

**City of North Saint Paul
February 19, 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

The Pledge of Allegiance was led by the Boy Scouts of Troop 188 from North Presbyterian Church. 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: Interim City Manager Scott Duddeck, City Attorney James Monge, City Planner Molly Just, Deputy Clerk Mary Mills.

IV. ADOPT AGENDA

Mayor Furlong requested the addition of the following Agenda Item:

- XIII. Closed Session Pursuant to City Code 13D.05 Subd. 3a to evaluate the performance of Interim City Manager Scott Duddeck.

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

V. PRESENTATIONS

There were no presentations.

VI. APPROVAL OF CONSENT AGENDA

On motion by Council Member Petersen, seconded by Council Member Sonnek, with all present voting aye (5-0), motion carried to approve the consent agenda, Resolution No. 2019-021 consisting of:

- A. January 15, 2019 workshop meeting minutes
- B. February 5, 2019 workshop meeting minutes
- C. December 28, 2018 HRA meeting minutes
- D. General accounts payable: \$1,094,019.55

- E. HRA accounts payable: \$15,104.00
- F. Amend Official Depository list adding Moreton Capital Markets, LLC as a supplemental depository for investment purposes. Resolution No. 2019-022.

VII. MEETING OPEN TO PUBLIC

John Schmahl, resident, expressed his frustration with the way that many residents remove snow from their driveways by pushing it into the street, and across to the opposite right of way. He asked whether there are guidelines in the City Code for snow removal, and who is responsible for enforcement.

Mr. Schmahl stated the City should consider a permit process for snow removal contractors.

Interim City Manager Scott Duddeck stated City Code Chapter 94.02, addresses the depositing of snow and ice. He added snow removal is also addressed under State Statute 160.2715, Right of Way Use. He noted this is generally addressed on a complaint basis, and the City Staff are starting to receive such calls now due to the record amounts of snowfall.

Mr. Duddeck stated many communities are experiencing snow removal and storage problems, and this is not an issue that is unique to North St. Paul.

VIII. PUBLIC HEARINGS

There were no scheduled hearings.

IX. CITY BUSINESS ACTION ITEMS & RECOMMENDATIONS

A. Text Amendment to the Zoning Code Definitions

City Planner Molly Just reviewed an Ordinance text amendment related to the definition of columbarium. She added a columbarium is a short memorial wall that can be used to store cremated remains and is a place for visitation and reflection. She noted columbarium are mentioned in the definition for cemetery, but not all religious institutions have a cemetery. She noted crematory use has been removed from the definition of funeral home.

Ms. Just stated the proposed text amendment would add columbarium to the definitions for religious institution and funeral home use. A public hearing was held at the Planning Commission's February 7, 2019 meeting, and there were no comments. The Planning Commission voted unanimously to recommend City Council approval of the proposed text amendments related to columbarium.

Council Member Petersen asked whether this request is related to St. Mark's Church. Ms. Just confirmed this.

On motion by Council Member Walczak, seconded by Council Member Sonnek, with all present voting aye (5-0), motion carried to adopt Ordinance 779 Amending the North St. Paul City Code of Ordinances, Title 15 Land Usage Chapter 154, Zoning Regulations.

B. Variance Request for 2872 2nd Street North

Ms. Just reviewed a variance request for 2872 2nd Street N, which is a corner lot at the intersection of 2nd Street N and Beam Avenue. The request is for a variance from the side yard setback requirement of 15 feet for corner lots. The applicant hopes to add on to the existing 1-car garage.

The Planning Commission reviewed this request at their December 6, 2018 meeting, at which a public hearing was held. The Planning Commission questioned the necessity of the variance as there is an existing garage. The applicant indicated that a 2-car garage could be built on the property without the need for a variance.

City Staff recommended denial of the variance request as a variance is not required. The applicant re-submitted the application with a reduced variance amount of 5 feet, rather than 12 feet as originally requested. A similar variance request was approved in 2016 for another corner lot, but the property had a unique condition in that the existing home was situated at an angle facing the corner of the lot.

The Planning Commission and City Staff recommend denial of the variance request as there is no practical difficulty in this case.

Motion by Council Member Sonnek, seconded by Council Member Walczak, to deny a variance request for Side Yard setback for 2872 2nd Street North.

Discussion during the motion:

Commissioner Walczak requested clarification regarding the sloped bank on the property along Beam Avenue, and whether grading would need to be done, and whether the grading of the current slope is greater than 3-to-1.

Ms. Just stated certain conditions are required by City Staff as part of the variance approval process, including a grading plan from the City Engineer to show the applicant is in compliance with 3-to-1 grading requirements.

Pat O'Brien, property owner, stated the slope was done by the City when they narrowed Beam Avenue, but the lot is flat up to the slope. He added the proposed addition would not require changing the grade.

Council Member Walczak asked whether the 15-foot setback on Beam Avenue and 10-foot setback on 2nd Street are within the right of way. She added the depiction showing property lines is not clear. Ms. Just stated the right of way is the area between the curb and the property line,

and the setback requirements are from the property line. She added setback requirements for front and rear yard setback requirements are larger than side yard setbacks.

