



CITY OF SPRING PARK  
CITY COUNCIL AGENDA  
DECEMBER 17, 2018 – 7:00 PM  
SPRING PARK CITY HALL

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ADOPT MEETING AGENDA
4. ADOPT CONSENT AGENDA\*
  - a. Regular City Council Meeting Minutes from December 3, 2018
5. PUBLIC FORUM\*\*
6. PRESENTATIONS & GUEST SPEAKERS
7. PUBLIC HEARINGS
8. PETITIONS, REQUESTS, & APPLICATIONS
9. ORDINANCES & RESOLUTIONS
  - a. Resolution 18-26: Variance Request for Head-In Parking on Warren Avenue
  - b. Ordinance 18-05: Amending Fence Standards
10. REPORTS OF OFFICERS AND COMMITTEES
  - a. Mayor & Council
  - b. City Staff
  - c. Contract Staff
11. NEW BUSINESS & COMMUNICATIONS
12. CLAIMS FOR PAYMENT
  - a. December 17, 2018 Claims
13. UPCOMING MEETINGS & TRAINING
  - a. January 7 – Regular City Council Meeting – 7:00 PM
14. MISCELLANEOUS (INFORMATION ONLY)
  - a. Mound FD November Report
  - b. LMCD 2018 Update
15. ADJOURNMENT

---

\* The Consent Agenda lists those items of business which are considered to be routine, recommended for approval, and/or which need no discussion. The several separate items listed on the Consent Agenda are acted upon by one motion. There will be no separate discussion of these items unless a Council Member makes a request, in which event the item will be removed from the Consent Agenda and placed elsewhere on the regular agenda for Council discussion and action.

\*\* Under Public Forum individuals may address the City Council about any item not contained on the regular agenda. Each speaker should keep their statements to three minutes to allow sufficient time for others. The Council will take no official action on items discussed at the forum, with the exception of referral to staff for future report.



CITY OF SPRING PARK  
 CITY COUNCIL MINUTES  
 DECEMBER 3, 2018 – 7:00 PM  
 SPRING PARK CITY HALL

1. CALL TO ORDER - The meeting was called to order by Mayor Rockvam at 7:00 p.m.

Council Members Present: Jerome P. Rockvam, Mayor; Gary Hughes; Pamela Horton; Catherine Kane Palen; and Megan Pavot

Staff Present: Dan Tolsma, City Administrator; Scott Qualle, Building Official; and Theresa Schyma, City Clerk

2. PLEDGE OF ALLEGIANCE – Mayor Rockvam led the audience in the Pledge of Allegiance.

3. ADOPT MEETING AGENDA

M/Hughes, S/Kane Palen to adopt the meeting agenda.

Motion carried 5-0.

4. ADOPT CONSENT AGENDA

- a. City Council Work Session Minutes from November 13, 2018
- b. Regular City Council Meeting Minutes from November 13, 2018
- c. MNSPECT Contract
- d. Ordinance 18-04: Building Code Fee Schedule
- e. Resolution 18-22: Approving Summary Publication of Ord. 18-04

RESOLUTION NO. 18-22

RESOLUTION APPROVING SUMMARY PUBLICATION OF AN ORDINANCE  
 AMENDING AND RESTATING APPENDIX A OF THE CITY CODE –  
 SCHEDULE OF FEES AND CHARGES – BUILDING CODE FEES

This resolution appears as Resolution No. 18-22.

- f. Resolution 18-23: A Resolution Designating the Annual Polling Place

RESOLUTION NO. 18-23

RESOLUTION DESIGNATING ANNUAL POLLING PLACE

This resolution appears as Resolution No. 18-23.

M/Horton, S/Pavot to adopt the Consent Agenda.

Motion carried 5-0.

5. PUBLIC FORUM – None.
6. PRESENTATIONS & GUEST SPEAKERS – None.
7. PUBLIC HEARINGS
  - a. Truth in Taxation Public Hearing

Mayor Rockvam opened the public hearing at 7:03 p.m.

With nobody in the audience requesting to speak; the hearing was closed by unanimous consent at 7:03 p.m.

- i. Resolution 18-24: Approving 2019 Final Levy

City Administrator Tolsma stated the final levy is 2.75% for a total increase of \$1,071,157.

M/Pavot, S/Hughes that the following resolution be adopted and that it be made part of these minutes:

RESOLUTION NO. 18-24

RESOLUTION ADOPTING FINAL TAX LEVY

Motion carried 5-0. This resolution appears as Resolution No. 18-24.

- ii. Resolution 18-25: Approving 2019 Budget

M/Kane Palen, S/Horton that the following resolution be adopted and that it be made part of these minutes:

RESOLUTION NO. 18-25

RESOLUTION ADOPTING THE 2019 GENERAL FUND BUDGET

Motion carried 5-0. This resolution appears as Resolution No. 18-25.

8. PETITIONS, REQUESTS, & APPLICATIONS – None.
9. ORDINANCES & RESOLUTIONS – None.
10. REPORTS OF OFFICERS AND COMMITTEES
  - a. Mayor & Council - Council Member Hughes provided an update from the most recent Fire Commission meeting including an update on rescue response times and turnout gear.
  - b. City Staff – None.

c. Contract Staff – None.

11. NEW BUSINESS & COMMUNICATIONS – None.

12. CLAIMS FOR PAYMENT

a. December 3, 2018 Claims

M/Hughes, S/Kane Palen to approve all claims for payment.

Motion carried 5-0.

13. UPCOMING MEETINGS & TRAINING

a. December 12 – LMCD Work Session at 6:00 PM with Regular Meeting at 7:00 PM

b. December 12 – Planning Commission – 7:00 PM

c. December 17 – City Council Work Session – 6:00 PM

d. December 17 – Regular City Council Meeting – 7:00 PM

14. MISCELLANEOUS (INFORMATION ONLY) – None.

15. ADJOURNMENT

M/Horton, S/Kane Palen to adjourn the City Council Meeting at 7:18 p.m.

Motion carried 5-0.

