City Council Meeting

December 11, 2023
7:00 PM
Fridley City Hall, 7071 University Avenue NE

Minutes

Call to Order
Mayor Lund called the City Council Meeting of December 11, 2023, to order at 7:00 p.m.

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

Others Present
Walter Wysopal, City Manager
Scott Hickok, Community Development Director
Joe Starks, Finance Director
Brandon Brodhag, Assistant City Engineer
Sarah Sonsalla, City Attorney
Michael Pate,

Pledge Of Allegiance

Approval of Proposed Consent Agenda

Motion made by Councilmember Evanson to adopt the proposed Consent Agenda. Seconded by Councilmember Ostwald.

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 November 27, 2023.

2. Receive the Minutes from the City Council Conference Meeting of November 27, 2023.

3. Receive the Minutes from the Housing and Redevelopment Authority Meeting of September 7, 2023.

New Business

4. Ordinance No. 1417, Amending the Nominations and Elections Chapter of the Fridley City Charter (First Reading).

5. Resolution No 2023-149, Approving Special Use Permit, SP #23-02 by Horowitz and Associates for the Property at 6425 Hwy 65 N.E. (Ward 2).

Claims

6. Resolution No. 2023-153 Approving Claims for the Period Ending December 6, 2023.

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 Bolkcom.

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

Regular Agenda

New Business

7. Resolution No. 2023-146, Certifying the Final Tax Levy Requirements for 2024 to the County of Anoka.

Joe Starks, Finance Director, reviewed the 2024 budget process and presented information on the proposed final tax levy and 2024 budget. He provided details on available property tax programs and stated that staff recommend adoption of the proposed resolutions certifying the final tax levy and approving a budget for the Fiscal Year 2024.

Motion made by Councilmember Bolkcom to adopt Resolution No. 2023-146, Certifying the Final Tax Levy Requirements for 2024 to the County of Anoka. Seconded by Councilmember Tillberry.

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

8. Resolution No. 2023-147, Approving a Budget for the Fiscal Year 2024 and the 2024-2028 Capital Investment Program.

Motion made by Councilmember Bolkcom to adopt Resolution No. 2023-147, Approving a Budget for the Fiscal Year 2024 and the 2024-2028 Capital Investment Program. Seconded by Councilmember Evanson.

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

9. Resolution No. 2023-148, Approving Change Order No. 1 (Final) for Apex Pond Enhancement Project No. 603-60-23-467.

Brandon Brodhag, Assistant City Engineer, identified the project area and provided background information on the pond project. He stated that substantial completion of the project occurred in November. He provided a summary of the change order and provided additional details on the extra pond/muck excavation and disposal, and extra common topsoil. Staff recommend adoption of the resolution approving the change order for the project.

Councilmember Bolkcom asked if additional funds would be needed for spring.

Mr. Brodhag replied that all other project elements have been paid for. He stated that the seeding would be a warranty item and if attention is needed in the spring that would be addressed under the contract. He noted that this project was completed in conjunction with the watershed partners to improve the water quality before water enters into Springbrook Creek and the Mississippi River. He confirmed that the additional excavation would also provide additional storage for water. He stated that trees and shrubs were planted to hold the soil in place and the area would remain natural vegetation.

Motion made by Councilmember Ostwald to adopt Resolution No. 2023-148, Approving Change Order No. 1 (Final) for Apex Pond Enhancement Project No. 603-60-23-467. Seconded by Councilmember Bolkcom.

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

10. Resolution No. 2023-150, Approving Interim Use Permit, IUP #23-01 by Amarok for the Property at 3737 East River Road.

Scott Hickok, Community Development Director, presented a request from Amarok on behalf of Copart for an Interim Use Permit (IUP) to allow the existing nonconforming 10-foot-tall, low-voltage electric security fence at 3737 East River Road. He reviewed the site description and history. He stated that this request would allow this interim use on the property, and if the site were to be redeveloped, the fence would need to be removed. He reviewed how the fence would meet the IUP criteria. He stated that the Planning Commission held a public hearing on November 15. After a lengthy discussion, the Commission recommended approval with a vote of 6-1. He noted that the Commission recommended the park dedication fee to be paid prior to Council consideration and advised that has been paid.

Councilmember Bolkcom asked if the fence could remain if the use were to remain, but the ownership was to change.

Mr. Hickok replied that change in ownership would not impact the IUP, only a change in the use would trigger removal of the fence.

Councilmember Bolkcom commented that Public Safety has provided comments that this fence is a deterrent and they do not receive calls about this property.

Councilmember Ostwald asked if the petitioner would need to submit information for updates or changes to the fence.

