

**City of North Saint Paul  
January 15, 2019  
Adopted Regular City Council Meeting Minutes**

**I. CALL TO ORDER**

Mayor Furlong called the meeting to order at 6:30 p.m.

**II. THE PLEDGE OF ALLEGIANCE**

All present recited the Pledge of Allegiance.

**III. ROLL CALL**

Present: Council Member Thorsen  
Council Member Petersen  
Council Member Walczak  
Council Member Sonnek  
Mayor Furlong

Staff: City Manager Scott Duddeck, City Attorney Soren Mattick, and Deputy Clerk Mary Mills.

**IV. ADOPT AGENDA**

*On motion by Council Member Petersen, seconded by Council Member Walczak, with all present voting aye (5-0), motion carried to approve the agenda as submitted.*

**V. PRESENTATIONS**

There were no presentations.

**VI. APPROVAL OF CONSENT AGENDA**

Mr. Duddeck requested the addition of Consent Agenda Item F. Electric Franchise Fee.

Mr. Duddeck stated, regarding Consent Agenda Item F., City Staff recommends the removal of the Electric Franchise fee from Oakdale and Maplewood utility customers.

Mr. Duddeck stated, regarding Consent Agenda Item E., the redevelopment grant application is for proposed clean-up and development at the Margaret Street and old City Hall development sites.

*On motion by Council Member Sonnek, seconded by Council Member Walczak, with all present voting aye (5-0), motion carried to approve the consent agenda, Resolution No. 2019-008 consisting of:*

A. General accounts payable: \$4,671,994.01.

- B. EDA accounts payable: \$450.00.
- C. HRA accounts payable: \$3,600.29.
- D. Electric Department Surplus Property Digger Truck. Resolution No. 2019-009.
- E. Redevelopment Grant Application. Resolution No. 2019-010.
- F. Electric Franchise Fee

## VII. MEETING OPEN TO PUBLIC

**John Schmahl** stated a North St. Paul resident recently comment online on Nextdoor.com regarding the amount of their bill for garbage hauling, and they were incorrect about the amount that residents are currently paying. He added he believes City residents are not aware of the actual cost of garbage hauling, and he requested that the monthly bill should reflect the actual amount.

## VIII. PUBLIC HEARINGS

There were no scheduled hearings.

## IX. CITY BUSINESS ACTION ITEMS & RECOMMENDATIONS

### A. Appointment of Donald Jensen to the Economic Development Authority

Mr. Duddeck stated City Staff is recommending the appointment of Donald Jensen to the Economic Development Authority (EDA). He added the EDA currently has seven members, including the Mayor and one Councilmember, as well as one vacant seat.

***On motion by Council Member Sonnek, seconded by Council Member Thorsen, with all present voting aye (5-0), motion carried to adopt Resolution No. 2019-011 approving the appointment of Donald Jensen to the Economic Development Authority.***

### B. 2019 Commission Appointments

Mr. Duddeck reviewed the following Commission appointments and changes:

- The Design and Historical Review Commission (DHRC) has been placed on hiatus while discussions are held with its members to determine how to incorporate their work and efforts into the Planning Commission, with whom they work closely. Mayor Furlong stated, for the record, this is a change from what is noted in tonight's City Council meeting packet.
- The Environmental Committee has been on hiatus due to membership. City Staff recommends that the hiatus should continue while additional or different roles are considered for the Committee members.
- Larry Amsden, Ingrid Koller and Tim Cole will be re-appointed to the Parks and Recreation Commission.
- Molly Just, Senior Planner, WSB & Associates, will serve as Liaison to the Planning Commission. There are no expiring Planning Commission terms.

- The EDA opening will be filled by Don Jensen. Deputy Clerk Mary Mills will serve as Staff Liaison to the EDA, along with Council Liaisons Terry Furlong and Scott Thorsen.
- Councilmember Thorsen will serve as City Council Liaison to the North St. Paul Business Association and North Suburban County Cable Commission.
- Rick Gelbmann and Joyce Germscheid will be appointed to serve on the Silver Lake Improvement Commission.
- Councilmember Petersen will serve as the City Council Liaison to the Parks and Recreation Commission.

