

**City of North Saint Paul**  
**April 3, 2018**  
**Adopted Regular City Council Meeting Minutes**

**I. CALL TO ORDER**

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

Staff: City Manager Dr. Craig Waldron, Fire Chief Scott Duddeck, 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**

Arbor Day Proclamation. Mayor Kuehn presented the annual Arbor Day Proclamation. Council Member Walczak noted that in paragraph 8 the number of trees given away should be 400, not 500. In observance of Arbor Day, the City of North St. Paul staff and Environmental Advisory Commission has organized a Community Tree Giveaway for residents on Saturday, April 21, 2018. This proclamation and the tree giveaway assist with the Tree City USA grant funding.

**VI. APPROVAL OF CONSENT AGENDA**

Council Member Walczak requested that the March 20, 2018 regular meeting minutes be pulled for discussion.

*On motion by Council Member Furlong, seconded by Council Member Walczak, with all present voting aye (5-0), motion carried to approve the consent agenda, as amended, Resolution No. 2018-046 consisting of:*

- A. March 20, 2018 workshop meeting minutes.
- B. ~~March 20, 2018 regular meeting minutes.~~
- C. General accounts payable: \$471,665.75.
- D. EDA accounts payable: \$0.

- E. HRA accounts payable: \$4,856.67.
- F. Set Special Workshop for April 10, 2018 to conduct a review of the draft Comprehensive Plan.
- G. Gambling application from North Metro Flex Academy for event on May 11<sup>th</sup>.  
Resolution No. 2018-047.
- H. Special Event Permit for Richardson Elementary Spring Carnival on May 4<sup>th</sup>.  
Resolution No. 2018-048.

## **VII. MEETING OPEN TO PUBLIC**

No persons addressed the Council.

## **VIII. PUBLIC HEARINGS**

There were no scheduled hearings.

## **IX. CITY BUSINESS ACTION ITEMS & RECOMMENDATIONS**

March 20, 2018 regular meeting minutes.

Council Member Walczak indicated on the item related to Window World, on page six (6) at the bottom of the page, she requested that more detail be documented related to the rain garden issue.

Walczak's recollection about the discussion was that this was Window World's (WW) project, that the City was going to help WW, but WW was going to take the responsibility of maintaining it. She does not see where that is noted in the minutes. The maintenance is a really important piece to doing a rain garden. Mrs. Derosier was going to plant it and the City's participation in it was if it needed help to be readied, the City would work with the Watershed, but the responsibility was clearly put on WW to do this with our help, not our lead. Because the City did not want to accept money toward a rain garden from the applicant, but wanted them to install it, this should be clearly noted that even though this is on city property it is their responsibility and the City will help, not the other way around.

Council Member Sonnek asked Walczak if her recollection is that there would be some long-term care responsibility on the part of the property owner to maintain that segment of the City property? Walczak stated absolutely, any time you put in a rain garden, for up to five years you have to weed it until the plants that were meant to be there have had a chance to establish and spread. Otherwise if you just let it go the weeds take over and will have a real good chance of killing off the important plants. Sonnek does not recall making that a condition, that WW would have to consider any kind of long-term maintenance of it. Rather, that there would be some sort of water mitigation plan determined, which may or may not be a rain garden. If it were a rain garden Sonnek does not recall that the City was putting the responsibility to maintain that on WW for any number of years. This would just be something in consideration of the original construction.

Mayor Kuehn recalled that there was an indication that there would be joint partnership if a rain garden was agreed to. The City and WW talked more generally that as the project progressed we would look at that and the maintenance was something that still had to be finalized. Walczak

stated that she would be concerned leaving that up in the air. She noted WW could apply for a grant as a business and get up to 50% from the Watershed. It would behoove all of us to have WW be the ones to go to the Watershed to obtain the grant because they would qualify for that.

Mayor Kuehn referred to the minutes, at the end of the paragraph where City Engineer Morgan Dawley noted that the erosion control is part of the condition for approval. Mayor Kuehn took that to mean it had not been approved yet and that the City was going to work out the details. It went on to say the architect was present and confirmed that due diligence was done, everything was considered. Sonnek believes that comment refers to a different condition that was already existing in the proposal. Erosion control was a condition of the acceptance of the plan as it was. The additional item here of facilitating a rain garden or other water mitigation method on the western part of the site on the city property, that is something that had yet to be determined, as it stated "subject to City Engineer approval". So that means the details need to be worked through. It may or may not be a rain garden. That is something separate from the erosion control during construction and post construction as well.

