

**City of North Saint Paul
April 17, 2018
Adopted Regular City Council Meeting Minutes**

I. CALL TO ORDER

Mayor Kuehn called the meeting to order at 6:38 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, City Engineer Morgan Dawley, City Attorney Soren Mattick, Deputy Clerk Mary Mills.

Mayor Kuehn requested a Point of Personal Privilege for two items. First was for a moment of silence in honor and memory of Mayor William Sandberg who passed away ten years ago this April 20th. Second was to thank the Public Works crew and staff for the fine job during the last snow storm.

IV. ADOPT AGENDA

Mayor Kuehn noted that there would be an item added to the City Business section to set a public hearing for the 2018 Street and Utility Improvement Project for May 15, 2018.

Council Member Walczak stated that the Arbor Day Proclamation from the April 3rd Council meeting was not read aloud at the meeting, and it needed to be read aloud to meet the qualifications of the Tree City USA designation. This should be done under the Presentation section.

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

V. PRESENTATIONS

Mayor Kuehn read the Arbor Day Proclamation declaring Sunday, April 22, 2018 as Arbor Day in the City of North St. Paul.

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. 2018-049 consisting of:

- A. April 3, 2018 regular meeting minutes.
- B. General accounts payable: \$1,162,789.59.
- C. EDA accounts payable: \$875.00.
- D. HRA accounts payable: \$11,863.98.
- E. To approve the 2018 Park Fund budget request of up to \$14,000 for updates to Polar Park and \$300 for wall strips and hooks for Casey Lake Park with all funding coming from the Park Fund. Resolution No. 2018-050.
- F. Special Event Permit for Journey of Misfits Fallen K-9 fundraiser, Saturday, May 5, 2018, 10:00 a.m. – 3:00 p.m. Resolution No. 2018-051.

VII. MEETING OPEN TO PUBLIC

Noah Hurley, Life Scout with Troop 9902, working to obtain his Eagle Scout Badge. Hurley presented the Council with a project plan for a butterfly habitat to house and raise butterflies, at the North St. Paul Library. He has volunteers available to build and maintain the habitat. Hurley requested city assistance to purchase the materials, a cost of approximately \$220, as well as build this on city property. Mayor Kuehn recommended that Hurley make his presentation to the Parks and Recreation Commission on April 25th. If they are supportive of it and willing to fund it through the Park Fund, then the Council can act on it at the next council meeting.

Dave Nelson presented information on how residents can conserve water with a circulation pump that attaches either to the water heater or under a sink. Nelson presented data on how this could save thousands of gallons of water a year per household. Mayor Kuehn thanked Nelson and stated the data will be passed on to the Utility Department for informational purposes and review.

John Schmahl stated that he had requested a call back from City Hall relating to a tree removal question and felt it took too long to receive it. Mayor Kuehn stated that the staff are very multi-tasked and they all work on a variety of issues. The tree arborist also plows snow, has other public works duties, and might not be available on the spot. Mayor Kuehn urged residents to be patient and understand that circumstances may prevent an immediate call back to an inquiry.

Schmahl commented on the geese and the mess they make at Casey Lake and the open water caused by the aerator. Mayor Kuehn stated that the City has an agreement with the DNR to keep the aerator on due to stocking of the lake.

VIII. PUBLIC HEARINGS

There were no scheduled hearings.

IX. CITY BUSINESS ACTION ITEMS & RECOMMENDATIONS

A. General Offenses Waiver for Night Work at Target.

Olivia Dorow Hovland of WSB stated that the Target store located at 2199 Highway 36 E is in the process of being remodeled. The contractor, Ryan Companies, has made a request to waive the provisions of City Code Section 130.22 (E). This section of the code states, “No person shall engage in or permit construction activities involving the use of any kind of electric, diesel, or gas-powered machine or other power equipment except between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, and between the hours of 9:00 a.m. and 5:00 p.m. on Saturdays. No person shall engage in or permit commercial construction activity on Sundays or Holidays.”

This code section is contained in the “Chapter 130: General Offenses”. Section 130.99 directs that violations of any provision of this chapter for which no other penalty has been established shall be punished as provided in Chapter 10.99, General Penalty.

There is not any codified way to seek exemption or waiver from this section of the ordinance.

