looking to build a home.

Mrs. Lawrence asked if the Council could just move forward with R-2 zoning. Mayor Lund explained that spot zoning is not a City regulation but a State regulation. Sarah Sonsalla, City Attorney, stated that if they were to go through R-2 they would need to redo the entire review process. She stated that she would find R-2 to be consistent with the other uses of R-1 and R-3, but noted that there is no R-2 adjacent. She stated that the applicants volunteered to sign something stating that they would only build a duplex and noted that a restrictive covenant could be placed on the property stating that only a duplex could be constructed.

Mrs. Lawrence stated that they would be happy to sign that statement.

Ms. Sonsalla stated that the City cannot impose that upon the property owners, but they have voluntarily stated that they would sign something to that effect. She stated that it could then become a condition in the resolution that the rezoning would not be effective until that declaration is made on the property.

Councilmember Evanson asked how long that would stay with the property and whether that would continue to be a condition if the property changed ownership. Ms. Sonsalla confirmed that the declaration would remain on the property should be ownership change and only a duplex or single residence could be constructed.

Mayor Lund clarified that if the property owner is willing and volunteering, they could sign the declaration against the property to limit what could be built on the property.

Wally Wysopal, City Manager, asked Ms. Sonsalla to clarify that type of process. Ms. Sonsalla explained that a condition would be added to the rezoning resolution stating that the applicants must agree that a declaration be filed against the property, suitable to the City Attorney, to restrict the development of the property to a single-family or duplex residence.

Mayor Lund invited the public to address the Council.

Tom Makozak commented that the R-3 properties in this area already do not appear to be properly zoned and did not believe that additional R-3 zoning is wanted. Mayor Lund clarified that this area could have all been zoned R-3 at one time and was then broken up. Mr. Makozak commented that the residents on Lucia Lane have concerns with the increased traffic of the university for the past decade and with the completion of the cul-de-sac they finally are seeing less traffic. He stated that if the property were rezoned R-3 that could be a 40-unit apartment building which would only bring that traffic problem back. Mayor Lund noted the wetlands and constraints of the site which would not allow a large apartment building to be constructed. Mr. Makozak stated that if the declaration is not placed on the property, the concern would be that the ultimate use could change, and an apartment could be constructed. Mayor Lund noted that the property owner has stated that they are willing to sign the declaration. Mr. Makozak commented that he would be fine with the duplex as long as the declaration is signed that would restrict anything larger from being built.

Fay Makozak stated that she was at the Planning Commission meeting when the Lawrences stated that they would not be living in the home and would be renting it out. She stated that the address on the application for the Lawrences is in Lakeville. She stated that the property to the south mentioned earlier is a leased property and therefore could be purchased to add to the size of the development.

Adam Betker, 6600 Lucia Lane, thanked the Mayor and Council for the new road and cul-de-sac as that has vastly improved traffic. He stated that he came into the meeting objecting to the request because he believed a larger apartment could be built. He stated that if the declaration were put on the property he would not object to the duplex and would welcome another family into the neighborhood.

Pam Reynolds, 1241 Norton, referenced the properties to the north which are listed as R-3 but used as R-1, therefore this property would not be adjacent to R-3. She stated that the larger zoning map shows the predominant zoning of the area to be R-1 and therefore the existing apartment building does not support a change to R-3. She referenced the statement that underground parking would not be supported on the property but recalled apartments that built at grade parking and bermed it to appear as underground parking. Mr. Hickok stated that R-3 zoning allows construction of R-1, R-2 or R-3, therefore people can build a single-family home on R-3 but that does not change the underlying zoning. He stated that roadways are often the distinction between different zoning districts and therefore adjacent means properties that touch.

Sarah Schriener voiced strong opposition to the zoning change. She stated that for the past eight years, the residents of Lucia Lane have worked with the City to increase the quality of life in their neighborhood, which was achieved by construction of the cul-de-sac. She stated that changing the zoning to R-3 would open the door for a 40-unit apartment building which would compromise the safety and well-being of the residents. She asked the Council to listen to the concerns of the residents.

John Vartis, Lucia Lane, stated that the City has done a great thing with the cul-de-sac and did not want to see a new problem created, allowing a larger development in the future. He stated that if

there could be a condition that only a duplex could be built, that would be a welcome addition to the neighborhood.

