

City of North Saint Paul
February 20, 2018
Adopted Regular City Council Meeting Minutes

I. CALL TO ORDER

Mayor Kuehn called the meeting to order at 6:35 p.m.

II. THE PLEDGE OF ALLEGIANCE

All present recited the Pledge of Allegiance.

III. ROLL CALL

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

Staff: Interim City Manager Dr. Craig Waldron, Community Development Director Paul Ammerman, Fire Chief Scott Duddeck, Finance Director Jeanne Day, Deputy Clerk Mary Mills, City Attorney Amy Schutt, City Engineer Morgan Dawley.

IV. ADOPT AGENDA

Mayor Kuehn recommended that the public hearing be moved forward in the agenda to take place immediately following the adoption of the agenda. Interim City Manager Waldron requested to add to City Business the authorization of an item related to iLegislate/Granicus.

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

**** VIII. PUBLIC HEARINGS**

2018 CIP Street and Utilities Improvement Project. 6:30 p.m

City Engineer Morgan Dawley presented a request to adopt a resolution ordering the public improvements for the 2018 Street and Utility Improvement Project.

Review of the project:

- The 2014-2020 Capital Improvement Plan (CIP) for the City of North St. Paul, adopted by the City Council on July 16, 2013, includes an identified project area for street and utility capital improvements in 2018.
- The proposed 2018 Street and Utility Improvement Project area is comprised of the following streets (see attached Project Location Map):
 - Lake Boulevard from 17th Avenue East to Lydia Avenue/Joy Road

- Poplar Avenue from Helen Street North to Swan Avenue East
 - Swan Avenue East from Lake Boulevard to Poplar Avenue East
 - 19th Avenue East from Helen Street North to Century Avenue
 - Park Row from 19th Avenue East to 20th Avenue East
 - 20th Avenue East from Park Row to Century Avenue
- The City Council authorized preparation of a Feasibility Report for the Project area on May 16, 2017, and received the Feasibility Report on August 15, 2017, and then received on September 19, 2017 an amended Feasibility Report that included an examination of sidewalk and trail improvements on Margaret Street, from 17th Avenue to 19th Avenue, and on Highway 120, from 19th Avenue to Joy Road in the City of Maplewood. These additional sidewalk and trail improvements on Margaret Street and Highway 120 were subsequently excluded from the 2018 Street and Utility Improvement Project at the City Council's direction.
 - Potential improvements considered in the Feasibility Study estimate for the project area include streets, sidewalks/trails, sanitary sewer, water main, and storm sewer. City electrical improvements, and gas main and service reconstruction (by Xcel Energy) are other considerations within a typical project area should City Council authorize a public capital improvement project for streets and utilities.
 - As identified in the Feasibility Study 2018 CIP Area, total project is estimated to be \$5,482,600, including construction, legal, engineering, administrative, and finance costs.
 - The street improvement portion of the project is anticipated to be funded, in part, by special assessments to benefitting properties, in accordance with the Assessment Policy, adopted by City Council July 16, 2013. A separate hearing, anticipated in April 2018, will be scheduled to consider the special assessments proposed as a part of the project.
 - The City Council scheduled and held a previous Public Improvement Hearing at the October 17, 2017 regular City Council meeting, and ordered the public improvements in the project with the following stipulations:
 - Removal of the current existing sidewalk on 19th Avenue between Charles and Henry.
 - Removal of the proposed sidewalk installation on 19th Avenue between Helen and Margaret.
 - Removal of off street trail on Lake Boulevard
 - Reconstruct/reclaim 19th Avenue at its existing width with no narrowing of the existing roadway.
 - Additional direction given to city staff at the October 17, 2017 was to generate additional on-street bike and pedestrian Lake Boulevard alternatives, which were discussed at the December 5th 2017, January 2nd, and January 16th 2018 Council Workshop meetings, as well as at an additional Public Open House meeting held for residents of the project area December 20th, 2018. There was also discussions regarding additional off-street alternative as a compromise of construction impacts along the Lake Boulevard corridor.
 - The Council agreed to schedule an additional Public Improvement Hearing for the project so that all affected by the project will have an opportunity to provide the Council with public testimony regarding the public improvements on Lake Boulevard and throughout the proposed project area.

Mayor Kuehn opened the public hearing for public comment at 6:59 p.m.