Date Approved: December 17, 2018

---

Dan Tolsma, City Administrator

---

Theresa Schyma, City Clerk

9a



# **NORTHWEST ASSOCIATED CONSULTANTS, INC.**

4150 Olson Memorial Highway, Ste. 320, Golden Valley, MN 55422  
Telephone: 763.957.1100 Website: www.nacplanning.com

## **PLANNING REPORT**

TO: Spring Park Planning Commission

FROM: Ryan Saltis / Alan Brixius

DATE: November 9, 2018

RE: Tonka Ventures West Parking Variance

FILE NO: 175.01 18.17

PROPERTY ADDRESS: 4164 Shoreline Drive

PID: 18-117-23-43-0155

## **BACKGROUND**

Tonka Ventures LLC has submitted a land use application for a parking variance to allow parking stalls having direct access from a public street for their industrial property located along 4164 Shoreline Drive. The 28,000 sq. ft. tenant bay in the Tonka Ventures West building has limited parking spaces. The property owner proposes to add parking stalls at the along Interlachen Road and Warren Avenue in order to make parking available and convenient to the tenant bay's entrance. The attached site plan illustrates the location and proposed design of the requested parking.

Section 42-67(5).c of the Spring Park Zoning code prohibits industrial parking lots from having a design which requires direct backing into a public street. Due to limited lot area, and low traffic volumes on the adjoining streets the applicant is requesting a variance to allow expanded parking at the west end of their building with direct access and egress from public streets.

Attached for reference:

- Exhibit A: Site Plan
- Exhibit B: Aerial of head in parking areas
- Exhibit C: 12/12 Planning Commission Meeting Discussion Excerpt
- Exhibit D: Resolution 18-26: Approving Parking Variance

## **ANALYSIS**

The applicant's building has a 28,000 sq. ft. tenant bay at the northwest corner of the west building. The tenant bay access is via Warren Avenue / Interlachen Road. This tenant bay is currently served by only 6 off-street parking stalls. Inspection of the site reveals that the current supply of parking is not sufficient to meet the needs of an industrial use in this tenant bay, resulting in parking in the loading area and on street.

The site plan shows the requested parking layout. This layout includes:

1. Removing the curb island between the loading area and Warren Avenue to allow for 12 head in parking stalls within the existing loading area. If approved, truck using the existing loading dock would use Warren Avenue for truck maneuvering. The Site plan shows the loading movements for large trucks. The truck movements appear to work within the proposed design. The Applicant has indicated the sparse frequency of trucks will not create a significant disruption of traffic along Warren Avenue.
2. The site plan also proposes to remove curbing and lawn space along the west side of the industrial building to provide 8 head in parking stall along Interlachen Road.
3. The proposed parking layout will provide 22 standard parking stalls and 4 compact parking stalls for a total of 26 stalls on the west side of the building.
4. All the parking stalls meet the dimensional standards for both the regular and compact parking stalls in Spring Park.

## **VARIANCE;**

Section 42- 166 of the City Code outlines the following criteria for consideration of a variance.

### **Sec. 42-166. - Conditions governing consideration of variance requests.**

(a) In considering any request for a variance and in taking subsequent action, planning commission and the city council, serving as the board of adjustment and appeals, shall make a finding of fact that the granting of such variance will not:

- (1) Impair an adequate supply of light and air to adjacent property.

**Response:** The proposed parking will not impair an adequate supply of light and air to the adjacent property.

(2) Unreasonably increase the congestion in the public streets.

**Response:** Interlachen Road and Warren Avenue are low volume streets. The parking variance is not expected to change congestion on these streets to an unreasonable degree. There has been past precedent in which the City of Spring Park has allowed additional parking accessed off of low volume roads and has proven to not increase congestion. See Exhibits showing head in parking along Warren Avenue, Spring Street and De Otero Avenue.

(3) Increase the danger of fire or endanger the public safety.

**Response:** The parking variance will not increase the danger of fire or endanger public safety.

(4) Unreasonably diminish or impair established property values within the neighborhood or in any other way be contrary to the intent of this chapter.

**Response:** The parking variance is not expected to unreasonably diminish or impair property values within the neighborhood. An increase of convenient parking at this end of the building will make the northwest tenant bay more viable and marketable.

(5) Violate the intent and purpose of the city comprehensive plan.

**Response:** The parking variance will not violate the intent or purpose of the comprehensive plan. The site is currently zoned M, Manufacturing and is guided similarly in the 2030 comprehensive plan. The Spring Park Comprehensive Plan outlines the following recommendation for industrial properties. The proposal to expand parking opportunities is consistent with these Comprehensive Plan recommendations.

1. The City will monitor industrial land uses to promote environmentally clean businesses to avoid issues related to air, water, and ground pollution.

2. The City shall continue to work with the property owner to avoid land use nuisance issues related to noise, light, odors, or traffic.

3. The City will require changes in building occupancy to provide adequate off-street parking. Looking to the future, both the property owner and the City question the long range viability

(b) A variance from the requirements of this chapter shall be permitted only when:

(1) The requested variance is in harmony with the general purposes and intent of the zoning ordinance.

**Response:** The parking variance lines up with the general purposes and intent of the zoning ordinance in the M, Manufacturing district. Providing additional parking to serve the building and its uses is consistent with the intent and purpose of the Spring Park zoning code.

(2) The requested variance is consistent with the city's comprehensive plan.

**Response:** The requested variance will provide additional parking for the industrial site; this is consistent with the Spring Park Comprehensive Plan recommendation of providing adequate parking for the guided industrial land use areas of the city.

(c) No variance shall be granted that would allow any use that is not permitted in the zoning district in which the subject property is located.

**Response:** The industrial parking is a permitted accessory use within Spring Park's M, Manufacturing district.

(d) A variance may be granted when the applicant establishes that there are practical difficulties in complying with the zoning ordinance without a variance. As used in connection with the granting of a variance, the term "practical difficulties" means that:

(1) The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;

**Response:** The city requires adequate parking for industrial development. Currently, this portion of the building is served by only 6 parking stalls, which have proven to be insufficient for the available tenant space. The Variance will allow additional convenient parking to resolve the parking issues in this area of the site. The expanded parking is a reasonable use of the property provided the parking design and location offers a safe site design.

(2) The plight of the land owner is due to circumstances unique to the property not created by the land owner; and

**Response:** The site area and configuration physically limits the opportunity to provide required on-site parking in a manner that meets all the Zoning Code design Standards. The proposed site design attempts to maximize the available parking within the physical constraints of the site, in a manner that is safe and functional.

(3) The variance, if granted, will not alter the essential character of the locality.

**Response:** The city has allowed head in parking off of low volume local streets in the past where land supply could not provide sufficient on-site parking. Examples

of this are provide in the exhibits showing Warren Avenue, Spring Street and De Otero Avenue.

Conditions may be imposed on the granting of a variance, provided the conditions are directly related to the impact created by the variance and bear a rough proportionality to the impact created by the variance.