Dan Christianson, 6640 Lucia Lane, stated that he also had strong concerns about this and thanked the City for the cul-de-sac and paving this year. He stated that his biggest concern was that the plan is approved for a duplex, and something changes in the future allowing something bigger to be built. He stated that if the declaration is binding and cannot be changed, he would then support a duplex.

Mayor Lund stated that this Council has listened to the people and is happy to hear that a number of the neighbors who live on the street seem to be okay with the duplex, with the additional assurance of the declaration. He stated that the Council had the same concern, and it appears that the declaration would work to provide that assurance.

Councilmember Evanson stated that he represents this ward and is well aware of the traffic concerns of Lucia Lane. He asked for additional input from the City Attorney related to the declaration that would limit construction to a duplex, as most residents who spoke stated that they could support a duplex under those conditions. Ms. Sonsalla stated that this is the first reading of the ordinance and therefore would come back to the Council for the second reading and adoption. She provided the specific condition that she would add related to the declaration.

Mayor Lund reiterated that this is the first reading and if there are additional tweaks necessary, that could be done prior to the second reading. He noted that the language proposed tonight will be a part of the second reading and included in the Council packet.

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

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

25. Public Hearing and Resolution No. 2024-135, Adopting the Assessment for 2024 Street Rehabilitation Project No. ST-2024-01

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

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

Joe Starks, Finance Director, provided background information on special assessments and the related process that the City has followed. He summarized the street project that was completed, elements of the project that are not included in the assessment, and remaining project elements. He reviewed details of the proposed assessment roll, payment options and repayment schedule, and deferment opportunity. He asked the Council to hold the public hearing and accept any input from residents and then consider adoption of the resolution as presented.

Mayor Lund invited residents to provide input.

Pam Reynolds, 1241 Norton, provided written correspondence to Mayor Lund that she then read aloud. She did not understand how her property could be assessed in the amount of \$3,350 and objected to the assessment amount and calculation process in general. She noted different assessment rates for the properties along Norton and in other project areas.

Motion made by Councilmember Tillberry to accept the written correspondence from Ms. Reynolds into the record, Seconded by Councilmember Bolkcom.

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

Brandon Brodhag, Assistant City Engineer, stated that there are two different types of housing and assessment formulas. He stated that NLDR is based off front footage and LDR is based on single-family homes, noting that frontage and driveways are not factored in for LDR. He explained that LDR then splits the total assessment by the number of units within that project area. Mayor Lund stated that residential areas pay equal shares as everyone is using the street equally.

Ms. Reynolds commented that a residential property with double the frontage of her property would receive twice the benefit that she would and therefore should have a higher assessment. Mayor Lund stated that different formulas are used for different types of projects and single-family assessment is not based on frontage. He stated that single-family residential properties equally share the assessment because each person uses the road and benefits from it the same. Ms. Sonsalla provided additional information on the assessment amount and related benefit to the property. She stated that it is presumed that there is a benefit, and it is up to those contesting the assessment to bring forth evidence about how the benefit to the property does not equate to the assessment amount.

Mayor Lund referenced the assessment policy of the City, to assess a certain portion of the street projects to adjacent property owners. He asked why different rates are assigned to duplexes and townhomes. Mr. Brodhag stated that the City has followed this process since its adoption in 2006. He stated that he is unsure why there was a distinction between a single-family home and duplex. He explained how the single-family, duplex and townhome, and apartment rates were calculated for the project. He offered to email the policy language related to the formula to Ms. Reynolds.

Sarah Kuntz, 1225 65th Avenue, submitted her objection to the assessment. She stated that the City tore up her road because there were errors made by the engineer when the project was last completed. She stated that she asked for something other than grass or sod in the corner to assist with drainage concerns and seed was laid. She did not believe that grass would hold up in that easement because of the drainage issues. She stated that her neighbor actually benefits from the project, as their driveway was flooding, and is not included in the assessment. Mr. Brodhag stated that the neighbor was assessed with the 2008 street project, whereas Ms. Kuntz was not assessed as part of that project and was assessed with this project. He described the elements that were added to address the issues with drainage. He stated that they can look at plantings in the future but for the time being the intention was just to create ground cover.

Motion made by Councilmember Tillberry to enter into the record the written correspondence from Ms. Kuntz, Seconded by Councilmember Bolkcom.

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

Motion made by Councilmember Ostwald to close the public hearing, Seconded by Councilmember Evanson.

