

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

I. CALL TO ORDER

Mayor Kuehn called the meeting to order at 6:34 p.m.

II. THE PLEDGE OF ALLEGIANCE

All present recited the Pledge of Allegiance.

III. ROLL CALL

Council Member Petersen participated in the meeting remotely from Orange Beach City Hall, 4099 Orange Beach Blvd., Orange Beach, Alabama 36561. She was located in a public conference room next to the council chambers. The conditions per State Statute 13D.02 have been met.

Present: Council Member Petersen – via Skype
Council Member Walczak
Council Member Sonnek
Mayor Kuehn
Absent: Council Member Furlong
Staff: City Manager Dr. Craig Waldron, Community Development Director Paul Ammerman, Fire Chief Scott Duddeck, City Engineer Morgan Dawley, Deputy Clerk Mary Mills.

IV. ADOPT AGENDA

Mayor Kuehn noted that an item is being added to the Consent Agenda: The amended Water Appropriation Permit issued by the Department of Natural Resources (DNR) to the City of North St. Paul as a result of the Ramsey County District Court Order pertaining to water levels on White Bear Lake. It was recommended that the City appeal the DNR's Permit and request a demand for hearing.

On motion by Council Member Sonnek, seconded by Council Member Walczak, with all present voting aye, Council Member Furlong absent (4-0), motion carried to approve the agenda as amended.

V. PRESENTATIONS

Mr. Robert Nepper made a presentation to the Council regarding the *Creative Freedom Act*. He urged support of this initiative. He is introducing to the Legislature a bill for an act relating to creative freedom; adopting the Creative Freedom Act; regulating employee invention agreements for veterans; amending Minnesota Statutes 2016, section 181.78 by adding a subdivision related to employee invention rights for Veterans. Mayor Kuehn stated this will be deferred to the City Manager, City Attorney and staff for review and consideration of any further action.

VI. APPROVAL OF CONSENT AGENDA

On motion by Council Member Sonnek, seconded by Council Member Petersen, with all present voting aye, Council Member Furlong absent (4-0), motion carried to approve the consent agenda, Resolution No. 2018-030 consisting of:

- A. February 20, 2018 regular meeting minutes.
- B. March 6, 2018 workshop meeting minutes.
- C. March 6, 2018 2018 regular meeting minutes.
- D. General accounts payable: \$1,391,390.60.
- E. EDA accounts payable: \$250.00.
- F. HRA accounts payable: \$21,959.16.
- G. Dr. Craig Waldron City Manager employment agreement.
- H. Appointment to Parks and Recreation Commission. Resolution No. 2018-031.
- I. Application for a Charitable Gambling permit to conduct lawful gambling in the form of Raffles by the North High School All-Night Senior Party Parent Booster Club on April 28, 2018. Resolution No. 2018-032.
- J. Application for a Charitable Gambling permit to conduct lawful gambling in the form of Raffles by The Sons of the American Legion, Post #39 on April 21, 2018 at the American Legion. Resolution No. 2018-033.
- K. Application for a local lawful Charitable gambling permit from Cowern Elementary Parent Teach Group for a fundraising event on Friday, May 4, 2018. Resolution No. 2018-034.
- L. Renewal of Polar Charities Lease Agreement. Resolution No. 2018-035.
- M. Approval of contract with the YMCA for lifeguards at Silver Lake Beach for 2018.
- N. Ramsey County Sheriff's SWAT Amended and Restated Joint Powers Agreement. Resolution No. 2018-036.
- O. Renewal and continuation of funding for services provided by Youth Service Bureau. Resolution No. 2018-037.
- P. Sale of Hmong House and application for an On-Sale Liquor License Application, 2112 11th Avenue. Resolution No. 2018-038.
- Q. Declare Surplus Property Declare 2003, F-250 Ford Pick-Up Surplus. Resolution No. 2018-039.
- R. Purchase of new Cisco phones for city.
- S. Recommendation to appeal the DNR's amendments to Water Appropriation Permit and send letter of demand for hearing.

VII. MEETING OPEN TO PUBLIC

Bob Zick noted he attended a public hearing in Maplewood related to the Comcast Franchise Agreement. At that meeting there were comments related to Silver Lake and the North St. Paul 2018 street and utility improvement project.