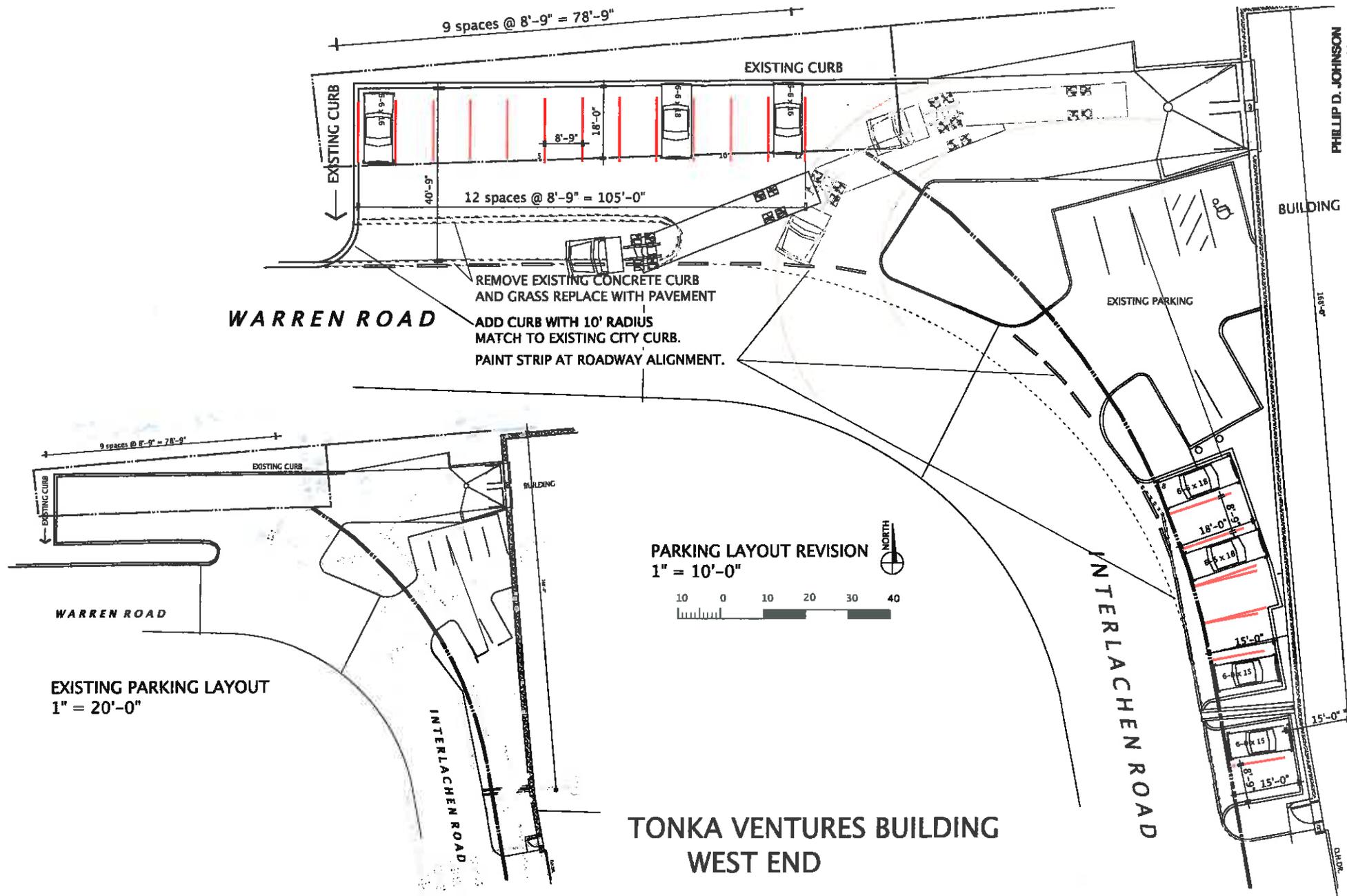
**Response:** See the recommendation conditions below.

## **RECOMMENDATION**

Based on our review of the plans submitted on behalf of Tonka Ventures LLC dated September 20, 2018, we recommend **approval** of said plans and the requested variance with the following conditions:

1. Site grading and drainage plan. The applicant **must** show the proposed parking lot grading and drainage patterns. The plan must identify the total hard cover area and percentage of hard cover for the entire industrial site. Plan must address the drainage patterns, retention, and treatment for the new hard surface. Said plan shall be subject to the review of the City Engineer.
2. Lighting Plan: The applicant shall provide a lighting and photometric plan for any new exterior lighting proposed for the new parking areas. Any new lighting must be 90 degree cutoff light fixtures with a shielded light source.
3. The compact parking stalls shall signed "Compact Cars Only".
4. Subject to the comments of other City Staff.

Cc. Theresa Schyma    Phil Johnson  
Mike Kuno            Scott Qualle  
Mary Tiejn            Joel Buttenhoff



WARREN ROAD

WARREN ROAD

EXISTING PARKING LAYOUT  
1" = 20'-0"

TONKA VENTURES BUILDING  
WEST END

INTERLACHEN ROAD

BUILDING

AP-RT

CLUB

PARKING LAYOUT REVISION

1" = 10'-0"



Exhibit A



# Hennepin County Property Map

Date: 12/14/2018



No results

**Comments:**

This data (i) is furnished 'AS IS' with no representation as to completeness or accuracy; (ii) is furnished with no warranty of any kind; and (iii) is not suitable for legal, engineering or surveying purposes. Hennepin County shall not be liable for any damage, injury or loss resulting from this data.

COPYRIGHT © HENNEPIN COUNTY 2018



# Hennepin County Property Map

Date: 12/14/2018



No results

**Comments:**

This data (i) is furnished 'AS IS' with no representation as to completeness or accuracy; (ii) is furnished with no warranty of any kind; and (iii) is not suitable for legal, engineering or surveying purposes. Hennepin County shall not be liable for any damage, injury or loss resulting from this data.

COPYRIGHT © HENNEPIN COUNTY 2018



# Hennepin County Property Map

Date: 12/14/2018



No results

Comments:

This data (i) is furnished 'AS IS' with no representation as to completeness or accuracy; (ii) is furnished with no warranty of any kind; and (iii) is not suitable for legal, engineering or surveying purposes. Hennepin County shall not be liable for any damage, injury or loss resulting from this data.