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

Motion made by Councilmember Evanson to adopt Resolution No. 2024-135, Adopting the Assessment for 2024 Street Rehabilitation Project No. ST-2024-01. Seconded by Councilmember Ostwald.

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

New Business

26. Resolution No. 2024-143, Approving a Comprehensive Plan Amendment to Change the Future Land Use Designation from SFR – Single Family Residential to MFR – Multi Family Residential for the Land Generally Located at 6677 Lucia Lane N.E. and to Authorize Staff to Submit a Comprehensive Plan Amendment for the Same to the Metropolitan Council (Ward 2)

Ms. Stromberg stated that this item was included in the previous presentation for the property at 6677 Lucia Lane N.E.

Motion made by Councilmember Evanson to approve Resolution No. 2024-143 Approving a Comprehensive Plan Amendment to Change the Future Land Use Designation from SFR – Single Family Residential to MFR – Multi Family Residential for the Land Generally Located at 6677 Lucia Lane N.E. and to Authorize Staff to Submit a Comprehensive Plan Amendment for the Same to the Metropolitan Council (Ward 2), conditional upon a declaration or restrictive covenant that reassures restricting the property to be utilized only for a single-family residence or duplex be filed against the property in a form acceptable to the City Attorney. Seconded by Councilmember Bolkcom.

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

Public Hearing(s) (Continued)

24. Ordinance No. 1425, Public Hearing and First Reading to Consider a Rezoning, ZOA #24-01, by Natasha Lawrence to Rezone the Property at 6677 Lucia Lane N.E. from R-1, Single Family, to R-3, Multi-Family (Ward 2) (Continued)

Motion made by Councilmember Evanson, to approve the first reading of Ordinance No. 1425, Rezoning ZOA #24-01 to Rezone Property at 6677 Lucia Lane N.E. from R-1 Single-Family to R-3 Multi-Family (Ward 2) conditional upon a declaration or restrictive covenant that reassures restricting the property to be utilized only for a single-family residence or duplex be filed against the property in a form acceptable to the City Attorney. Seconded by Councilmember Ostwald.

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

Mr. Vartis asked if this covenant would prevent this property from becoming a parking lot. Ms. Sonsalla did not believe a lot could be used as a standalone parking lot. Councilmember Evanson stated that it is his understanding that this would restrict the use to a single-family home or duplex. Mr. Hickok commented that the covenant would restrict that activity. He stated that without the declaration the property could be purchased by the university and used as a parking lot.

New Business (Continued)

27. Resolution No. 2024-145, Approving a Change Order No. 1 for the 2024 Neighborhood Parks Improvement Project No. 24-70457

Mr. Brodhag provided background information on the 2024 Neighborhood Parks Improvement Project and reviewed the different elements of the proposed change order. He stated that staff recommends approval of the resolution as presented.

Councilmember Bolkcom asked if the park projects are almost completed and whether there would be additional costs anticipated. Mr. Brodhag replied that the projects are close to completion, with fencing being completed within the next week and then punch list items. He did not anticipate any additional change orders coming forward.

Councilmember Bolkcom stated that she has received comments from residents that the Logan Park sign is boring. Mayor Lund stated that is the same sign design as the other parks that have been improved.

Motion made by Councilmember Ostwald to approve Resolution No. 2024-145, Approving a Change Order No. 1 for the 2024 Neighborhood Parks Improvement Project No. 24-70457. Seconded by Councilmember Bolkcom.

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

28. Resolution No. 2024-140, Approving Temporary Liquor License for Springbrook Nature Center Foundation

Mr. Wysopal stated that this would have been on the Consent Agenda, but because the petitioner is related to a Councilmember, it was placed on the Regular Agenda to allow that member to abstain.

Motion made by Councilmember Bolkcom to approve Resolution No. 2024-140, Approving Temporary Liquor License for Springbrook Nature Center Foundation. Seconded by Councilmember Ostwald.

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

Informal Status Reports

Councilmember Bolkcom noted the upcoming Pumpkin Night in the Park and stated that the organization is still looking for volunteers to assist with carving pumpkins. Tickets for the event are available for sale and will not be available at the door.

Councilmember Ostwald noted that early voting is available, and residents can cast their votes at City Hall.

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 9:15 p.m.

Respectfully Submitted,

Melissa Moore
City Clerk

Scott J. Lund
Mayor