



City Council Meeting

October 28, 2024

7:00 PM

Fridley City Hall, 7071 University Avenue NE

Minutes

Call to Order

Mayor Lund called the City Council Meeting of October 28, 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
Beth Kondrick, Deputy City Clerk
Mike Maher, Parks and Recreation Director
Jim Kosluchar, City Engineer
Sarah Sonsalla, City Attorney

Pledge Of Allegiance

Proclamations/Presentations

Approval of Proposed Consent Agenda

Motion made by Councilmember Ostwald 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 October 14, 2024.
2. Receive the Minutes from the City Council Conference Meeting of October 14, 2024.
3. Approve the Minutes from the Special City Council Meeting of October 14, 2024.

4. Receive the Minutes from the Environmental Quality and Energy Commission (EQEC) Meeting of September 10, 2024.
5. Receive the Minutes from the Parks and Recreation Commission Meeting of September 3, 2024.
6. Receive the Minutes from the Planning Commission Meeting of October 16, 2024.

New Business

7. Resolution No. 2024-157, Approving Gifts, Donations and Sponsorships Received Between September 16, 2024 and October 18, 2024.

Claims

8. Resolution No. 2024-152 Approving Claims for the Period Ending October 23, 2024.

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

No one from the audience spoke.

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

Old Business

9. Ordinance No. 1425, Second 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)

Scott Hickok, Community Development Director, provided background information on the rezoning request noting that the Council held the public hearing and approved the first reading on October 14th. He stated that the first reading was approved with a modification that required the filing of a declaration of restrictive covenants from the property owners that would restrict the use of the property to a duplex. He stated that the document had been signed by the property owner and sent to Anoka County for filing.

John Vardis, 6546 Lucia Lane, asked if there is a copy of the document that is being filed with Anoka County. Mr. Hickok stated that he does have an original copy of the document and read it into the record.

Dan Christianson, 6640 Lucia Lane, stated that the declaration spoke of heirs, successors and signees and asked if that includes the scenario in which the property was sold. He asked if the approval of the resolution is dependent upon Anoka County approving the document. Mr. Hickok replied that sale of the property would be covered under successors and explained that Anoka County will file the document upon request of the City and does not actually approve anything on its own.

Councilmember Ostwald noted that a copy of the document was included in the agenda packet which is available on the City website.

Motion made by Councilmember Evanson to approve the second and final reading of Ordinance No. 1425, 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). Seconded by Councilmember Bolkcom.

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

New Business

10. Resolution No. 2024-151, Awarding Trunk Highway 47 (University Avenue) Lighting Project

Jim Kosluchar, City Engineer, provided background information as well as information on the existing conditions, grant funds received through the federal Highway Safety Improvement Program, project elements, and location plan. He reviewed other project considerations and details of the project bidding. He reviewed the tentative project schedule and next steps stating that staff recommends approval of the resolution as presented.

Councilmember Bolkcom thanked staff noting that it will be incredible to have this lighting as she often receives comments about how dark it is.

Motion made by Councilmember Bolkcom to approve Resolution No. 2024-151, Awarding Trunk Highway 47 (University Avenue) Lighting Project. Seconded by Councilmember Tillberry.

Further discussion: Mayor Lund acknowledged that this concept began in 2019 and has now gained funding and is coming to fruition.

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

11. Resolution No. 2024-155, Approving Hemp THC Product Shop License

Beth Kondrick, Deputy City Clerk, provided background information on Chapter 310 of the Code, which was established in 2023. She stated that an application was received from Uniflora Holistics for the final Hemp THC Products Shop License at the location of 7331 Baker Street. She reviewed the

verification steps that were performed by staff and stated that staff recommends approval of the license.

Councilmember Evanson asked if approval of this license would open the door for the future opportunity of this business to sell other cannabinoid products. Ms. Kondrick stated that could be a possibility but noted that type of license is obtained by the State and is not something the City could issue.

Councilmember Bolkcom asked if there would be construction or renovation before the business is opened. Ms. Kondrick stated that the site is well set up as it was a pet facility and therefore there will not be much work needed but some work will be done for the retail component.