At the request of Mayor Kuehn, Morgan Dawley addressed the street project comments. The references have been to what is being conceived as a joint project opportunity. Nothing has been officially approved or authorized at this point. The opportunity is for storm water management, specifically storm water quality improvements tributary to Silver Lake. There have been discussions relative to proposed improvements around the Silver Lake area, on the streets and utilities in that vicinity. As part of that project there are permitting requirements for quality

improvements that go along with that project, as with any project in North St. Paul. In joint discussions with Valley Branch Watershed District and also with the City of Maplewood an alternative location was identified within the City of Maplewood on City of Maplewood owned land, just over the border from North St. Paul, that provides an opportunity for more water quality improvements than what North St. Paul would have been able to do on their own. It is a much more open system and if it were to actually come to fruition it would be maintained by the Watershed District as well. The opportunity has gone through the Maplewood City Council, with close contact with the Maplewood Engineer. Now the City of North St. Paul needs to have an official project approved, and a joint agreement executed by both cities and the Watershed District. The Watershed Board is scheduled to hear a draft version of an agreement on Thursday, March 22nd. Nothing has formally been defined, but all entities are going through the appropriate process. Council did have previous discussion related to the precedence of the water quality associated with the project being partly in another city. The benefit here is that there is a higher level of water quality improvement than the City of North St. Paul could do on their own. There is more area, more footprint, larger drainage area contributing to that portion of Silver Lake, and it benefits all of Silver Lake. There are some grant dollars that the Watershed can contribute, and Maplewood's portion would be to donate that land.

Dave Nelson commented on the noise level of bands and motor cycles during the Friday night History Cruze Car shows. Nelson noted that one bar always plays music beyond the closing time for the Car Shows. Mayor Kuehn noted staff will talk to the two businesses.

John Schmahl noted that he had talked with city staff and got the notification items cleared up; Schmahl received a notice in the mail from Hamline University regarding Minnesota Community Assembly in Maplewood; Schmahl commented on the public notification of the process for the hiring of the current city manager compared to the previous manager's hiring process.

Kevin Berglund Berglund reiterated his desire to have council meeting workshops recorded on cable.

VIII. PUBLIC HEARINGS

There were no scheduled hearings.

IX. CITY BUSINESS ACTION ITEMS & RECOMMENDATIONS

A. Authorization of the purchase and installation of a new Federal Signal Siren for Severe Weather Warnings.

Fire Chief Scott Duddeck presented this request. Ramsey County Emergency Management and the Ramsey County Dispatch Center are implementing a County Wide Siren Controller update. The current outdoor warning sirens in Ramsey County are activated using a system that is now well over 30 years old and is very unreliable. All communities in Ramsey County will benefit from this siren control update. It opens the door to a more targeted alerting system where sirens are sounded only if they are located within the severe weather warning polygon defined in the National Weather Service alert. This would significantly reduce the number of sirens that are sounded under "blue sky and sunshine" because the threat is on the other end of the county. Because of the unique tone of the Federal Signal Siren, which is intended for severe weather warnings, it cannot be used for the daily Noon Siren. The New Siren would be added next to our

existing Siren on the roof of City Hall. This will allow for the continuation of the Noon Siren and the specific severe weather warning siren. The cost of the new Federal Signal Siren which includes basic installation is \$18,503.90 Additional miscellaneous costs of approximately \$4,000.00 for electrical work, build / welding of rooftop mounting pole and a crane to set the new siren in place.

On motion by Council Member Walczak, seconded by Council Member Petersen, with all present voting aye, Council Member Furlong absent (4-0), motion carried to authorize the purchase and installation of a new Federal Signal Siren for Severe Weather Warnings.

B. Commerce Park – Suite Living Project Additional Soil Correction Work Required.

Community Development Director Paul Ammerman presented a request to consider payment for additional soil correction work within the Commerce Park property that is required to allow Suite Living Senior Care of NSP to construct a 32-unit assisted living facility.

