

**City of North Saint Paul**  
**May 15, 2018**  
**Adopted Regular City Council Meeting Minutes**

**I. CALL TO ORDER**

Mayor Kuehn called the meeting to order at 6:31 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, Community Development Director Paul Ammerman, Fire Chief Scott Duddeck, City Engineer Morgan Dawley, City Planner Erin Perdu, City Attorney Soren Mattick, Deputy Clerk Mary Mills.

**IV. ADOPT AGENDA**

*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 submitted.*

**V. PRESENTATIONS**

A. Community Service Awards presentations

The City of North St. Paul Community Services Award program was developed in 2016 by a committee of staff and community members. This evening the City honored outstanding achievements by citizens in 3 categories. This year's Legacy Award Winners are Jim Schaaf and Dave Zick. This year's Community Service Award Youth Winner is GAP YouthBuild. This year's Community Service Award Adult Winners are Sue Springborn and the Toy Shelf Norma Worm and Dawn Peterson. This year's Good Neighbor Award Winner is: Arnie Mayers

B. Proclamation for American Legion

Mayor Kuehn read a proclamation for American Legion Day. The City of North St. Paul congratulates The American Legion and The American Legion, Department of Minnesota, on its proud record of service, and its commitment to another 100 years of helping veterans, guiding our youth, and lifting up our communities. Mayor Kuehn declared August 24, 2018, as American Legion Day. Archie Vickerman of the American Legion Post #39 was present and will receive the proclamation.

## Superintendent Christine Osorio, Independent School District 622

Superintendent Osorio of Independent School District 622 stated that a couple years ago the district went out to the taxpayers for a referendum and the community supported it. The District did a deep dive audit of the energy usage in the district. Osorio noted the district has saved over \$200,000 per year with some of the behavioral changes with regard to how they operate the buildings. At the time of the audit they also looked at how the buildings were being used, code reviews and storm water management, safety and security plans. One area of concern was elementary space and safety. The school district has had to expand into other space in the schools to accommodate the learners and students. Offices are being set up in old shower stalls, libraries have been set up on stages, and all principals in the nine elementary schools give up their office space to students and teachers.

The District debt forecast looks fantastic and the district feels it can do a lot of work without raising taxes to do it. Renovations at Richardson Elementary School will take place first. Castle Elementary will be the second school. There may be elementary boundary changes within the district in a few years so it makes sense to do these two schools first.

The District is now sending out informational postcards to residents every couple months rather than an annual booklet. Each postcard covers a particular topic, and the planning schedule for the renovations will be included. Osorio showed drafts of proposed renovations for Richardson. The construction window is January through December of 2019.

## **VI. APPROVAL OF CONSENT AGENDA**

Council Member Walczak requested that item I – Target Store liquor license - be moved to the City Business section of the agenda for further discussion.

Mayor Kuehn requested that item J – 2018 Elections Update - be moved to the City Business section of the agenda for further discussion.

***On motion by Council Member Petersen, seconded by Council Member Sonnek, with all present voting aye (5-0), motion carried to approve the amended consent agenda, Resolution No. 2018-057 consisting of:***

- A. May 1, 2018 workshop meeting minutes.
- B. May 1, 2018 regular meeting minutes.
- C. General accounts payable: \$1,020,643.87.
- D. EDA accounts payable: \$1,500.00.
- E. HRA accounts payable: \$13,164.95.
- F. Funding request for Silver Lake Weed Treatment.
- G. Application for a Charitable Gambling Permit to conduct lawful gambling in the form of Bingo and Raffles by the Friends and Family of Ramsey County Care Center on multiple occasions in 2018, at North St. Paul American Legion Post #39. Resolution No. 2018-058.
- H. Contract for Private Redevelopment and Development Contract for the Suite Living of North St. Paul project.
- I. ~~Target Stores New Off-Sale Intoxicating Liquor License effective through June 30, 2018.~~
- J. ~~2018 Elections update and contact designation.~~

## VII. MEETING OPEN TO PUBLIC

(This portion of the meeting was held following the public hearing and recess.)

**Dave Nelson** shared that yellow corn meal is a safe alternative to poison for getting rid of ants. It is now spider season but corn meal does not work on spiders. Council Member Walczak stated that white vinegar also works on ants. Nelson also noted that Margaret Street has speeding vehicles between South and 7<sup>th</sup> Avenues. Mayor Kuehn stated staff will have the police department look at it.