The following persons spoke in favor of including a sidewalk in the Lake Boulevard portion of the project: James Unger, 2810 Lake Blvd; Kelly Unger, 2810 Lake Blvd; Patrick Brees, 2887 Lake Blvd; Rick Gelbman, 2838 Lake Blvd; Rebecca Lemur, 2614 Swan Avenue; Elaine Barton; Sue Springborn, 2573 13th Avenue; Paul Flaherty, 2701 Margaret Street; Chuck Nelson, 2694 Apache Road.

The following persons spoke in favor of no sidewalk, an on-street pathway only, in the Lake Boulevard portion of the project: Chris Johnson, 2729 Lake Blvd; Bob Bruton, 2856 Lake Blvd; Paul Swan, 2932 Lake Blvd; Mike Manthei, 2894 Lake Blvd; Liz Mikeworth, 2779 Lake Blvd; Valerie Wolter, 2933 Lake Blvd; Julie Jungunz, 2745 Lake Blvd.

The following persons had no specific preference: Tim Rieser, 2560 Swan Avenue; Don Regan, 2550 E. Poplar Avenue; Tom Lutmer, 2598 Swan Avenue, stated that this is an opportunity to take a step back and look at all the moving parts of this topic, to ask what is the win-win in this situation, to address the issues of an established neighborhood, safety of children, property and landscape issues.

Mayor Kuehn closed the public hearing at 8:10 p.m.

Council discussion was as follows:

Council Member Sonnek is in favor of the sidewalk option. Sonnek thanked all residents for their comments. This is a messy process, but that is okay. Council needs input. This compromise is the step back the council took. This option considers both vehicle and pedestrian issues and safety. The City Council has in place planning documents, Living Streets, Comprehensive Plan. All of these thoughtful plan documents were created by the community with community input. The City needs to move forward and create a network. In the last five projects sidewalks have been pulled out because of individual loud voices. Based on research sidewalks are good things, improvements to communities. Residents are not liable if someone slips and falls on the public sidewalk. Sidewalks encourage active life styles and builds community. What kind of city do we want? If all we do is maintain we will lose ground. Lake Boulevard is a key street. The time to move forward is now.

Council Member Petersen did not indicate her position on the matter.

Council Member Furlong is in favor of the sidewalk. He thanked residents for their comments. This is a different project than the previous ones. This is an opportunity to connect three local parks. There is more connectivity potential with this project. National Realtor indicated that walkability is an asset and adds value to homes. New families today are looking for walkable neighborhoods. As a new grandfather he looks for areas with sidewalks, pathways and connections in the parks when out walking.

Council Member Walczak agreed with Member Sonnek. She is in favor of the sidewalk. The whole community would benefit from a sidewalk in this neighborhood. Since the Living Streets plan was approved the City has voted down sidewalks in every new project. That is not what is best and important for the city as a whole. We need to move forward and begin now.

Mayor Kuehn is against the sidewalk. This is a difficult issue. A path on the roadway is less invasive to the neighborhood, but it should be marked clearly and done properly. Adding more lighting is a possibility to consider. Mayor Kuehn is concerned about the increased cost to the

project this could incur, as well as concerns about maintenance. This is a local connector to local parks and lakes, not a key connector to Highway 120.

Interim City Manager reminded the council that this project does require a four-to-one (4-1) super majority vote to pass. There are two separate resolutions to consider. If neither resolution is approved then the project cannot go forward at this time.

Council Member Sonnek introduced a motion to approve ordering the improvements for the 2018 street and utility improvements project to include reconstruction of Lake Boulevard from 19th Avenue to Lydia Avenue/Joy Road with a 28-foot back of curb to back of curb width and including a 6-foot concrete sidewalk facility.

On motion by Council Member Sonnek, seconded by Council Member Walczak, with Council Members Furlong, Walczak and Sonnek voting aye, Council Member Petersen and Mayor Kuehn voting nay, motion failed by a vote of 3 aye-2 nay.

Council Member Furlong introduced a motion to approve ordering the improvements for the 2018 street and utility improvements project to include reconstruction of Lake Boulevard from 19th Avenue to Lydia Avenue/Joy Road with a 30-foot back of curb to back of curb width and with no sidewalk facility.

On motion by Council Member Furlong, seconded by Mayor Kuehn, with Council Member Furlong and Mayor Kuehn voting aye, Council Members Petersen, Walczak and Sonnek voting nay, motion failed by a vote of 2 aye-3 nay.

Per attorney Schutt, the recommended action would be to table the item.

On motion by Council Member Furlong, seconded by Council Member Petersen, with all present voting aye (5-0), motion carried to table the 2018 street and utility improvements project.