Walczak inquired then does that mean that the Council comes back after approval from the Watershed and put the conditions on then? Mayor Kuehn stated that is something we can stipulate before the engineer's approval, that we could request a clause that we could stipulate and reach agreement on how that would be maintained and cared for.

City Manager Waldron stated that we can make this a stipulation at this point, that as the city engineer negotiates the mitigation method, that WW makes every practical effort to be responsible for maintenance. That could hopefully just be negotiated as part of the city engineer's approval and we can give Morgan those marching orders that he ought to work to facilitate that outcome. This discussion will be noted in these minutes, reflecting the concerns about maintenance and that Window World should be the responsible party, and the March 20 minutes can be approved as presented. Sonnek indicated that for today's minutes he does not feel it necessary, nor does he see or doesn't know how he feels about, Window World having to maintain city property. He feels a little uncomfortable about them being involved in it at all. But if there is a joint effort to try to mitigate surface water runoff from their property into the wetland area there, that is fine. That is their additional effort in order to be a good partner in helping get this thing through. It seems odd to have them that involved in maintaining city property.

Walczak stated that wetland is important to the City. When the school district put their bus garage in they made adjustments so that they had room to do the mitigation on their own land. She thinks we are making a special exception here for Derosier not making him shorten his parking lot and provide mitigation on his own land, because that wetland is important. Since the property obviously is draining that way, all of this runoff is going to go there.

Mayor Kuehn stated that both Council Members Walczak and Sonnek make good points. It is a gray and new area, but he has the confidence in the Manager and Engineer that they will take the council's input and work on whatever the mitigation issue is, how to resolve that to best protect the wetland and design something and figure out how it's going to be cared for. He has the confidence that staff will take the City's intended desire and figure it out. There may even be a legal issue being on public land. Let's see what they come up with and what the details are.

*On motion by Council Member Walczak, seconded by Council Member Sonnek, with all present voting aye (5-0), motion carried to approve the March 20, 2018 regular meeting minutes as submitted.*

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

City Manager Waldron updated the Council on the response the City received regarding the White Bear Lake/DNR appeal. First is the letter from DNR regarding our contested case hearing. What they are telling us is that with one of the four issues we didn't hit the basic date. We are okay in terms of the residential irrigation ban and the per capita water use and reporting on working with adjacent communities. But we still now technically have to come up with a plan to convert to surface water and that could be a multi-million dollar project. The judge stuck by her ruling with respect to the issue. The DNR went back in and asked the judge to stay the whole thing until we could work through some of the issues, and the answer was absolutely not. DNR has to continue to go ahead and aggressively implement this. There is another interesting twist that nobody knows the answer to yet, and that is what happens if some of the legislators are really supportive, we get decent legislation that gets us out from under this requirement, yet the judge still has the position that we need to deal with this. There are two branches of government going at it.

Walczak asked if we have a deadline for that and what would a study cost the city? Waldron stated yes. All cities have to have a plan in place. Sonnek noted that we don't necessarily have to do a study, but need to have a plan as to how we would implement this. It is not mandating an extensive study, but just some sort of plan. Mayor Kuehn noted that we don't know yet if the DNR is going to appeal the judge's decision, there is no indication how long they have to appeal. Another part of this issue is if the DNR doesn't appeal that decision, will the cities impacted by this want to jointly do an appeal, which could be substantial cost. Definitely a huge detriment to development and the ability for our communities to grow and do what we want with the water supply. In our case we pump substantially less and never hit the amount we are permitted to pump. Do we join the DNR or other cities, are we prepared to come up with it. We have 30 days to appeal. Judge Merinen is a very smart person, but her opinion appears to have some bias, she indicated that after a one month trial she stated that the evidence shows that the DNR had known for many years that groundwater use in the area was not sustainable, but refused to limit ground water permitting or impose water restrictions. The fact is that White Bear has had great fluctuation and only twice has it gotten above the level she mandates it be held over the last 60 years. Back in the late 50's there were well houses on the lake. They were there to keep the lake level up but also there as WPA project. Just like the well house we had at Silver Lake. That was a WPA project during the dust bowl era. There were impacts of drought here too back then. Historically that lake has been lower than higher, below the average substantially more than it has been above the average water mark. It seems that this is not based on scientific information or past precedence.