Staff recommended the following actions:

1. Conditional approval for Ryan Companies to complete the required night work, exempting them from penalty for the violation of City Code Section 130.22 (E), with the following condition:
 - a. Notify all residents and neighboring businesses within 1,000 feet of the dates and times of night work with a letter, one week in advance of night work.

Council suggested adding an additional condition:

- b. Applicant will ensure that people are located outside around the building perimeter during the night work when the cranes are operating for safety purposes.

On motion by Council Member Walczak, seconded by Council Member Furlong, with all present voting aye (5-0), motion carried to adopt Resolution No. 2018-052 giving conditional approval for Ryan Companies to complete the required night work, exempting them from penalty for the violation of City Code Section 130.22 (E), with the following condition:

- a. ***Notify all residents and neighboring businesses within 1,000 feet of the dates and times of night work with a letter, one week in advance of night work.***
 - b. ***Applicant will ensure that people are located outside around the building perimeter during the night work when the cranes are operating for safety purposes.***

B. City Manager Waldron stated that the City Council discussed the 2018 Street and Utility Improvement Project at the workshop and agreed to the following:

1. A public hearing shall be held on such proposed improvement on the 15th day of May, 2018, at North St. Paul City Hall, 2400 Margaret Street at 6:30 p.m.
2. The City Manager shall give mailed and published notice of such hearing and improvement as required by law.
3. In addition to notification of the public hearing staff will be hosting an informational meeting for affected residents regarding the proposed Lake Boulevard portion of the project.

On motion by Council Member Petersen, seconded by Council Member Sonnek, with all present voting aye (5-0), motion carried to adopt Resolution No. 2018-053 setting a public hearing for the 2018 Street and Utility Improvement Project for Tuesday, May 15, 2018 at 6:30 p.m.

X. REPORTS OF CITY MANAGER AND DEPARTMENTS

City Manager Waldron gave an update on the DNR Appeal process regarding White Bear Lake. Senator Wiger has co-signed a bill relating to this. City Attorney Mattick reviewed the appeal process on the appropriation permit. Mattick indicated that the City did appeal certain conditions of the permit that the DNR issues to the city that allows the city to pump water. The appeal has been received. About six other cities have also filed appeals. At this point he feels that the City has a strong position and feels good about the appeal. There are still many unknowns, including if the DNR will appeal. Procedurally at this point the city has put itself in a position to safeguard its rights on that. One of the conditions of the court order that was put in back in January, the DNR has indicated we did not appeal that condition in time, the requirement to do a study, the DNR has taken their position on our right to appeal, but we have not waived the right to appeal. Any legislation would be beneficial. We are taking aggressive steps, but there are other things going on at this moment too.

XI. REPORTS OF COUNCIL, COMMISSIONS & COMMITTEES

Council Member Walczak announced that the Environmental Advisory Commission was postponing the Tree Adoption from April 21st to May 5th due to timing of the arrival of the trees.

Council Member Petersen:

- Noted that the Ramsey County League of Local Governments had a good turnout at the Women in Leadership Celebration.
- The Minnesota Women in City Government committee held a workshop on civility.

Council Member Furlong:

- The all park cleanup was rescheduled from April 21st to April 28th.
- Veteran's Committee has 49 pavers for the next installation.
- Three new names were vetted for the Wall at the Veteran's Memorial Park, all North High graduates, Vietnam Veterans and all killed in action: William Roy La Plante, Patrick Hendrickson and Steven R. Burch.

XII. GENERAL BUSINESS

Council Member Petersen commented on the progress of the upgrades to the building on 7th Avenue.

Mayor Kuehn had the following general business:

- He and Mary Mills will be attending the annual volunteer banquet for the Food Shelf on May 7th. Dave and Linda Zick will be stepping down and the luncheon will honor them.
- Wednesday, April 18th at 5:30 p.m. is the open house for Polar Ridge.
- May 10th is the Parent Teacher Organization presentation of the plans of the ISD622 Capital Improvements at Richardson.

- Wednesday, April 18th the Mayor, Council Member Furlong and City Manager are meeting with members of the Silver Lake Improvement Association to discuss lake weed treatment and financial remedies.

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 7:27 p.m.

/s/ Michael R. Kuehn, Mayor

Attest: /s/ Mary Mills, Deputy Clerk