Mr. Hickok replied the fence is a solar operated, low-voltage system and therefore updates and maintenance will be required from time-to-time. He stated that if the IUP is approved, the applicant would be able to complete ongoing maintenance.

Councilmember Evanson asked if there would have been permits pulled over the years for work on the fence that could have tipped staff off to the fence.

Mr. Hickok replied that this is a self-contained system which operates on the solar panel system and does not connect to another power source. It would be classified more as a security system that would not require another form of permitting.

Mayor Lund invited the petitioner to address the Council.

Michael Pate, Amarock, LLC, said they review the equipment quarterly to determine if any maintenance is needed. He noted that staff onsite are trained to complete any minor maintenance. He confirmed that there are updates over time with the solar equipment as well. He stated that the fence was constructed in 1993, which predates him and noted multiple changes in ownership since that time. He stated they did address the issue and have been working with staff since the issue was identified.

Dan Privette, Copart, commented that Copart purchased the business in 1994. He stated that Copart purchases properties and does not sell them. He stated that the fence has been effective in preventing break-ins at the site.

Mayor Lund stated that he does not have an issue with the request, but is not pleased that the rules have not been followed for 30 years. He stated that he would like to see a penalty charged to Copart for that failure to follow the rules.

Sara Sonsalla, City Attorney, stated that the City can use the penalties allowed by Code, noting that the maximum allowed would be $10,000. She confirmed that could be a separate process from the IUP.

Mr. Privette commented they want to be good citizens, and he would be more than happy to discuss the issue further. He asked what would happen if they take the fence down.

Mayor Lund confirmed that the fence could be taken down and put back up once the approval is granted. He commented that $10,000 seems fair for this type of situation. He stated that he is willing to support the request but wants to see a fine as well.

Councilmember Evanson asked if approving the permit now would preclude the Council from having that discussion about a potential fine.

City Attorney Sonsalla replied that the actions would be separate; the IUP could be approved tonight, and an administrative citation could still be issued.

Mayor Lund commented that Copart is a good corporate citizen and agreed that the fence is a needed item but also wanted to see a penalty.

Walter Wysopal, City Manager, commented that staff has been working with the business to find a resolution that could retain the fence. He stated that the idea of an administrative penalty has not been discussed. He urged the Council to act on the IUP tonight, and an additional motion could be made to direct staff to research the idea of an administrative penalty.

Motion made by Councilmember Bolkcom to adopt Resolution No. 2023-150 Approving Interim Use Permit, IUP #23-01 by Amarok for the Property at 3737 East River Road. Seconded by Councilmember Tillberry.

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

Motion made by Mayor Lund to direct staff and the City Attorney to research an appropriate penalty for the illegal installation of the fence. Seconded by Councilmember Bolkcom.

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

11. Resolution No. 2023-154, Affirming Participation in and Filing Claims for Class Action PFAS Settlements

Walter Wysopal, City Manager, provided background information noting that the City was made aware of class action settlements in multidistrict lawsuits involving 3M and DuPont. He stated that in order to best protect public health, Well 10 has been removed from service upon the discovery of PFAS contamination. Staff recommend Council adopt the resolution in order to move forward on the claims and participate in the settlements. There will be additional grant opportunities and potentially additional settlements in the future. He confirmed that currently there is not a demand that requires the City to use Well 10.

Councilmember Ostwald asked how the funds would be used if received.

Mr. Wysopal provided details on the improvement that would be provided to treat the contamination.

Councilmember Tillberry asked how the City would know that the other wells are not impacted.

Mr. Wysopal replied the City completes a water quality report each year which describes the rigorous testing the City completes.

Brandon Brodhag, Assistant City Engineer, commented that testing is done yearly.

Councilmember Evanson stated that a resident reached out expressing concern with lead contamination in their water. He asked if these resources could be shared or whether they could only be used for City expenditures.

Mr. Wysopal commented that these funds would be used solely for the treatment needed for PFAS. He explained that lead results from other sources, such as dated buildings and lines.

Motion made by Councilmember Ostwald to adopt Resolution No. 2023-154, Affirming Participation in and Filing Claims for Class Action PFAS Settlements. Seconded by Councilmember Evanson.

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

Informal Status Reports

Councilmember Bolkcom reminded residents of parking restrictions for snowplowing. She also encouraged residents to keep their trashcans in their driveways rather than on the streets.

Adjourn

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

Upon a voice vote, all voting aye, Mayor Lund declared the motion carried unanimously and the meeting adjourned at 7:58 p.m.

Respectfully Submitted,

Melissa Moore City Clerk	Scott J. Lund Mayor