***On motion by Council Member Petersen, seconded by Council Member Walczak, with all present voting aye (5-0), motion carried to adopt Resolution No. 2019-012 approving 2019 Commission appointments, and to determine the future role of the DRC.***

C. 2663 17<sup>th</sup> Avenue Variance Request

Molly Just, WSB & Associates, reviewed a request for a lot split and variance at 2663 – 17<sup>th</sup> Avenue East. The property is located in the Residential 1 Zoning District, as well as the Shoreland Overlay Zone. The applicant proposes a lot-split that would create two 50-foot wide lots and would require a variance of 10 feet from the minimum lot width.

Ms. Just stated the R-1 District recommends a density of approximately 3-5.5 units per acre, and the proposed lot split would result in a density for the proposed property of 6 units per acre. The request is for a greater than 10% reduction, so it does not qualify for special housing provisions in the Zoning Ordinance.

Several residents spoke in opposition to the request at the Planning Commission meeting, with comments relating to flooding in basements in the area, increased density, the loss of mature trees, and the use of the alley. Ms. Just stated the applicant has indicated that they would not use the alley. The Planning Commission recommended denial of the lot split and variance.

Councilmember Thorsen stated there are many properties in this neighborhood that have 50-foot lot widths. He added a development was approved in 2016 in which the applicant's request was approved for a lot split that created three 50-foot wide lots. Ms. Just stated that request was for a Planned Unit Development (PUD), which is different from a variance. She added existing homes are grandfathered in, even though they do not conform with the current standard.

Councilmember Sonnek stated the Planning Commission were sympathetic to the applicant. He added 40% of lots in this area are 50-foot wide lots. He noted the Comprehensive Plan specifies lot widths of 60 feet, and the Planning Commission recommended denial of this request to conform with the requirements of the Comprehensive Plan. He noted a special "infill housing" stipulation would allow an additional 10% reduction which would bring the lot width to 54 feet, which is still insufficient for this application.

Councilmember Thorsen stated the City hopes to increase tax base and add to its housing market. He added City Staff might be able to recommend another option that would be available to the applicant.

Councilmember Walczak expressed concern with water issues in this neighborhood. She added there is no justifiable reason to go against the Ordinance in this case. Councilmember Sonnek agreed.

Cory Wright, the applicant, stated that when he originally submitted the application, the previous City Planner had recommended a variance as the appropriate path forward, and no other options were discussed. He added the application is consistent with lot sizes in the neighborhood, and he has made extensive improvements to the property from an aesthetic standpoint. He noted there is economic justification for the City, as new homes will increase property values in the neighborhood and the City's tax base.

Mr. Wright stated the lots would not have access to the alley, and the property would be graded toward the street to reduce run-off and other water concerns. He added new trees can be included in the site plan. He noted he would pursue a Planned Unit Development if appropriate.

***On motion by Council Member Walczak, seconded by Council Member Sonnek, with Council Members Sonnek, Walczak and Mayor Kuehn voting aye, Council Members Thorsen and Petersen voting nay (3-2), motion carried to adopt Resolution No. 2019-013 deny a variance request for 2663 – 17<sup>th</sup> Avenue East.***

Discussion during the motion: Council Member Sonnek asked the City Attorney for clarification regarding the effect of an approval in terms of precedence. Mr. Mattick stated the City Council could approve if practical difficulty were to be determined, but the rule of law must be complied with when dealing with variances.

Mr. Wright asked whether applicable fees could be waived if he pursues a PUD. Council Member Thorsen recommended that the applicant contact City Staff and Ms. Just for further advice and information.

Council Member Sonnek thanked the applicant and expressed his hope that he will continue to do more projects in the area.

Jim McDonald (associated with the applicant) stated the City should consider changing the infill percentage of 10%, as it is prohibitive for 50-foot lot widths. He added many communities are building new homes on 50-foot wide lots.

Council Member Thorsen agreed, adding the intent of the City Code should be re-evaluated to potentially change the infill percentage. He added the City wants new businesses and housing options, but the Ordinance as written seems to prevent that.

Mayor Furlong agreed, and requested that Ms. Just and City Staff provide further information for City Council review.