COPYRIGHT © HENNEPIN COUNTY 2018



PUBLIC HEARING EXCERPT FROM  
ITEM #6A OF DRAFT PLANNING  
COMMISSION MEETING MINUTES  
DECEMBER 12, 2018

6. CONSIDERATION/DISCUSSION ITEMS

a. Tonka Ventures Variance Request Public Hearing

City Planner Brixius reviewed Land Use Application No. 18-04 VAR requesting a parking variance to allow parking stalls having direct access from a public street for their industrial property located along 4164 Shoreline Drive. The application notes that the 28,000 square foot tenant bay in the Tonka Ventures West building has limited parking spaces. He detailed the proposed plan including recommended conditions for approval.

Commissioner Mason asked if there was a landscape plan to replace the trees that are being removed from the concrete curb area.

City Planner Brixius responded there is not a landscape requirement because sight lines need to be clear for parking and adding landscaping to this narrow section will likely not improve the area.

City Council Member/Planning Commission Ex-Officio Kane Palen stated there are visibility concerns already on that corner due to large snow piles and wanted to know if there was a plan in place for snow removal.

City Administrator Tolsma responded that the current large snow pile that creates visibility concerns on that particular corner is on the adjacent property, not the applicant's property. He added that the two owners might need to have a discussion to see if they can make an arrangement regarding snow storage on their respective lots.

City Planner Brixius added that the Planning Commission could request another condition of variance approval is that the applicant provide a snow removal and storage plan.

Commissioner Kaczanowski stated his concern is about stacking up parking on the busy intersection of County Roads 15 and 125. He asked if a condition could be added so that the tenants would be required to use the additional parking closer to Warren Avenue first and then use the head-in parking on Interlachen as more of an overflow parking area.

Chair Hoffman stated that he would not be in favor of that condition since you would be telling a property owner that they aren't allowed to use their own parking area when the same thing is allowed across the street.

Commissioners Mason and Homan agreed with Chair Hoffman.

Chair Hoffman opened the public hearing at 7:36 p.m.

Phil Johnson, architect for the proposed Tonka Ventures project, was available for questions. He also noted that the previous tenant in the 28,000 square foot area had a very low employee count so it was not an issue but any new tenant to such a large space will find it difficult to manage with only six parking spaces available.

Commissioner Kaczanowski asked about mitigation for erosion and rain water.

City Planner Brixius responded that a condition of approval is that the applicant provide a site grading and drainage plan that must address the drainage patterns, retention, and treatment for the new hard surface. The plan would be subject to the review and approval of the City Engineer.

City Administrator Tolsma discussed the retention pond on Warren Avenue, the 12 acre area that the pond covers, and drainage patterns.

M/Mason, S/Homan to close the public hearing at 7:46 p.m.

Motion carried 4-0.

Commissioner Homan asked if anything can be done with the visibility concern created by the adjacent property owner.

Chair Hoffman responded that there is currently not a City ordinance detailing how high a snow pile can be or where on your property it must be stored.

City Administrator Tolsma added that as long as the snow is not moved into the right-of-way or taking up required parking then it is allowed. However, he added that even without this variance the City should have a discussion with the adjacent property owner regarding the snow storage because it does create visibility issues on that corner.

M/Homan, S/Hoffman to recommend to the City Council to approve Land Use Application Nos. 18-04 VAR, for a variance to allow parking stalls having direct access from a public street for their industrial property located along 4164 Shoreline Drive with the following conditions:

1. Site grading and drainage plan. The applicant must show the proposed parking lot grading and drainage patterns. The plan must identify the total hard cover area and percentage of hard cover for the entire industrial site. Plan must address the drainage patterns, retention, and treatment for the new hard surface. Said plan shall be subject to the review of the City Engineer.
2. Lighting Plan: The applicant shall provide a lighting and photometric plan for any new exterior lighting proposed for the new parking areas. Any new lighting must be 90 degree cutoff light fixtures with a shielded light source.
3. The compact parking stalls shall be signed "Compact Cars Only".
4. The Applicant shall provide a snow removal and storage plan for the new parking area and loading dock area.
5. Subject to the comments of other City Staff.

Motion approved 4-0.

**CITY OF SPRING PARK  
COUNTY OF HENNEPIN  
STATE OF MINNESOTA**

**RESOLUTION NO. 18-26**

**RESOLUTION APPROVING THE SITE PLANS AND VARINANCE TO ALLOW  
HEAD-IN PARKING FOR TONKA VENTURES WEST AT 4164 SHORELINE  
DRIVE WITHIN THE CITY OF SPRING PARK**

**WHEREAS**, Tonka Ventures LLC is proposing to add additional parking stalls accessed directly from Warren Avenue and Interlachen Road for the 28,000 square foot tenant bay located at 4164 Shoreline Drive and has submitted an application for land use review; and

**WHEREAS**, City Staff have reviewed submitted plans and prepared a planning report dated December 12, 2018; and

**WHEREAS**, the Spring Park Planning Commission met and held a public hearing on December 12, 2018 to consider the variance request, the staff reports, and to take public testimony.

**WHEREAS**, upon closing the public hearing, the Planning Commission recommended that the City Council approve the site plan and Variance for expanded parking at 4164 Shoreline Drive subject to the conditions outlined in the December 12, 2018 Planning Report as amended and based on the following findings-of-fact:

- Additional parking is permitted in the M, Manufacturing district, and is a reasonable use of the property, especially given the six current stalls on the property is not sufficient for the 28,000 sq. ft. tenant bay.
- Unique circumstances stemming from the property's physical layout (lot size, atypical shape, curved roadways) are not hardships created by the landowner.
- The proposed parking would not impact the supply of light or air to adjacent properties, and will not increase the danger of fire or endanger public safety.
- The additional parking is not expected to change congestion on Warren Avenue or Interlachen Road to an unreasonable degree. These are low volume roads and open sight lines from both Warren Avenue and Interlachen Road will accommodate the proposed site layout.
- Direct head-in parking stalls accessed from a public street exists in other areas of the city including Interlachen Road, Warren Avenue, Spring Street and Del Otero. This request is consistent with these past accommodations.
- The additional parking on the site would not impact surrounding property values and would be expected to increase the individual site's value as well as make the site appealing to future renters/leasers of the building.

- Private improvement and investment are consistent with goals of Comprehensive Plan of having commercial and industrial properties provide sufficient parking to accommodate the proposed business.