**John Schmahl** requested that the City review its parking ordinance. The border street between North St. Paul and Maplewood has one set of ordinance rules on the Maplewood side and a different set on the North St. Paul side. Maplewood has no parking whatsoever from 2a-6a. Schmahl stated there is one resident who continually violates the 12 hour parking ordinance in the areas of Chisholm, Radatz and Frederick. City Manager Waldron inquired if the Planning Commission would care to review the city's ordinance and Council Member Sonnek stated they would.

## VIII. PUBLIC HEARINGS

### A. 2018 Street and Utility Improvements Project 6:30 p.m. (additional hearing)

Mayor Kuehn opened the public hearing at 7:23 p.m.

City Engineer Morgan Dawley reviewed the project and history to date. 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 17<sup>th</sup> Avenue to 19<sup>th</sup> Avenue, and on Highway 120, from 19<sup>th</sup> 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 previously, the total project cost is estimated to be \$6,242,900, 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 at a later date, 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 19<sup>th</sup> Avenue between Charles and Henry.
- Removal of the proposed sidewalk installation on 19<sup>th</sup> Avenue between Helen and Margaret.
- Removal of off street trail on Lake Boulevard
- Reconstruct/reclaim 19<sup>th</sup> 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 5<sup>th</sup> 2017, January 2<sup>nd</sup>, and January 16<sup>th</sup> 2018 Council Workshop meetings, as well as at an additional Public Open House meeting held for residents of the project area December 20<sup>th</sup>, 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, scheduled for February 20<sup>th</sup>, 2018. No public improvements were ordered at this meeting, as a supermajority is required, and two resolutions were considered and voted on that did not pass, one including a sidewalk with barrier curb on Lake Boulevard, and another with no sidewalk on Lake Boulevard.

The Council reviewed three additional Lake Boulevard alternatives at the April 17, 2018 Workshop, and at the regular City Council meeting scheduled an additional Public Improvement Hearing for May 15, 2018 to consider one of the alternatives.

The public was invited to a neighborhood meeting held at City Hall on May 9, 2018, where staff presented the Lake Boulevard alternative of a 27-foot face-to-face roadway adjacent to a 6 foot concrete walkway separated by a surmountable gutter transition.

Dawley answered council questions related to the bidding process and potential schedule for the project. Because of the late start time for this project the intent is to complete the utility work in 2018 and then bid for the street portion in January of 2019.

*The public comment section began at 7:48 p.m.*

The following persons spoke in favor of the new proposal: Rick Gelbmann, Greta Cina, Patrick Bles.

The following persons spoke against the new proposal: Dr. Mike Manthei, Chris Johnson, Michelle Lemire, Bob Bruton, Dave Jungkunz.

Two persons spoke without expressing an opinion for or against. Bill Minke had an inquiry relating to assistance for Leon Lillie. He also did state to the audience that although it is hard to go through a street reconstruction and improvement, it is worth it afterward and beneficial to the neighborhood. Lincoln Fetcher of the Valley Branch Watershed District and resident in the project area asked that staff and the engineer do as much as they can to save the mature trees. He also noted that the VBWD has a rain garden cost share program available to residents.

*Public Comment portion concluded at 8:32 p.m.*

Council discussion and comment:

Council Member Sonnek stated that there are many residents who are opposed to this project, and many residents in this neighborhood who are in favor of it. There are a lot of people not here who do support it. Sonnek had emails from seven different residents who did not speak tonight who are in support of the sidewalk. The fact of the matter is that some of those present at this meeting will be upset with the decision. If the sidewalk goes through those who don't want it will be angry and upset and if the sidewalk doesn't go through there will be many who are angry and upset and there will not be another chance for this project. As a council to try and make a decision on situations like this, and this isn't unique, there were decisions in the past and there will be more in the future. Ultimately, what the council has to do is back up and say "Well, what is best for the community as a whole, beyond just this neighborhood, beyond just this street?" The community as been telling the council for many years what they want in their city, in the community. At the community cafes there were two of them on housing in neighborhoods. Sidewalks need to be more prevalent and connected. Trails around parks and lakes. Sidewalks cannot be connected if the decision is left to individual streets and individual neighborhoods. Active and sustainable living community café - Destinations should be connected with sidewalks and trails. The City should be more walkable. As part of the city's vision statement North St. Paul builds systems that connect people to places and promote active lifestyles. It is all over the strategic plan, all over all of the plans that we have as a community. These are things that the community in general has been asking the council for, imploring for the council to bring into the city. If we leave every time there is a vote about sidewalks, to create some kind of network of trails or walkability, to majority rules, and we don't even know what the majority really is here, because the majority may be silent in this case. If we leave it just to the majority rule in any neighborhood situation we will never get any of this done. We will never build a community. We will never build a network. The residents elected the council, and the council needs to make these decisions for the betterment of the community as a whole. We don't make decisions for any individual in here on a situation like this. We have to do what's right for the community. For those of you who will be upset by this vote tonight, whichever way it goes, Sonnek stated he is sorry that residents will be upset. He has a responsibility as a council member to do what is right for the community as a whole and this is really an easy vote. It builds connections to parks and people, promotes active lifestyle, improves safety, improves neighborhood desirability, property values, accounts and allows for other modes of transportation. The community has been imploring the council for years to promote active lifestyles and build a network of sidewalks throughout the community to connect parks, to connect people. It is in all of the city planning documents. Council has been hearing it for a long, long time. It is time for the council to have the backbone to get it done.

Council Member Walczak had nothing to add.

Council Member Petersen indicated that she had done her own survey of the residents in the Lake Boulevard, Swan and Poplar area. She appreciated all of their input.

Council Member Furlong stated that Parks and Recreation documents do support the connections to parks and to improve the parks. He looks for walkable areas that provide safety. Lake Boulevard connects three parks: Silver Lake, Dorothy, and Joy parks.

Mayor Kuehn has never been a supporter of sidewalks in residential areas. This is an exception because there has been a trail on this street, there has been a designation for public movement because it is around the lake. Kuehn promotes local usage to the lake. There is no total compromise but this plan is a compromise to continue a trail basically on the road, but make sure the road is wide enough so people who live up there have movement. Kuehn has yet to see a street project in this city that people are not proud of once it is completed.

The following resolutions were adopted:

***On motion by Council Member Sonnek, seconded by Council Member Walczak, with Council Members Furlong, Walczak, Sonnek and Mayor Kuehn voting aye, Council Member Petersen voting nay (4-1), motion carried to adopt Resolution No. 2018-060 ordering public improvements for the 2018 Street and Utilities Improvement Project.***

Individual voice votes were as follows: Furlong-Aye/Petersen-Nay/Mayor Kuehn-Aye/Walczak-Aye/Sonnek-Aye.

***On motion by Council Member Petersen, seconded by Council Member Sonnek, with all present voting aye (5-0), motion carried to adopt Resolution No. 2018-061 approving plans and specifications and ordering advertisement for bids for the 2018 Street and Utility Improvements Project – bid package 1.***

***On motion by Council Member Sonnek, seconded by Council Member Furlong, with all present voting aye (5-0), motion carried to adopt Resolution No. 2018-062 declaring the official intent of North St. Paul to reimburse certain expenditures from the proceeds of bonds to be issued by the city.***

*Mayor Kuehn closed the public hearing at 8:48 p.m.*

*Mayor Kuehn called a recess at 8:48 p.m.*

*Mayor Kuehn reconvened the meeting at 9:03 p.m.*

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

### **A. 2040 North St. Paul Comprehensive Plan for adjacent community review.**

City Planner Erin Perdu stated that the 2040 North St. Paul Comprehensive Plan is now ready for release for adjacent community review. Since the April special workshop where the draft plan was reviewed in its entirety, Council and Staff comments have been incorporated into the draft.

The Planning Commission held a public hearing for the Plan on May 3, 2018 and unanimously recommended that the City Council approve the Plan for adjacent community review.