D. Request for waiver to work after hours in the 2018 Street and Utilities Project area

Morgan Dawley, WSB, reviewed a request from a contractor working on pipe lining operations in the area of 11<sup>th</sup> Avenue, Castle Drive, and 12<sup>th</sup> Avenue, for an extension of working hours to 12:00 a.m. on January 16-18, 2019. He added the construction process will be facilitated by having the ability to shut down service, which is prohibited during daytime hours due to the high school and day care center in this area. He noted major equipment would be shut down at 10:00 p.m. to reduce noise from the generator.

Council Member Walczak asked whether residents in this area will be notified. Mr. Dawley stated a mailing was sent and notices posted on social media on Monday, January 14, 2019. He added he is not aware of any public comments or complaints.

***On motion by Council Member Sonnek, seconded by Council Member Walczak, with all present voting aye (5-0), motion carried to adopt Resolution No. 2019-014 approving waiver to work after hours in the 2018 Street and Utilities Project area.***

**X. REPORTS OF CITY MANAGER AND DEPARTMENTS**

Mr. Duddeck reviewed the M&I home project closing on January 16, 2019. Upcoming meetings are being scheduled to prepare for construction at the site. He added meetings have also been scheduled with developers for proposed multi-family market rate apartments at the Margaret Street and old City Hall sites.

Mayor Furlong asked whether improvements to the 5-way stop at 7<sup>th</sup> Avenue East will be part of this development. Mr. Duddeck stated no changes are currently planned for that intersection, which will be addressed at some point.

Council Member Sonnek stated that intersection was reviewed by the Planning Commission and included in the Master Plan as a potential site for a roundabout or other traffic mitigation measure.

Mr. Duddeck stated Mr. Dawley has been working on a proposal for a street from McKnight Road North to 3<sup>rd</sup> Street East, which will be necessary for the overall functionality of the Anchor Block development.

**XI. REPORTS OF COUNCIL, COMMISSIONS & COMMITTEES**

Council Member Sonnek stated the Planning Commission's next meeting will be February 7, 2019, at 6:15 p.m. in Council Chambers.

Council Member Petersen had the following to report:

- Ramsey County League of Local Government will host a program on February 7, 2019, at North St. Paul City Hall at 6:30 p.m., to review City and County priorities for upcoming legislative session. The public is welcome and food will be served.
- The Ramsey County/Washington County Cable Commission won a recent lawsuit with the City of Maplewood.

Council Member Thorsen stated the Economic Development Authority (EDA) will meet Tuesday January 22, 2019, at 4:00 p.m. The meeting was rescheduled from January 8, 2019, due to the first City Council meeting of the year.

## **XII. GENERAL BUSINESS**

Council Member Peterson attended the Town Hall meeting with Senator Chuck Wiger on Saturday, January 12, 2019, at Century College. She hopes to gain the Senator's support for a potential trail around Siler Lake, and build momentum for that important project.

Council Member Petersen expressed her hope that a discussion can be held regarding safety issues at the prison.

Council Member Petersen congratulated Marylee Abrams, the new Mayor of Maplewood, who was sworn in on January 16, 2019.

## **XIII. CLOSED SESSION**

Pursuant to Minn. Stat. 13D.03 the workshop session shall be closed to consider strategy for upcoming Labor Contract Negotiations with the groups listed here:

1. AFSCME Council 5 representing the Essential Employees
2. AFSCME Council 5 representing the Non-Essential Employees
3. LELS Local No. 298 representing the Police Sergeants
4. LELS Local No. 211 representing the Police Patrol Officers
5. Teamsters Local No. 320 representing the Public Works and Electric Employees
6. IBEW Local No. 160 representing the Supervisory Unit

Mayor Furlong recessed the regular meeting at 7:47 p.m. to conduct the closed session.

Mayor Furlong called the closed session to order at 7:57 p.m.

Mayor Furlong adjourned the closed session at 8:39 p.m.

***On motion by Council Member Sonnek, seconded by Council Member Thorsen, with all present voting aye (5-0), motion carried to adjourn the closed session at 8:39 p.m.***

## **XIV. ADJOURNMENT**

Mayor Furlong reconvened the regular meeting at 8:39 p.m.

*There being no further business, on motion by Council Member Petersen, Seconded by Council Member Thorsen, with all present voting aye (5-0), Mayor Furlong adjourned the meeting at 8:39 p.m.*

/s/ Terrence J. Furlong, Mayor

Attest: /s/ Scott A. Duddeck, Interim City Manager