**WHEREAS**, the Spring Park City Council met on December 12, 2018 to consider the variance application; and

**WHEREAS**, the Spring Park City Council has received the aforementioned plans, staff review documents, and the Planning Commission recommendation, and agrees with the findings and recommendation of the Planning Commission.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of Spring Park, Minnesota hereby approves the site plan and parking variance for 4164 Shoreline Drive, subject to the following conditions:

- A site grading and drainage plan shall be submitted showing the proposed parking lot grading and drainage patterns. The plan must identify the total hard cover area and percentage of hard cover for the entire industrial site. The plan must also address drainage patterns, retention, and treatment for the new hard surface. These plans shall be subject to the review and approval of the City Engineer.
- A lighting and photometric plan shall be provided for any exterior lighting being proposed for the new parking areas. Any new lighting must be 90 degree cutoff light fixtures with a shielded light source.
- The compact parking stalls shall be signed “Compact Car Parking Only”.
- The Applicant shall provide a snow removal and storage plan for the new parking area and loading dock area shall be provided. Said plan shall illustrate that snow storage will not obstruct sight lines for vehicles within the parking stalls or on the public streets.
- Subject to comments of other City Staff.

**Adopted by the City Council of the City of Spring Park this 17th day of December, 2018.**

---

Jerome Rockvam, Mayor

---

Theresa Schyma, City Clerk



# NORTHWEST ASSOCIATED CONSULTANTS, INC.

4150 Olson Memorial Highway, Ste. 320, Golden Valley, MN 55422  
Telephone: 763.957.1100 Website: www.nacplanning.com

## MEMORANDUM:

TO: Dan Tolsma

FROM: Alan Brixius

DATE: October 25, 2018 (Updated December 13, 2018 by TS)

RE: Fence Ordinance amendment

FILE NO: 175.01 1816

## BACKGROUND:

The Uniform building code has been recently changed to allow fences up to 7 feet without a building permit. Taller fences and fences with a greater opacity are now available in retail lumber stores such as Home Depot, Lowes and Menards. The attached ordinance amendment attempts to make provision for the taller fence and variable fence designs.

## ANALYSIS

The proposed amendment accomplishes the following items:

1. Within residential zoning districts the height of side and rear yard fences is proposed to change from 6 feet to 7 feet. This change is reflective of changes to the building code that allows fences up to 7 feet in height without a building permit.
2. The current code prohibits solid wall fences; mandating that 10% of the plane of the fence between the ground and top of the fence to be open. This requirement is generally used to allow the passage of air, light and storm water. Recent fence installations have chosen a more solid wall fence designs. In review by staff the less open fence design can be acceptable provided the fence is elevated above the ground for the passage of storm water along the property lines. The proposed fence ordinance amendment that was presented to the Planning

Commission removed the 10% openness standard to allow a more solid fence design, but it mandated 4 inches of open space between the ground and bottom of the fence to allow the passage of water. The Planning Commission decided to amend the draft language to mandate 1 inch of open space between the ground and bottom of the fence to allow the passage of water but still be able contain small animals.

**CONCLUSION:**

Staff is recommending approval of the fence standard zoning amendment for the following reasons.

1. With the change in building code 7 foot fence heights will become more popular and standardized.
2. The removal of the 10% openness requirement will provide greater varieties in fence designs.
3. Spring Park is characterized by narrow lots; the taller more opaque fence provides greater screening of unattractive yards and greater protection of privacy within a limited yard space.

Cc. Theresa Schyma  
Scott Qualle  
Mike Kuno  
Mary Tietjen  
Dave Anderson



PUBLIC HEARING EXCERPT FROM  
ITEM #6B OF DRAFT PLANNING  
COMMISSION MEETING MINUTES  
DECEMBER 12, 2018

6. CONSIDERATION/DISCUSSION ITEMS

b. Fence Ordinance Amendment Public Hearing

City Planner Brixius provided a summary of the proposed fence ordinance amendment. He discussed the recent change in the State building code allowing fences up to seven feet without a building permit and current fencing options that are widely available at local lumber and retail stores.

Chair Hoffman opened the public hearing at 7:58 p.m.

There was nobody in the audience requesting to speak.

M/Mason, S/Kaczanowki to close the public hearing at 7:58 p.m.

Motion carried 4-0.

Chair Hoffman stated that he is not entirely in agreement with the requirement of a minimum of 4 inches of open clearance from the ground to control water. He added that he thinks a minimum clearance of one inch is acceptable to allow the passage of water but still be able contain small animals.

The Planning Commission consensus was to amend the language of the proposed fence ordinance of Section 42-64. (i) (5) b. from “minimum of 4 inches” to “minimum of 1 inch.”

M/Homan, S/Mason to recommend to the City Council to approve draft ordinance language from the report dated October 25, 2018, amending Chapter 42 of the Spring Park City Code related to fence regulations with the further modification of Section 42-64. (i) (5) b. changing the language from “minimum of 4 inches” to “minimum of 1 inch.”

Motion approved 4-0.

CITY OF SPRING PARK  
COUNTY OF HENNEPIN  
STATE OF MINNESOTA

ORDINANCE NO. 18-05

ORDINANCE AMENDING PORTIONS OF CHAPTER 42 OF THE CITY'S  
CODE, ZONING/SHORELAND ORDINANCE, CHANGING THE  
REQUIREMENTS AND MINIMUM STANDARDS FOR FENCES IN  
RESIDENTIAL DISTRICTS

The City Council of the City of Spring Park, Minnesota hereby ordains:

**SECTION 1.** Chapter 42 Zoning/Shoreland Ordinance Article II of the Spring Park City Code is hereby amended to repeal the strikeouts and add the following underlined text:

**Section 42-64. (i) (4) c. 1. Residential districts.** A fence up to ~~six~~ seven feet in height may be erected from a line extended from the street side building line of the principal building to the side lot lines, and then along the side lot lines and the rear lot line. Individual fence posts may exceed the maximum fence height by six inches to accommodate decorative fence post caps.

**Section 42-64. (i) (5) b. Solid wall fences are prohibited.** All fences shall be constructed in such a manner ~~that no less than ten percent of the plane between the ground and the top of the fence is open~~ that provides a minimum of 1 inch open clearance between the ground and the main body of the fence to allow for passage of water and yard maintenance.