Mayor Kuehn inquired if somebody will be in contact with the DNR to find out what they plan on doing regarding an appeal? Waldron stated yes. Sonnek noted that our appeal was on three different portions, and we had one portion denied, the requirement to have a contingency plan to convert to surface water, but the others were along the lines of the water ban and the residential usage issue. The other two are moving forward. Is there any sense yet how much time that buys us in those areas? Irrigation ban will get us through the summer? Waldron replied that it may, as long as that is still outstanding we are fine. There are a number of people scheduled in front of

us. It could get us through the summer. The conversion plan from ground to surface water is due August 29<sup>th</sup>. We need to define what our plan is, how detailed or elaborate we want it. Sonnek, Judge Marinen noted in her report that a town like North St. Paul would incur an expense of about \$3 million. So maybe she has a plan!!

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

Council Member Sonnek – Planning Commission meeting Thursday, April 5, 2018 at 6:15 p.m. reviewing all of the Comprehensive Plan draft.

Council Member Walczak – Community Tree adoption for residents is April 21<sup>st</sup>. All trees are signed up for and there is a waiting list as well.

Council Member Petersen – Ramsey County League of Local Governments is having a Women in Leadership Celebration on April 12th at Gulden’s Restaurant in Maplewood, featuring Saint Paul City Attorney Lyndsey Olson. The public is invited.

Council Member Furlong:

- The Easter Egg Hunt on March 31<sup>st</sup> at Casey Lake was a success. There were approximately 1,500 people in attendance. Thank you to all the staff and the Parks and Recreation Commission for their work.
- Spring cleanup, April 21<sup>st</sup> in conjunction with the tree giveaway, 9:00 a.m.-12:00 p.m. Meet at North High weight room and bring gloves, rakes and clippers. Southwood Nature Preserve is having their clean-up at 9:00 a.m. Information is available at the city and on the website.

## **XII. GENERAL BUSINESS**

Council Member Petersen – Thanked Scott Duddeck for the technical Skyping help so she could participate in the council meetings while out of town. Orange Beach city staff was most helpful and made Petersen an honorary resident.

Council Member Furlong – 3<sup>rd</sup> annual Pub Crawl fundraiser for the North High Senior lock-in is Saturday, April 28, 2018 from 7:00 p.m. to 11:00 p.m. There will be two food trucks. Tickets are on sale for \$10 in advance and \$15 at the door at all of the bars and at Furlong Liquors. Sonnek asked what the \$10 buys you. Furlong stated you get a Lanyard that gets you into all of the bars and acts as a coupon for raffles. All the bars have a theme and work together with North High.

Mayor Kuehn – attended the History Cruzers required meeting for neighborhood feedback related to the car show. There was one response received via email concerning motorcycle noise.

Mayor Kuehn will be conducting a meeting with representatives from the Silver Lake Improvement Association to talk about their budget and the cost of spraying weeds. One of the areas spotted in need of spraying is in front of the park.

Scott Duddeck announced the delivery of the SCBA (self contained breathing apparatus) equipment is scheduled for tomorrow morning. Following the assembly of the units training will begin and should be ready to be in service within a months time. Thanks to the FEMA grant there is \$170,000 worth of equipment coming. Mayor Kuehn inquired about a Roseville grant

from a resident regarding a special sauna and washing machine for washing out hazardous waste. Duddeck noted that one of the grant submittals is for replacement turnout gear and a washer and dryer for that equipment. In new fire station builds the turnout gear is stored in a separate locker room that has no windows, as sunlight deteriorates the fibers. There is also separate heating and ventilation. Lots of changes in that regard.

There is a special council workshop on Tuesday, April 10, 2018 at 5:00 p.m. to review the draft of the 2040 Comprehensive Plan.

The next regular city council meeting is Tuesday, April 17, 2018 at 6:30 p.m.

### **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 Petersen, with all present voting aye (5-0), Mayor Kuehn adjourned the meeting at 7:12 p.m.*

/s/ Michael R. Kuehn, Mayor

Attest: /s/ Mary Mills, Deputy Clerk