Councilmember Ostwald asked what would be entailed in manufacturing. Ms. Kondrick commented that the business receives the product in a liquid form and then bakes it into other foods, so it would operate similarly to a bakery in terms of manufacturing.

Motion made by Councilmember Ostwald to approve Resolution No. 2024-155, Approving Hemp THC Products Shop License. Seconded by Councilmember Tillberry.

Further discussion: Councilmember Evanson commented that he is not thrilled with this location as it could potentially become a dispensary in a mostly residential area that is close to two schools. He recognized that the state has taken away a lot of control from the City, but believed a different location would be better. Mayor Lund asked and received confirmation that this business is within the proper zoning district. Sarah Sonsalla, City Attorney, commented that the City has the authority to not issue the license but that would need to be related to the license provisions within the City Code and not based on personal preference.

Councilmember Evanson asked if the applicant was present and was informed that they were not. He asked the procedures for identification of customers and believed the applicant should be present to answer questions. Councilmember Bolkcom asked if this could be tabled, and the applicant could be asked to attend the next meeting. Ms. Sonsalla replied that she did not believe there was a deadline for review of the application.

Mayor Lund commented that it would come down to whether the Council trusts that staff is completing the proper steps to ensure that the license would be issued to the proper party, such as the background check and zoning review. He stated that he would need additional reasoning on why the applicant should be present. He believed that the applicant would have attended if they felt it would have been necessary, as all requirements of the law have been met by the request.

Councilmember Evanson commented that he believes the location is too close to schools. Mayor Lund stated that he understands that, but the business is in the proper zoning, and it behooves the business owner to not sell to those that are underage. Councilmember Bolkcom stated that the matter could be tabled, and the applicant could be asked to attend to answer questions.

Motion made by Councilmember Evanson to postpone consideration of this item to the next Council meeting, or date when the applicant could attend to answer questions of the Council. Seconded by Councilmember Bolckcom.

Upon a voice vote, 3 ayes, 2 nays (Lund and Tillberry opposed), Mayor Lund declared the motion carried.

12. Resolution No. 2024-156, Approving Appointment to the Fridley Parks and Recreation Commission

Mayor Lund commented that there was an opening on the Parks and Recreation Commission for which three applicants were interviewed and one candidate was selected. He stated that Melissa Luna was chosen and has accepted the position.

Motion made by Mayor Lund to approve Resolution No. 2024-156, Approving Appointment to the Fridley Parks and Recreation Commission. Seconded by Councilmember Tillberry.

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

Melissa Luna thanked the Council for the opportunity, noting that she is excited to be a part of the Commission.

Informal Status Reports

The Council commented on the successful Pumpkin Night in the Park event and thanked all the volunteers and staff that assisted with the event.

Councilmember Ostwald provided details on the event clean up that he participated in to remove the pumpkins from the trail. He noted that this is the last week of early voting for those that wish to do so.

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 7:45 p.m.

Respectfully Submitted,

Melissa Moore
City Clerk

Scott J. Lund
Mayor

DECLARATION OF RESTRICTIVE COVENANTS

THIS DECLARATION OF RESTRICTIVE COVENANTS ("Declaration"), which is effective this 25th day of October 2024 ("Effective Date"), is made by Natasha Lawrence and John Lawrence, married to each other ("Declarants").

RECITALS

WHEREAS, Declarants are the fee owners of certain real property located at 6677 Lucia Lane NE, Fridley, Minnesota (PARID 13-30-24-24-0118), legally described on the attached Exhibit A (the "Restricted Parcel");

WHEREAS, Declarants requested that the City of Fridley rezone the Restricted Parcel from R-1, Single Family to R-3, Multi-Family so that they could construct a duplex on the Restricted Parcel;

WHEREAS, rezoning the Restricted Parcel to R-2 is not an option due to the lack of R-2 zoned parcels in the vicinity of the Restricted Parcel;

WHEREAS, Declarants have offered to place a restrictive covenant on the Restricted Parcel so that it may only be used for a duplex;