Next steps for the Comprehensive Plan are:

- Approval from City Council for distribution to adjacent communities for review (May 15, 2018)
- Adjacent Community Review Period: up to 6 months.
- Submittal to Metropolitan Council: after adjacent community comments are received and reviewed by the City
- Final adoption of the Plan by the City: after review and comment by the Metropolitan Council

***On motion by Council Member Petersen, seconded by Council Member Sonnek, with all present voting aye (5-0), motion carried to approve the 2040 North St. Paul Comprehensive Plan for adjacent community review.***

#### **B. Park Coordinator Position/Modifications to the Strategic Operations Director Position**

City Manager Waldron stated based on changing community needs and changes within the organization, City Council directed staff to review current needs, identify staffing gaps within the organization and restructure positions to meet the needs of the community and organization. Based on the needs identified staff made the recommendation for the creation of a Park Coordinator Position.

In addition, staff is proposing a modification of the duties of the Strategic Operations Director to include supervisory responsibilities. It is recommended that the Strategic Operations Director position supervise the Park Coordinator position since her position is currently the Staff Liaison for the Parks and Recreation Commission and Environmental Advisory Commission and is responsible for managing projects in both areas.

The City did have a Parks and Recreation Department with three full-time staff and numerous part-time staff. The department was eliminated in 2013, when the Community Center was closed. Even though the Parks and Recreation Department no longer exists there continues to be a community need to have recreation programming and a quality park system. With the addition of the Parks Coordinator position it would provide an increased emphasis on Parks and Recreation. According to the 2015 Community Survey 92% of responding residents stated that Parks and Recreation is important to them, 56% of which stated it is essential or very important to them.

***On motion by Council Member Furlong, seconded by Council Member Walczak, with all present voting aye (5-0), motion carried approving the position of Parks Coordinator and corresponding supervisory responsibilities of the Strategic Operations Director. The Park Coordinator shall be compensated at the same wage he was paid in his prior position. Based on the recommended enhanced responsibilities and supervisory role of the Strategic Operations Director, it is recommended the Director receive a salary modification of 5% above the Park Coordinator position to ensure pay equity. Additionally, to be commensurate with the Supervisory Unit collective bargaining agreement with IBEW, Local No. 160, it is recommend that the Strategic Operation Director's deferred compensation be adjusted accordingly to match those of the Supervisor Unit. Resolution No. 2018-063.***

Additional items from the Consent Agenda:

Target Stores New Off-Sale Intoxicating Liquor License effective through June 30, 2018.

City Manager Waldron presented a request to review and approve or deny the NEW Off-Sale Intoxicating Liquor License Application submitted by Janine Brown-Wiese, Officer/Vice-President, on behalf of Target Corporation, for Target Store T-1185, located at 2199 Highway 36 E, North St. Paul, Minnesota. Council Member Walczak had questions regarding the limit on liquor licenses for the city, and why Target waited so long to apply for the license. City Attorney Mattick stated that the city is not close to its liquor license limits, and that Target meets all the conditions for a liquor license, and had no concerns it would not be issued.

***On motion by Council Member Petersen, seconded by Council Member Sonnek, with Council Members Petersen, Walczak, Sonnek and Mayor Kuehn voting aye, Council Member Furlong abstaining (4-1), motion carried to approve the NEW Off-Sale Intoxicating Liquor License for Target Store T-1185, for the current licensing period, through June 30, 2018.***

2018 Elections update and contact designation.

City Manager Waldron provided an update on early “in person” voting and absentee voting changes for 2018 and requested to designate Mary Mills as the principal contact for the City’s elections.

City staff accepted a proposal from Ramsey County to administer all primary and general elections in North St. Paul, beginning with 2016 elections.

Ramsey County has assumed all responsibility for: recruiting and training election judges; storing, transporting and maintaining all voting systems; posting and publishing required election notices; processing all absentee ballots; keeping all voted ballots and other election related items per state statute; and following other election-related statutory requirements.

For the 2018 elections Ramsey County will also be handling “in person” early voting. City Hall no longer has the staff, equipment or space needed to handle the expected turnout for early voting.

Voters will not notice a change in the regular voting process, and will continue to use their usual local precinct locations on Election Day.

Following the retirement of the City’s Election Clerk Bette Malm, and resignation of her replacement, it was determined the best course of action was to bring the election duties back into the Administration Department. This is typically where they operate from in most cities.

Mary Mills, Deputy Clerk, has attended election law training qualifying her for the certification required by Minn. Stat. 2014B.25, subd. 4. and will serve in the capacity of Elections contact to assist the County during each election.

Mayor Kuehn requested staff to send a letter to Ramsey County requesting to having early voting at City Hall.