The City Council, at their December 5, 2017 meeting, approved the sale of the city-owned Commerce Park property to Bruggeman Builders LLC and Hampton Companies, LLC (Buyers). Buyers have now created a new entity to purchase and own the property- LGSC North St. Paul LLC. The Buyers desire to purchase the city property in order to construct a 22,500 sq. ft. 32-unit assisted living and memory care facility. The buyers have offered to acquire the city parcels for \$150,000. The buyers were not seeking any additional city assistance or financial incentives. However, the offer was contingent on a positive due diligence of the property (e.g. title review, environmental issues, etc.). During the buyers due diligence of the property it was discovered that the existing soil conditions are not conducive to structurally supporting the proposed building. The soil issues are primarily caused by non-compacted “soft” soils and a high ground water table. The original soil work on the property was to remove soil contaminants, caused by the past land use, and did not address any structural soil stability conditions. The original bid to address those structural soil conditions for the entire site was \$422,000. The buyers engineering firm has determined that the facility can be built by correcting the soil issues just around the building and parking areas for an approximate cost of \$140,000 (i.e. soil work, use of GeoPiers etc.).

Staff supports, and recommends, the following strategy to address the property’s existing soil conditions: The City would fund the identified soil related corrective work up to \$140,000. The buyers/Suite Living would fund any cost over the \$140,000, up to \$20,000, or \$160,000. Any expenses over the \$160,000 would be equally shared between the City and Buyer (50%/50%).

On motion by Council Member Sonnek, seconded by Council Member Walczak, with all present voting aye, Council Member Furlong absent (4-0), motion carried to approve payment not to exceed \$140,000 for additional soil correction work within the Commerce Park property that is required to allow Suite Living Senior Care of NSP to construct a 32-unit assisted living facility.

**** Additional item added to Consent Agenda.** City Manager Waldron reviewed the White Bear Lake court decision. There are a number of ways to approach it. One is to watch what occurs with the District Court appeal. Two is that there has been some legislation put in place. The third is to appeal the Department of Natural Resources (DNR) appropriations permit. Both the City Attorney and City Engineer agreed that it would be practical to appeal the permit. Soren Mattick

stated that the DNR does provide the city with an appropriation permit and typically that document has very little review or scrutiny. The City has always complied with it. The document directs the city of how much water it gets to use for residential and commercial use. The DNR, in response to the White Bear Litigation is to add some other conditions to the permit that have not previously been seen. Although the City of North St. Paul is not a party to the White Bear lawsuit, there were conditions in the judge's order that directly impact the City. First and foremost is the court required the DNR to impose a residential watering ban, which was then placed in the appropriation permit. The ban is in place until the lake reaches a certain level that it isn't at right now. There are other conditions regarding studies to be conducted, conversion to surface water, reducing usage, etc. There is a basis to appeal the DNR's requirements as it relates to the permit, and the Council is encouraged to do so to preserve the City's rights. Legislation could possibly cure some of the issues, but that process is out of the City's hands. The authorization to appeal was approved in the Consent Agenda. White Bear Lake and White Bear Lake Township and possibly the DNR did ask the district court to reconsider the order to consider the unintended consequences resulting from the order. The judge has it under reconsideration.

X. REPORTS OF CITY MANAGER AND DEPARTMENTS

This item was presented following the Reports of the Council, Commissions and Committees.

Fire Department 2017 Annual Review.

Fire Chief Scott Duddeck presented his annual report of the Fire Department. Topics included: Staffing, FEMA Grant Awards, Staff study, Calls for Service, Alarm analysis, Code compliance, Rental licensing, Fire Certificate of Compliance Inspections for commercial properties, Safe Haven and Fire Prevention programs.

XI. REPORTS OF COUNCIL, COMMISSIONS & COMMITTEES

A. Conditional Use Permit and Site Plan Review for Suite Living Senior Housing Development.

Olivia Dorow Hovland of WSB stated that Suite Living of North St. Paul has requested a Conditional Use Permit, Right-of-Way Vacation, Preliminary and Final Plat, and Site Plan Approval to allow for the development of a 32-unit senior housing facility with a variety of services on a site currently owned by the City in the Commerce Park redevelopment area.

On motion by Council Member Walczak, seconded by Council Member Sonnek, with all present voting aye, Council Member Furlong absent (4-0), motion carried to adopt Resolution No. 2018-040 approving a conditional use permit for assisted living and memory care located on 12th and 13th Avenues east according to the plan reviewed by the Planning Commission and City Council.