Ms. Just stated the setback requirements for front and rear yards is bigger than side yards. She added corner lot side yard setback requirement is 15 feet within this zoning district.

Council Member Walczak stated the 15-foot setback on Beam Avenue would bring the side yard setback to the same as the front of the existing house. Council Member Sonnek stated the right of way has no bearing on the variance request. He added setbacks are based on property lines.

Council Member Thorsen stated he believes the request is reasonable. He added he does not believe the essential character of the neighborhood would be negatively affected by a 2-car garage. Corner lot setbacks create a unique characteristic, and a one-car garage for a four-bedroom home is a practical difficulty. He noted he understands the important role of the Planning Commission and thanked them for their hard work and dedication. He expressed his opposition to the Planning Commission's recommendation of denial of this request.

Council Member Sonnek stated the similar case reviewed 2 years ago had practical difficulty in that there was no existing garage at all. He added the City would receive many variance requests if having a one-car garage were to be considered a practical difficulty. He noted that approving variance requests can set a precedent for other variance requests. He expressed concern that the City Code should not be changed based on a single consideration rather than adhering to City law and overall goals and expectations.

Council Member Sonnek stated the City Council should consider revising the Ordinance rather than changing City law on a case-by-case basis.

Council Member Thorsen stated, in his opinion, the variance request process provides alleviation from the Current Code, and a way of not changing the entire City law for just one case. He added there are many single-car garages in the community, and the City Council should address this issue rather than continuing to put residents through the variance process, which is costly and time-consuming.

Council Member Walczak requested clarification regarding the tree that was included in the City Engineer's comments. She asked whether removal of trees in the right of way is the City's responsibility.

Ms. Just stated it is impossible to determine whether the City planted the tree. She added the tree is a potential visual impediment in the right of way, which relates to a condition of approval. City Attorney Monge stated the City and the homeowner have dual ownership of trees and landscaping in the right of way, although the underlying ownership of the property is with the property owner, to the middle of the street.

Vote on the motion: 3-2 with Council Members Thorsen and Petersen voting nay, Council Members Walczak, Sonnek and Mayor Furlong voting aye, motion carried.

X. REPORTS OF CITY MANAGER AND DEPARTMENTS

Mr. Duddeck stated Public Works crews have been working on mitigation of three water main breaks: Arial Street south of 11th Avenue; near the Cedar Heights Apartments; and 4th Avenue N.

Mr. Duddeck stated he has been attending both General and Board meetings for the Business Association.

Mr. Duddeck stated he was interviewed today by *Review* reporter Solomon Gustavo, about potential development within the community.

Mr. Duddeck stated he is working with Paul Houliston on planning for the 2019 Car Show. He added this is an important event for the community, and this will be its 25th Anniversary.

Mr. Duddeck stated a meeting is scheduled for next week with M&I Homes to begin planning discussions regarding the townhome project, for which construction is scheduled to begin in Spring 2019.

Mr. Duddeck stated St. Mark's Church has submitted a proposal for construction of a columbarium in Spring 2019.

Mr. Duddeck stated he will meet with the Anchor Block property owners on February 20, 2019 to discuss north site development. He added a meeting is planned for February 21, 2019 with Ramsey County to review the possibility of a traffic signal and access to the property from McKnight Road.

XI. REPORTS OF COUNCIL, COMMISSIONS & COMMITTEES

Council Member Sonnek stated the next Planning Commission Meeting will be held on March 7, 2019 at 6:15pm. He added the February 2019 Planning Commission Meeting Agenda included the columbarium Code text amendment and variance request that were both reviewed at tonight's meeting.

Council Member Sonnek welcomed and thanked Boy Scout Troop 188, who led the Pledge of Allegiance. He added many of their members are working on their Citizenship of the Community badge and working toward their Eagle Award.

Council Member Walczak had nothing to report.

Council Member Petersen stated the Park and Recreation Commission will meet on February 27, 2019 at 6:30 p.m. at City Hall.

Council Member Petersen stated the Ramsey County League of Local Government will hold its Legislative Update on March 14, 2019 at the Roseville Oval from 6:30 – 8:00 p.m.

Council Member Thorsen had nothing to report.

XII. GENERAL BUSINESS

Mayor Furlong presented North St Paul pins to the Boy Scouts that were present. He recognized their parents and caregivers for their support and wished the Boy Scouts the best of luck in their pursuit of the Eagle Award.

XIII. CLOSED SESSION

On motion by Council Member Walczak, seconded by Council Member Petersen, with all present voting aye (5-0), motion carried to recess to Closed Session at 7:36 p.m. pursuant to City Code 13D.05 Subd. 3a to evaluate the performance of Interim City Manager Scott Duddeck.

XIV. ADJOURNMENT

There being no further business, on motion by Council Member Sonnek, Seconded by Council Member Walczak, with all present voting aye (5-0), Mayor Furlong adjourned the meeting at 8:08 p.m.

The next regularly scheduled City Council meeting is Tuesday, March 5, 2019 at 6:30 p.m.

/s/ Terrence J. Furlong, Mayor

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