**SECTION 2.** This ordinance shall be effective immediately upon its passage and publication.

**Approved by the Spring Park City Council this 17th day of December, 2018.**

---

Jerome Rockvam, Mayor

---

Theresa Schyma, City Clerk



RECEIVED DEC 12 2018

2018 MOUND FIRE DEPARTMENT ACTIVITY REPORT  
Emergency Response and Firefighter Hours Detail

MONTH: November

City	Call Type	2018				2017			
		Month	Firefighter	YTD	YTD	Month	Firefighter	YTD	YTD
		Calls	Hours	Calls	Hours	Calls	Hours	Calls	Hours
MOUND	Fire	6	82	103	2114	12	226	140	3131
	Rescue	16	262	177	2943	16	244	181	2955
	Duty Officer	2	2	20	21	0	0	19	22
MINNETONKA BEACH	Fire	3	44	18	440	1	14	22	408
	Rescue	0	0	8	244	0	0	4	61
	Duty Officer	0	0	0	0	0	0	3	3
MINNETRISTA	Fire	2	33	33	703	0	0	33	561
	Rescue	4	72	34	674	3	90	31	588
	Duty Officer	0	0	4	5	2	2	6	6
SHOREWOOD	Fire	1	19	1	19	0	0	2	27
	Rescue	1	9	1	9	0	0	4	70
	Duty Officer	0	0	2	2	0	0	1	1
SPRING PARK	Fire	2	41	39	876	2	41	20	378
	Rescue	9	125	84	1370	10	114	69	1044
	Duty Officer	1	1	4	4	0	0	5	6
MUTUAL AID	Fire	3	93	22	733	1	42	14	393
	Rescue	0	0	3	37	0	0	3	41
STAND BY	Weather, Special Event, Etc.	0	0	2	72	0	0	0	0

Total Activity All Cities		2018	2017
Fire	17	312	216
Rescue	30	468	307
Duty Officer	3	3	30
Stand By	0	0	2
<b>TOTAL</b>	<b>50</b>	<b>783</b>	<b>555</b>

Monthly Activity by Call Category	2018	2017
COMMERCIAL	2	1
RESIDENTIAL	46	41
OTHER (OUTSIDE/ROADWAY/LAKE/OPEN AREA/MISC)	2	5
SERVICE CALLS (Smoke/CO Detectors)	1	0
LEGITIMATE FIRE ALARMS	5	0
FALSE FIRE ALARMS	2	2

MUTUAL AID AND TRAINING/MAINTENANCE SUMMARY	2018		2017	
Category	Month	YTD	Month	YTD
MUTUAL AID CALLS RECEIVED	0	4	0	3
MUTUAL AID CALLS GIVEN	3	25	1	17
TRAINING/MAINTENANCE HOURS	394.5	3577	377	4277.75

14a

RECEIVED DEC 12 2018

**Mound Fire Department  
Incident Reports - Spring Park  
November, 2018**

FIRE NO.	DATE	CITY	ADDRESS	FIRE/ RESCUE	DESCRIPTION	ACTION TAKEN	FF HOURS
532	43418	Spring Park	4201 Sunset Drive	Fire	Alarm - Fire	Alarm Panel Error	19
540	43425	Spring Park	2470 Island Drive, #205	Fire	Alarm - Fire	Burnt Food - Ventilated	22
<b>Total Fire Calls</b>				<b>2</b>	<b>Total Fire Hours</b>		<b>41</b>

506	11/1/2018	Spring Park	4201 Sunset Drive	Rescue	EMS	Cancelled upon arrival	10
517	11/6/2018	Spring Park	2380 Island Drive, #306	Rescue	EMS	No Transport	16
518	11/7/2018	Spring Park	4601 Shoreline Drive	Rescue	EMS	No Transport	18
519	11/7/2018	Spring Park	2450 Island Drive	Rescue	EMS	Transported	18
524	11/11/2018	Spring Park	4421 Lafayette Lane	Rescue	EMS	Transported	14
525	11/12/2018	Spring Park	4421 Lafayette Lane	Rescue	EMS	Cancelled upon arrival	11
534	11/15/2018	Spring Park	2400 Interlachen Road	Rescue	EMS	Transported	9
538	11/19/2018	Spring Park	4177 Shoreline Dr, #321	Rescue	EMS	Transported	14
545	11/24/2018	Spring Park	4559 Shoreline Drive, #207	Rescue	EMS	Transported	15
<b>Total Rescue Calls</b>				<b>9</b>	<b>Total Rescue Hours</b>		<b>125</b>

515	11/5/2018	Spring Park	4501 Shoreline Dr, #227	Rescue	Alarm - Medical	No Transport	1
<b>Total Duty Officer Calls</b>				<b>1</b>	<b>Total Duty Officer Hours</b>		<b>1</b>

<b>TOTAL FIRE, RESCUE &amp; DUTY OFFICER CALLS</b>				<b>12</b>	<b>TOTAL FIRE, RESCUE &amp; DUTY OFFICER HOURS</b>		<b>167</b>
--	--	--	--	-----------	--	--	------------

Mound Fire Department

City of Spring Park  
January through November, 2018

Fire Alarm / False Alarm Report

Fire No	Date	Address	Alarm Type			Activity or Action Taken	False Alarm	Pre-ventable
			Fire	Smoke	CO			
11	1/3/2018	4601 Shoreline Drive, #11	x			Burnt Food	N	Y
14	1/5/2018	4527 Shoreline Drive		x		Overheated Equipment	N	Y
23	1/8/2018	2450 Island Drive	x			Leaky Pipe found	N	Y
31	1/14/2018	4601 Shoreline Drive	x			Water in Detector	N	Y
42	1/18/2018	4144 Shoreline Drive	x			Investigated - Reset Alarm	N	Y
209	5/10/2018	2418 Black Lake Road			x	Monitored, no readings	N	N
242	6/2/2018	4300 Shoreline Drive	x			Investigated, Nothing Found	Y	Y
287	6/18/2018	4300 Shoreline Drive	x			Investigated, Nothing Found	Y	Y
293	6/22/2018	4559 Shoreline Drive	x			Set off by Dryer Vent	N	Y
313	7/4/2018	4201 Shoreline Drive	x			Waterflow Alarm, no issues found	N	Y
319	7/9/2018	4300 Shoreline Drive	x			Investigated, Nothing Found	Y	Y
344	7/22/2018	4527 Shoreline Drive	x			Resident Pulled Pull Station	Y	Y
449	9/27/2018	4201 Sunset Drive, #120		x		Faulty Detector	N	N
465	10/10/2018	10 Shoreline Place			x	Levels of CO found	N	N
485	10/19/2018	2447 Black Lake Road	x			Replaced Smoke Alarm	N	N
532	11/14/2018	4201 Sunset Drive	x			Alarm Panel Error	Y	N
540	11/21/2018	2470 Island Drive, #205	x			Burnt Food - Ventilated	N	Y