Mayor Kuehn called a recess at 8:42 p.m.

Mayor Kuehn reconvened the meeting at 8:54 p.m.

Planning Commission Annual Report of Accomplishments and Goals

** Mayor Kuehn requested that this portion of the meeting be moved to follow the public hearing.

Chair Elaine Barton presented the Year End Review of the Commission for 2017, and discussed a summary of action items and accomplishments for 2017 and goals for 2018.

A few of the accomplishments from this past year, included the Commission holding four public hearings with five recommendations to City Council.

For 2018, the Commission has established the following goals: Complete the Comprehensive Plan; Develop an informative packet or expectations, for new members, of what the Planning Commission does for the City. Include a year supply of Planning Commission Minutes; Online training for new commissioners; Ordinance updates and/or identify the necessary updates subsequent to the Comprehensive Plan adoption.

Council Member Sonnek noted that it is an honor to work with the Planning Commission. They are a thoughtful group of people.

V. PRESENTATIONS

Review of the EDA video that was scheduled to be at this meeting was moved to the March 6, 2018 meeting.

VI. APPROVAL OF CONSENT AGENDA

On motion by Council Member Petersen, seconded by Council Member Walczak, with all present voting aye (5-0), motion carried to approve the consent agenda, Resolution No. 2018-019 consisting of:

- A. February 6, 2018 workshop meeting minutes.
- B. February 6, 2018 regular meeting minutes.
- C. General accounts payable: \$989,672.72.
- D. EDA accounts payable: \$1,528.00.
- E. HRA accounts payable: \$6,802.31.
- F. Construction Pay Voucher No. 9 and final for Casey Lake Park Shelter Project. Resolution No. 2018-021.
- G. Animal Impound Services Agreement with Otter Lake Animal Care Center. Resolution No. 2018-020.
- H. Utility Billing Policy.

VII. MEETING OPEN TO PUBLIC

Mayor Kuehn requested a point of personal privilege. Mayor Kuehn apologized to Bob Zick for cutting him off at the podium at the previous Council meeting. Mayor Kuehn stated that comments from anybody addressing the council at the podium should be made to the council or city as a whole and should not get personal with one or more individuals of the council or staff. This platform is for policy and city issues. Bob Zick accepted Mayor Kuehn's apology if the apology included that there was agreement that there would be no future threat of hitting the kill button or police removal from the meeting. Mayor Kuehn agreed and Bob Zick fully accepted the apology and both parties agreed to the terms.

Bob Zick addressed the council and noted that he is in favor of sidewalks in city development and projects. Mr. Zick stated he likes how the City of North St. Paul handles business. He noted that the City of Maplewood held a public hearing and it covered items that North St. Paul may be interested in. He compared how the two cities are different in how they handle several issues. Mr. Zick commented on the city's response to his requests for information regarding utility bills, the former city manager, job descriptions, performance evaluation forms, who answers to a citizen request.

John Schmahl passed on a positive comment he heard at the Post Office by another patron. She had stated that the North St. Paul Post Office has much better service than the post office located in Woodbury. Mr. Schmahl also commented on the comparison of summer and winter rates of Xcel Energy vs. North St. Paul, and how the system charges for the franchise fees. There is no line item on the electric bill that indicates the unit franchise fee for each electric customer.

Kevin Berglund addressed the council to say that he appreciates Bob Zick and that Bob Zick should be recognized for his continued commitment to good government. Mr. Berglund attended a meeting in Maplewood relating to Silver Lake. Berglund stated that the best way to inform people is to broadcast the planning commission meetings. Berglund also noted his support of walkable communities.

IX. CITY BUSINESS ACTION ITEMS & RECOMMENDATIONS

** Additional item brought forward from the workshop:

Granicus/iLegislate update and change in service. At the February 20, 2018 workshop Fire Chief Duddeck and Terre Heiser of Roseville IT discussed options for the delivery and use of the city council agendas. A current cost analysis was presented as well as the cost for using other agenda preparations and eliminating the Granicus platform.

The council authorized staff to move forward with a transition plan to move away from the Granicus platform, request a return balance and use a PDF version of the agendas, as well as look into upgrading the current iPads to a larger version and repurposing current iPads and the city council issued laptops. Council requested that this be brought forward to the regular council meeting for official approval.

On motion by Council Member Sonnek, seconded by Council Member Walczak, with all present voting aye (5-0), motion carried to authorize staff to move forward with a transition plan to move away from the Granicus platform and use a PDF version of the agendas, as well as look into upgrading the current iPads to a larger version and repurposing current iPads and the city council issued laptops.

