

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

I. CALL TO ORDER

Mayor Kuehn called the meeting to order at 6:50 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, Director of Electric Utilities Brian Frandle, Finance Director Jeanne Day, Strategic Operations Director Debra Gustafson, City Attorney Soren Mattick, City Engineer Morgan Dawley

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 amended.

V. PRESENTATIONS

There were no presentations.

VI. APPROVAL OF CONSENT AGENDA

On motion by Council Member Sonnek, seconded by Council Member Furlong, with all present voting aye (5-0), motion carried to approve the consent agenda, Resolution No. 2018-084 consisting of:

- A. July 3, 2018 workshop meeting minutes
- B. General accounts payable: \$1,686,210.31
- C. HRA accounts payable: \$7,607.80
- D. 2018 Budget Adjustments
- E. Set Sale for 2018 Capital Improvement Bonds
- F. Updated Weather Refund Policy for Park Rentals
- G. Set Special Workshop for August 8, 2018 at 5:00 p.m. – Inland Development and RFP for Solid Waste and Recycling Services

H. Resolution to replace the current Distributed Generation Interconnection Agreement and Resolution on Cogeneration and Small Power Production Tariff.

VII. MEETING OPEN TO PUBLIC

David Nelson shared concerns regarding repeat code violations concerning trash cans, uncut grass and used tires disposed in yards that attract mosquitoes. The Mayor stated the City does have an excessive consumption ordinance that he believes allows the City to charge residents for the service if the City needs to go a house more three times in a year for the same issue. The Mayor suggested contacting the City if he continues to notice code violations and code compliance will be sent out to assess the situation.

John Schmahl discussed the differences between drawings vs. lotteries. Mr. Schmahl expressed concerns that the City will no longer have absentee voting in North St. Paul and that going down to Plato in St. Paul is not convenient for residents to vote.

VIII. PUBLIC HEARINGS

2018 Pavement Management Project – Hearing and Order Improvements.

Mayor Kuehn opened the public hearing at 7:04 p.m.

City Engineer Dawley stated this a public improvement hearing, which is an opportunity for public testimony on the improvement project.

City Council decision tonight is on two specific resolutions:

1. The Ordering the public improvements for the 2018 Pavement Management Project, and
2. Authorizing the advertisement of bids for the 2018 Pavement Management Project.

City Engineer Dawley stated the proposed areas of study in the 2018 Pavement Management Project is comprised of 11th Avenue East from McKnight Road to 1st Street, Castle Avenue from 1st Street to Helen Street, and 12th Avenue East from Helen Street to Margaret Street, and Helen Street North from 12th Avenue East to 17th Avenue East.

Dawley presented slides of the existing condition of the project area. There is cracking and stress in the pavement and it is at the end of its lifespan.

Dawley stated pavement reclamation improvements are included within the City's adopted Assessment Policy. These treatments can include partial repair/replacement of concrete curb and gutter and sidewalks as necessary.

Dawley provided a summary of the cost he mentioned there was a typo in the packet, the anticipated total project cost is estimated to be \$1,588,400.00.

The proposed project is anticipated to be funded, in part, by special assessments to benefitting properties, in accordance with the Assessment Policy, as well as Municipal State Aid funds allocated for construction on North St. Paul's State Aid roadway network. Helen Street and 11th,

Castle, and 12th Avenues are all State Aid streets. Minor Utility improvements will be funded out of the waste water utility and surface water utility fund.

Since special Assessments are part of the funding for this project, one of the statutory requirements is to hold this public hearing.

For reclamation improvement projects, the assessment rate is set by policy \$35.00 a linear foot for single family properties and \$52.50 for Multi-family properties. Average assessments for this project are as follows: single family properties is \$2,244 and \$5,788 for Multi-family properties, 70 parcels are included in the project.

There will be a separate public hearing process specific to assessments which is scheduled to take place in September 4, 2018.

The bidding schedule is anticipated to happen in September 2018, with a construction start in September 2018. Based on feedback provided by North High School/ISD 622 staff during public engagement outreach as a part of the feasibility study completion, it is recommended that 11th, Castle, and 12th Avenues be constructed within a window of time, as suggested by ISD 622, beginning approximately June 15, 2019 with completion by August 15, 2019. This would result in the roadway improvements included and recommended within the feasibility study being constructed in part during the 2018 construction season (Helen Street) and the 2019 construction season (11th, Castle, and 12th Avenues).

Council Member Furlong asked about 11th street and if it is a different category of roadway. City Engineer Dawley stated it is considered a collector roadway, which has higher volumes of traffic. Since it is a collector roadway it is listed on the municipal state aid system and receives funding allocations. Council Member Furlong asked if due to bus traffic there is a different mill than a typical residential street. City Engineer Dawley stated it is a thicker mill.