***On motion by Council Member Walczak, seconded by Council Member Furlong, with all present voting aye (5-0), motion carried to direct staff to contact Ramsey County regarding absentee ballot and early voting functions for the 2018 General Election, and designating Mary Mills as the principal contact for the City's elections.***

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

City Manager Waldron provided the Council with an informational flier that had been presented to the Business Association relating to economic development news and events in the city. This will be handed out each month at the Business Association lunch.

City Manager Waldron requested that City Attorney Soren Mattick give an update on the appeal status regarding the Department of Natural Resources (DNR) appropriation permit. Mattick stated that there are three things going on: the appeal of the appropriation permit, the proposed legislation, and that the DNR has decided to appeal Judge Merinen's order to the Court of Appeals. At first they made a motion to stay the impact of that order. Judge Merinen did deny that. North St. Paul was not a party to that lawsuit, normally there is no say in the Appellate process. This is something that, while not a party to it, it definitely impacts the city. There is a process called an Amicus, where the City can get permission from the court of appeals, a simple notice that says the City wasn't a party, but as a "friend of the court" the city would like to explain why this issue impacts it. The DNR filed their appeal on Friday, and the city has 15 days to file the notice seeking the ability to file. The court of appeals can say no, but the city has to at least file a notice within 15 days. As a community this is how the ruling impacts us and we think there are certain things that weren't considered and tell your story.

There are three defendants to the lawsuit: the DNR, City of White Bear Lake and the Township of White Bear Lake. Mattick believes that all three of them plan to appeal Judge Marinen's ruling. Mattick has talked to the League and they are not filing an Amicus. 15 days is a tight time-line.

***On motion by Council Member Walczak, seconded by Council Member Sonnek, with all present voting aye (5-0), motion carried to recommend that the City notify the court of the City's desire to file an Amicus and authorizing the City Attorney to prepare such on behalf of the City.***

City Manager Waldron noted that staff would be meeting with the Inland Company on May 16, 2018 to discuss next steps on the Anchor Block property. There are some things starting to break loose, and Waldron will update the council in his Friday report.

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

Council Member Walczak thanked all volunteers, city staff Keith Stachowski and Josh Bond, Dave Nelson, Sue Springborn, and Glen Olson for the work and time spent related to the annual Tree Giveaway.

Council Member Petersen:

- Noted that Ramsey/Washington Suburban Cable Commission is in formal negotiations with Comcast regarding the franchise renewal by November 1<sup>st</sup>.

- Petersen helped the Sheriff's School patrol with 900 kids for the First Tee of Ramsey County at the Golf Dome.
- MN Women in government through the League of Minnesota Cities nominated their choices for the appointed elected and awards will be given at the League of Cities June conference.

Mayor Kuehn:

- The Investment Committee was informed that the consultant Lynn Cromwell from Wells Fargo has moved on to another company, and the Finance Director recommended remaining at Wells Fargo with a new investment consultant for the time being.
- The EDA received a presentation from the Bruggeman Builders related to the investment proposal for the area of 17<sup>th</sup> Avenue and Delaware Avenue.
- The Suite Living project should be moving along more quickly now with the contract that was approved tonight.

## **XII. GENERAL BUSINESS**

Council Member Petersen:

- Attended the NE Youth Family Services luncheon.
- Attended the NE Residents of Ramsey County disabled recognition.
- Shout out to Police Department for Law Enforcement Memorial week.

Mayor Kuehn:

- There is a public Open House for the Downtown Revitalization project from 4:30-7:30 p.m. Wednesday, May 30.
- Mayor Kuehn and Mary Mills had the honor of attending the Food Shelf volunteer lunch where Dave and Linda Zick were recognized for their 15 years of dedicated service.
- June 1<sup>st</sup> is the first History Cruze Car Show of this season.
- June 1<sup>st</sup> there is a public safety open house at Fire Station.
- June 1<sup>st</sup> is the North St. Paul High School Relay for Life. Residents can donate at [www.relayforlife.org](http://www.relayforlife.org)
- Attended the Fire Relief Association meeting in May. Their pension fund remains strong.

## **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 Furlong, with all present voting aye (5-0), Mayor Kuehn adjourned the meeting at 9:52 p.m.*

/s/ Michael R. Kuehn, Mayor

Attest: /s/ Mary Mills, Deputy Clerk