WHEREAS, the City has agreed to rezone the Restricted Parcel to R-3 on the condition that the Declarants execute this Declaration and it is recorded against the Restricted Parcel;

WHEREAS, Declarants agree that they may construct only a duplex on the Restricted Parcel and the Restricted Parcel shall only be operated, occupied, and maintained in compliance with the restrictions and requirements of the City Code, as amended from time to time, and this Declaration;

Declarants, for themselves and for their heirs, successors, and assigns, in consideration of the benefits derived by Declarants in being able to construct a duplex on the Restricted Parcel, and other good and valuable consideration, hereby agrees and covenants that the Restricted Parcel shall be held, transferred, sold, conveyed, assigned and used subject to the following covenants, conditions and restrictions, and which covenants, conditions, and restrictions shall run with, the land and be binding on all parties having any right, title or interest in the Restricted Parcel or any part thereof, their heirs, successors, and assigns.

RESTRICTIVE COVENANT

1. Use Restriction. To comply with the conditions of the City rezoning the Restricted Parcel to R-3, Declarants hereby impose the following restrictions on the Restricted Parcel:

- a. Only a duplex may be constructed on the Restricted Parcel; and
- b. The Restricted Parcel shall not be subdivided.

2. Covenant Runs with the Land. The use restriction imposed by this instrument constitutes a covenant running with the land and, as such, is binding upon the owners of the Restricted Parcel and their respective heirs, successors, and assigns.

3. City Consent. These covenants run in favor of the City. This Declaration may not be amended or released from the Restricted Parcel without the written consent of the City, which writing must be properly recorded or filed in the office of the Anoka County Registrar of Titles.

4. Enforcement. Enforcement of these covenants, conditions and restrictions shall be by any proceeding at law or in equity by the City against any person or persons violating or attempting to violate these covenants, conditions or restrictions either to enforce or abate/restrain violation or to recover damages. Failure by the City to enforce these covenants, conditions or restrictions herein contained shall in not event be deemed a waiver of the right to do so thereafter. The City is hereby specifically granted the right to seek specific performance for any violation of these covenants, conditions and restrictions, it being agreed by Declarants that damages are not an adequate remedy. In addition, the City shall be entitled to be awarded injunctive relief without the necessity of posting security. In the event of any litigation to enforce or restrain violation or interpret the terms hereof, the court shall have the authority to award costs and reasonable attorneys' fees to the City.

5. Governing Law. The laws of the State of Minnesota shall govern the interpretation, validity, performance, and enforcement of this Declaration.

6. Severability. If any provision of this instrument is invalid, illegal or incapable of being enforced by any law or public policy, all other provisions of this Declaration will remain in full force and effect.

7. Recitals and Exhibits. The recitals set forth above are incorporated and made part of this Declaration.

IN WITNESS WHEREOF, Declarants have caused this Declaration of Restrictive Covenants to be executed on the Effective Date as first above written.

DECLARANTS:

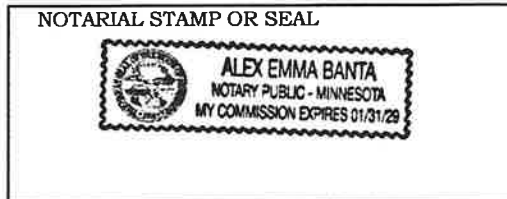
By: Natasha Lawrence
Natasha Lawrence

By: John Lawrence
John Lawrence

STATE OF MINNESOTA

COUNTY OF Dakota } ss.:

The foregoing was acknowledged before me this 25th day of October, 2024, by Natasha Lawrence and John Lawrence married to each other, Declarants.



[Signature]
SIGNATURE OF PERSON TAKING ACKNOWLEDGMENT

THIS DOCUMENT WAS DRAFTED BY:
Kennedy & Graven, Chartered
Fifth Street Towers
150 South Fifth Street, Suite 700
Minneapolis, MN 55402
(612) 337-9300

EXHIBIT A
Legal Description of the Restricted Parcel

Lots 2 and 3, Block 1, Valley Addition, County of Anoka, State of Minnesota.