2018 YTD TOTALS

FIRE ALARM	13			False Alarms	5	
SMOKE DETECTOR		2		Legitimate Alarms	12	
CO DETECTOR			2	Preventable		12
TOTAL - ALL ALARMS	17					



# LAKE MINNETONKA CONSERVATION DISTRICT

5341 MAYWOOD ROAD, SUITE 200 • MOUND, MINNESOTA 55364 • TELEPHONE 952/745-0789 • FAX 952/745-9085

**DATE:** December 6, 2018

**TO:** Member Cities

**FROM:** LMCD Board of Directors

Dan Baasen (Wayzata), Bill Cook (Greenwood), Jay Green (Mound), Ann Hoelscher (Victoria), Gary Hughes (Spring Park), Jake Walesch (Woodland), Dennis Klohs (Minnetonka Beach), Mark Kroll (Orono), Chris Rich (Greenwood), Mike Molitor (Minnetrista), Sue Shuff (Minnetonka), Gregg Thomas (Tonka Bay), Deborah Zorn (Shorewood)

*Vickie Schleuning*  
Vickie Schleuning, LMCD Executive Director

**SUBJECT:** LMCD 2018 Update

The following is a highlight of the activities for the Lake Minnetonka Conservation District (LMCD) for 2018. It was another successful year with ongoing review of programs and many improvements realized regarding lake safety and preservation. The Board continues to have visioning sessions with the intent to provide master plans for lake safety, lake-wide use, AIS, and other areas.

We appreciate the cooperation and support we have received from all our partners and stakeholders. If you have questions, please contact the LMCD Executive Director, Vickie Schleuning, or your city's LMCD representative.

### Lake Use and Public Safety

Managing the Lake and its use is important in order to protect the Lake and all those who use it. The following are some public safety activities that occurred in 2018.

- The Minnetonka Power Squadron members volunteered to help maintain the LMCD's solar lights on the channel buoys. The lights are installed and removed each year by Al & Alma's and Paradise Cruises. Staff continues to administer and prepare lights for installation and storage. Solar lights improve navigation safety and minimize nuisances for lakeshore owners. It is a very popular program supported through contributions of Save the Lake.
- The Boater Safety Class was held in spring and was well-attended. Attendees learned about safe boating practices, conditions specific to Lake Minnetonka, and other practical tools. Save the Lake funds are used to help fund the course. Thanks to our other sponsors Jay Soule of Al & Almas, Mound Fire Department, Hennepin County Sheriff's Office Water Patrol, MN DNR, LMCD Board Members, Westonka Community Education, and others who help make this program a success.
- The Hennepin County Sheriff's Water Patrol presented their summer report to the Board. The Water Patrol includes a Lieutenant, Sergeant, eight full-time Deputies and 20 Special Deputy

Volunteers. Overall, there were few serious incidents on the Lake in 2018. However, there was a fatality associated with medical issues and a serious spinal injury associated with diving in shallow water. Focus on curbing underage drinking and the negative consequences continued to promote youth safety. The **efficient and effective public safety** response is critical in reducing negative consequences of accidents or bad decisions. In 2018, the Board approved \$25,000 in Save the Lake Funds to support a dedicated Water Patrol Officer during the busiest times on the Lake to ensure critical response to life-saving emergencies.

- The kickoff of the **conversion to winter activities** was noted with a week where there were boats being removed from the lake and ice fishing/skating activities occurred. Since total lake freeze has not occurred yet, public service announcements were provided on the website and social media. In addition, licensees were requested to be extra vigilant and take extra steps where it can be safely completed. Please see the recommended minimum ice guidelines for activities at <https://lmcd.org/2018/11/its-ice-tweener-time-so-be-cautious/>.
- Several board members participated in various **city and special events** this year and provided information about the organization, lake activities, and requirements. A lot of positive feedback was received.

#### **Aquatic Invasive Species (AIS) and Ecology**

The prevention and management of AIS is an important element in ensuring Lake Minnetonka continues to be a great natural resource. The LMCD has discussed an AIS Master Plan and staff has been making certain changes over the past two years. Recent findings of starry stonewort in Medicine Lake has elevated concerns regarding possible spread to Lake Minnetonka. The following activities are some highlights of activities in 2018.

- **Harvesting Program.** Some program changes and pilot projects were implemented in 2018, resulting in many positive comments. However, like other AIS management methods, mechanical harvesting is not a perfect system. The LMCD Board is currently reviewing the program, its effectiveness, and alternatives to AIS management. The city of Orono and Lake Minnetonka Association have requested elimination of harvesting. As part of the ongoing program review, the board is considering options for the program including elimination, changes, or no changes. Expertise from the public agencies has been obtained.

The LMCD offered residential lakeshore owners the opportunity to dispose of aquatic vegetation, with a MN DNR permit, at the LMCD's offload site. Further, private harvesters could use this disposal option for a fee.

- After the delayed ice-out and quick temperature spike in spring 2018, the **seasonal fish kill** seemed to affect a larger number of fish than in most years. The MN DNR analyzed a sample of some of the dead pan fish, checking to see if columnaris – caused by a bacterial infection – may be the cause of death. The MN DNR found that the true cause of the fish kill was likely aeromonas hydrophila, a secondary, opportunistic bacterium commonly found in many species of panfish. The fish's immune systems were weakened by the sudden temperature spike and the hurried onset of the spawning season. The infection does not pose a notable threat to human health, though it is advised that common-sense sanitary measures are taken when removing or coming into contact with affected fish carcasses.
- **Blue-green algae** has been observed in multiple locations around the lake this year. A cyanobacteria, blue-green algae releases cyanotoxins during cell rupture or death. Consuming

these toxins can cause illness in humans, and can be fatal to dogs and other pets. Areas of water with a blue-green sheen or murky blue-green tint are too be avoided by swimmers, paddleboarders, kayakers, canoers, small-boat sailors, etc. More information is available on the LMCD website.