On motion by Council Member Sonnek, seconded by Council Member Petersen, with all present voting aye, Council Member Furlong absent (4-0), motion carried to adopt Resolution No. 2018-041 approving the preliminary and final plat for the proposed Suite Living facility according to the plans reviewed by the Planning Commission and City Council.

On motion by Council Member Sonnek, seconded by Council Member Walczak, with all present voting aye, Council Member Furlong absent (4-0), motion carried to adopt Resolution No. 2018-042 approving the vacation of right-of-way for the proposed Suite Living facility according to the plans reviewed by the Planning Commission and City Council.

On motion by Council Member Sonnek, seconded by Council Member Walczak, with all present voting aye, Council Member Furlong absent (4-0), motion carried to adopt Resolution No. 2018-043 approving the Suite Living facility site plan to construct an assisted living/memory care facility at the vacant property on parcels located on 12th and 13th Avenues East, according to the plans reviewed by the Planning Commission and City Council with conditions as listed in the resolution.

B. Variances and Site Plan Review for Window World Redevelopment.

Olivia Dorow Hovland of WSB stated Terry and Mary DeRosier, Window World, are requesting several variances and Site Plan Approval to allow for the redevelopment of the existing former EZ Riding RV repair facility, 2295 McKnight Road, to house Window World Twin Cities operations. The new 14,368 sf. building will include office (6,683 sf.), fabrication/storage and warehouse (7,685 sf.) facilities.

All the conditions set forth by the Planning Commission were reviewed. Council Member Sonnek stated that every square inch of the property was reviewed for adding green space. Council Member Sonnek stated that this is a solid plan, the improvements recommended exceed what is currently on the property. The plans presented four years ago were for a remodel. This is now a complete new building. This will increase commerce in North St. Paul, and this plan is a compromise with the owner. Due to the certain characteristics of this parcel, it is nearly impossible to reach the minimum required for trees and permeable surface, yet the property owner will still be adding from what is currently in existence. There was discussion related to the drainage into the Urban Ecology Center from the property. Council Member Walczak requested that a rain garden be installed on the western portion to assist with drainage issues and erosion control. City Engineer Morgan Dawley noted that erosion control is part of the condition for approval. The architect was present and confirmed that due diligence was done, everything was considered.

City Manager Waldron suggested the following condition be added to the original motion: That the applicant and the city work on a plan to facilitate a rain garden or other water mitigation method on the western part of the site on the city property subject to City Engineer approval.

On motion by Council Member Sonnek, seconded by Council Member Walczak, with all present voting aye, Council Member Furlong absent (4-0), motion carried to adopt Resolution No. 2018-044 approving variances from Sections 154.010(B), 154.010(F) and 154.010(J) of the North St. Paul City Code as recommended by the Planning Commission with conditions, and adding the condition that the applicant and the city work on a plan to facilitate a rain garden or other water mitigation method on the western part of the site on the city property subject to City Engineer approval.

On motion by Council Member Sonnek, seconded by Council Member Petersen, with all present voting aye, Council Member Furlong absent (4-0), motion carried to adopt Resolution No. 2018-045 approving the Window World Site Plan for 2295 McKnight Road to construct a

light industrial, warehouse and showroom facility as recommended by the Planning Commission with stated conditions.

**Council Member Petersen signed out of Skype at 8:30 p.m.

Mayor Kuehn stated that the Economic Development Authority made the recommendation regarding the Suite Senior Living project. The looked at some other development issues. There is great interest in North St. Paul.

XII. GENERAL BUSINESS

Council Member Walczak wished everyone a happy Spring.

Mayor Kuehn and City Manager Waldron met with Suzanne of Luv Ice Cream. She is interested in putting a mural on the side of the business building. There was discussion on ways to fund this and getting help with volunteers and Hamline Students.

Scott Duddeck commented that the student built house on 1st Street had a break-in of the construction pod and the home as well. Many of the construction tools were stolen. If anyone has any information please let him know.

XIII. CLOSED SESSION

There was no closed session.

XIV. ADJOURNMENT

There being no further business, on motion by Council Member Sonnek, Seconded by Council Member Walczak, with all present voting aye, Council Member Furlong absent (4-0), Mayor Kuehn adjourned the meeting at 9:03 p.m.

/s/ Michael R. Kuehn, Mayor

Attest: /s/ Mary Mills, Deputy Clerk