A. Letter of Intent from Bruggeman Builders, LLC, to purchase the City-owned property at 2329 17th Avenue East for a residential development.

Paul Ammerman presented a request for approval of the Letter Of Intent, from Bruggeman Builders, LLC, to purchase the City-Owned property at 2329 17th Avenue East (17th & Delaware) for a residential development.

The city-owned property at 17th Avenue and Delaware, which was previously owned and operated by a religious organization, has sat vacant for many years.

Bruggeman Builders, LLC has submitted a Letter Of Intent to purchase the 2.47 acre property for \$70,000 and construct several residential units, ranging from 7 twin homes to a 30+ unit apartment building, that best meet the City's desires for the neighborhood. Bruggeman Builders would begin construction of the development in 2018, resulting in a significant new tax base to be assessed in 2019. Staff has reviewed the land purchase proposal and recommended approving the Letter Of Intent.

On motion by Council Member Sonnek, seconded by Council Member Furlong, with all present voting aye (5-0), motion carried to authorize staff to accept the letter of intent, indicating a preference lesser density in the development of that parcel.

B. Franchise Extension Agreement with Comcast Cable.

Interim City Manager Waldron stated that the Cable Commission is recommending that the City Council approve an Extension Agreement with Comcast. The Agreement will extend the expiration date of the current Franchise from July 1, 2018 to November 1, 2018. The purpose of the proposed extension is to allow for continued informal negotiations between Comcast and the Cable Commission regarding the long-term renewal of the Franchise. Mayor Kuehn indicated that it would be recommended the City have a workshop related to our local cable, their budget and how to communicate and promote local.

On motion by Council Member Petersen, seconded by Council Member Sonnek, with all present voting aye (5-0), motion carried to authorize the extension of the current Franchise Agreement with Comcast from July 1, 2018 to November 1, 2018.

X. REPORTS OF CITY MANAGER AND DEPARTMENTS

Finance Department Update Report.

Finance Director Jeanne Day presented a departmental update on the activities of the Finance Department. Topics covered included general accounting, utility billing, payroll, accounts receivable and accounts payable, and employee engagement activities. Tom Sonnek inquired if there was a possibility of having a financial dashboard available to the public in the future.

XI. REPORTS OF COUNCIL, COMMISSIONS & COMMITTEES

Planning Commission. Council Member Sonnek reminded residents that there is a Planning Commission meeting on Thursday, March 1, 2018 at 6:15 p.m. Sonnek also stated that he had attended the annual Hmong Chamber of Commerce meeting at the Hmong House in North St. Paul. The amount of work that chamber and the Hmong community are doing is impressive. Sonnek sends a shout out to Pa See and the Hmong communities who work to make this community stronger through their involvement.

Council Member Petersen stated that the Ramsey County League of Local Government Legislative Forum has been cancelled. Metro Cities continues to work on the pre-emption issue. Ramsey-Washington Suburban Cable Commission discussed the franchise extension and the lawsuit with Maplewood. Petersen is working on the annual League of Minnesota Cities conference to be held in St. Cloud. The theme is “Building Better Cities”.

Council Member Furlong also attended the Hmong Chamber meeting. Pa See will be speaking to the Economic Development Authority group in the future. The Veteran’s Park brick purchase deadline is April 1st. Installation will be in late summer and have the paver recognition at the POW/MIA March.

Mayor Kuehn would like to utilize Pa See as a point person to assist getting more involvement of the Hmong residents in the community.

XII. GENERAL BUSINESS

Council Member Petersen inquired as to the status on the bobcat equipment situation on Burke Avenue. City Manager Waldron noted that the City Attorney is taking a look at it.

Interim City Manager Waldron stated that in light of the public hearing City staff needs to look at the legal, policy, neighborhood and timing issues. Staff will want to get a good focus on these items. Staff will work on potential options to come back to council with, as well as a recommendation and analysis.

Mayor Kuehn noted that he, Council Member Furlong and Attorney Mattick are working with Craig Waldron on a contract for him to remain as the City Manager for the next two years.

XIII. CLOSED SESSION

There was no closed session.

XIV. ADJOURNMENT

There being no further business, on motion by Council Member Walczak, Seconded by Council Member Sonnek, with all present voting aye (5-0), Mayor Kuehn adjourned the meeting at 9:46 p.m.

/s/ Michael R. Kuehn, Mayor

Attest: /s/ Mary Mills, Deputy Clerk