- The use information for the solar-powered, user-operated watercraft cleaning stations is promising. The CD3 stations provide boaters tools to help prevent the spread of AIS. **CD3 (Clean, Drain, Dry and Dispose of Bait) Stations** are located at the public boat access in Spring Park and North Arm. The tools most used varies upon the specific lake in the state and associated vegetation issue.
- The MN DNR **pilot study for 2017 to 2019 for lake service providers** is still underway. Businesses must put up a surety bond, tag/track water-related equipment, and properly remove, store, and place them back into the same lake. Under these and other conditions of the pilot program, the water-related equipment does not need to go through the decontamination process.
- The LMCD received a grant up to \$10,000 from Hennepin County to conduct **AIS prevention watercraft inspections** to prevent AIS from being introduced to or transferred from Lake Minnetonka. Approximately 500 hours of inspections will be conducted at three public accesses (Wayzata, Carsons, and Halsted) on Lake Minnetonka through a contract with Three Rivers Park District. Over the years, funding from the state, watershed district, and other funding has decreased. Other watercraft inspections occurred at some public accesses by the MN DNR, but they have also experienced decreases in staffing due to budget restraints. Overall the program was successful in educating the public about AIS prevention and in identifying watercraft requiring decontamination. Early detection and response to new AIS is becoming more recognized as a critical measure in managing AIS.
- The LMCD, MN DNR, and Hennepin County Sheriff's Office Water Patrol worked with various organizations to ensure their events were safe and to prevent the spread of AIS. One example is the **proactive planning and coordinated efforts** of the Upper Minnetonka Yacht Club. The MN DNR provided focused efforts to inspect sailboats for AIS from around the country as well as ensure proper conditions of the sailboats that were leaving Lake Minnetonka. Harvesting was also coordinated to ensure safe navigation and less fragmentation of vegetation by the additional boat traffic. Lake Minnetonka was showcased as a place where you want to visit and be.
- The Board approved a request from the Libbs Lake Association for \$2,500 from LMCD AIS funds for mechanical AIS management as part of their **integrated AIS** program.

### **Applications**

2018 has proven to be another year with a significant number of license and permit applications processed by the Board and administratively for multiple dock facilities, variances, and non-commercial, non-multiple permanent docks. In addition to maintenance activities, several actions resulted in improvements to the lake ecology, navigational safety, and safety of the public. Improving structures and walkways to address accessibility issues and an aging population was often expressed by property owners. In addition, staff consulted with various parties regarding other projects throughout the Lake. The following applications have been processed to date in 2018. Newly submitted applications, or those in process, may not be listed.

The Board approved the following:

- **500NNL LLC's** (previously Bayview Event Center, Excelsior Bay) 2018 multiple dock license, special density license, and variance applications. The application was for a change in the mix of transient and overnight storage to all overnight storage.

In a later license application request, **500NNL LLC** the Board approved a new qualified commercial marina license with the variance applications. The new dock is designed to provide better navigation considering the bay specifics and uniform design. The property owner also accommodates some charter boats, which provide public access to the lake. Construction is planned this winter.

- **City of Mound's** request to convert 10 of the 24 total boat storage units on Lost Lake from transient use to overnight storage. This action was requested in 2017 and approved in 2018. Mound requested the change in consideration of the use of the docks and its overall development plan for that area.
- **5<sup>th</sup> Street Ventures, LLC** (Spring Park) for their 2018 Multiple Dock License was approved. This included Paddle Tap's use of the dock as a port of call and allowing the use of four slips as transient slips for a period of one year. This approval was conditional upon a review of any issues that the Water or Shore Patrol need to address or any significant concerns received from the neighbors. It will be reviewed at the December meeting.
- **Channel Town Association** for a new multiple dock license for an outlot association and a variance to prescribe the dock use area. The license allows six watercraft, one for each residential unit.
- **New de-icing license** for the **City of Excelsior** to accommodate winter storage of charter boats displaced from a prior location.
- **Expanded deicing license** for a residential property in the City of Greenwood, on condition of additional safety measures.

The following applications were reviewed, approved, or denied administratively.

- **Several permanent non-commercial dock permits** were approved: two in Orono and three in Tonka Bay. Three additional permits have recently been submitted in Deephaven.
- A permit for a minor reconfiguration of a nonconforming structure was issued for the **City of Minnetonka Beach** to adjust boat storage units within existing dock use areas.
- A permit for minor reconfiguration permit/license was issued for **Palmer Point Homeowners Association, Minnetrista**, to aid in safety of the dock.
- A permit was approved for a change in BSU location for Government Service Watercraft was approved for **Tonka Bay Sales Site 2**.
- A minor change application was approved for **Lafayette Club** to extend a dock section to a similar length of the other sections for better access by boaters.
- A permit was issued to the MN DNR to replace its **boat storage house** within the same footprint and size in St. Albans Bay.

- A **Variance Application** was deemed incomplete/invalid in Minnetonka Beach. It is pending litigation so no other information can be shared at this time.
- A new application was approved for a change of ownership for **Howard's Point Marina**. No structural changes occurred.
- A license for a replacement dock structure and minor reconfiguration was approved for **Wayzata Marine**. Some smaller, more uniform boat slips are planned in one area. Construction is planned this winter.
- A minor change permit was issued for **Victoria Estates Homeowners Association** to relocate watercraft within the existing dock use area to aid in internal navigation.
- A **Watercraft for Hire** application was deemed incomplete.
- A minor reconfiguration permit was issued for **Locust Hills** multiple dock license to allow environmental benefits and unrestricted watercraft lake access.
- A minor change permit was issued for **Lord Fletchers** to improve navigation safety at the westerly boat storage units by enabling watercraft to fit within the dock structures.
- A **bridge permit** to replace a current bridge is under review in Tonka Bay. It is being coordinated with other agencies.
- A permit is under review for a minor reconfiguration for **Rockvram Boatyards Site 1** to improve internal navigation and customer access.

A few other applications or projects were reviewed but not did not complete the process for various reasons.

#### **LMCD Administration**

- The Board received the **2017 Financial Audit Report**. There were no legal issues and one deficiency identified, as in previous reports, due to the small size of the office related to separation of duties. The Board continues to direct the best use of the limited resources.
- LMCD continues to make progress with the **Strategic Plan**, with quarterly reviews of a **dashboard** to track progress.
- LMCD's civil attorney has been working with a workgroup of the Board to recodify the District's ordinances. This part of the effort will be mostly completed in 2018. The **recodification** is intended to clarify, not modify, the ordinances.
- LMCD responded to a **significant number of service requests** and inquiries from prospective residents, realtors, residents, and attorneys regarding property questions about dock capacity, easements, developments, and/or complaints. Many cases are scheduled for follow up in 2019. Some conflicts in lake use and expectations have been noted as the demographics of lakefront owners and lake users change.
- LMCD staff have updated some **communication items** such as the LMCD website to include a keyword-searchable resource for lake-related topics such as aquatic invasive species, dredging, electro-shock drowning, and other topics commonly asked about. Staff also worked with Hennepin County to develop some lake safety messages for the digital signs.