Mayor Kuehn stated that when the City first put in Helen Street in 20+ years ago in 1992, there were pavement cuts. Mayor Kuehn stated he felt it was the thing that really wrecked the road due to moisture getting into the road. Mayor Kuehn asked when we redo the road will there be pavement cuts. City Engineer Dawley stated there will not be pavement cuts when we redo the road, no saw cuts are proposed. The pavement will be allowed to crack naturally.

Mayor Kuehn stated that 11th is a transit route for metro buses. He asked if the City be looking at getting any concrete padding spots for when buses stop in certain places? Will the City have any conversations with Metro transportation to see if there are any needs for transit improvement like a cement pad in those areas? City Engineer Dawley stated there is not a design for a concrete bus pads at this time, given the modern asphalt mixture it is expected to perform better and mitigate rutting. Dawley stated concrete is much more expensive and provides challenges for underground utilities since it is so much more difficult to work with. At this time staff is not recommending an additional concrete pad for buses. In terms of bus stops staff will be looking at sidewalks approaching bus stops and contacting metro transit to see if is an opportunity to improve the design, staff will certainly consider including their recommendations in the final design.

Council Member Furlong stated on the corner of 11th and McKnight, there are utilities right in the middle of the sidewalk and it is unsightly. City Engineer stated this would be an opportunity

to look at it and find the utility owner and see if we can request a simple relocation. If we can't remove we could possibly replace with something more sleek and modern. It is located in the southeast quadrant of the intersection.

Residents John Lyman, 2495 14th Avenue, stated when the road was completed last time the City put in a retaining wall and it is tilting out. John Lyman asked if the retaining wall could be looked at as a part of this project. City Engineer stated the City can look at the retaining wall and that he would want to work with the Lyman's to make sure the City has their permission to access their property.

Council Member Walczak asked if we will get the best price by going out this late for bids. City Engineer Dawley stated we have historically received good bids at this time of year for similar pavement reclamation improvements projects.

Mayor Kuehn asked about the Communication Plan. City Engineer stated he would work with staff to notify residents in the project area that project was approved and that the assessment hearing is scheduled on September 4, 2018. Notice will need to be published in the official newspaper and mailed notices will also be sent out in the weeks before that meeting. When we have a bid and a contractor additional construction communication will need to take place.

On motion by Council Member Walczak, seconded by Council Member Sonnek, with all present voting aye (5-0), motion carried to adopt Resolution No. 2018-085 ordering the improvements for the 2018 pavement management project.

On motion by Council Member Furlong, seconded by Council Member Petersen, with all present voting aye (5-0), motion carried to adopt Resolution No. 2018-086 approving plans and specifications and ordering advertisement for bids for the 2018 pavement management project.

Mayor Kuehn closed the public hearing at 7:34 p.m.

IX. CITY BUSINESS ACTION ITEMS & RECOMMENDATIONS

A. 2018 Street and Utility Improvement Project – Set assessment hearing.

City Engineer Dawley stated that the 2018 Street and Utility Improvement project area includes roadways near Silver Lake.

City Engineer Dawley stated that projects that will contain special assessments, as required by Minnesota State Statute, Chapter 429 and consistent with the Assessment Policy, an Assessment Hearing will need to be held to consider the adoption of assessments. The hearing for the project is proposed to be held at the August 21, 2018 City Council meeting.

On motion by Council Member Walczak, seconded by Council Member Furlong, with all present voting aye (5-0), motion carried to adopt Resolution No. 2018-087 declaring costs to be assessed and ordering preparation of proposed assessments for the 2018 street and utility improvement project.

On motion by Council Member Petersen, seconded by Council Member Walczak, with all present voting aye (5-0), motion carried to adopt Resolution No. 2018-088 calling for and ratifying an assessment hearing for the 2018 street and utility improvement project.

B. Dangerous Animal Ordinance and Forms Amendments.

City Attorney Mattick stated that the amendment is driven by state statute. When updating the ordinance there were some inconsistencies that needed to be cleaned up.

New forms were created to be consistent with the ordinance, meet state statute and provide more clarification.

Council Member Walczak stated she thought it was just a dangerous dog policy and asked what other animal the policy would apply to? City Attorney Mattick stated he doesn't have an answer to that since he has only seen the ordinance applied to dogs and that the ordinance is geared towards dogs. However, the ordinance could also be applied if there is an issue with another type of animal.

Council Member Walczak asked if the policy would apply to feral cats. City Attorney Mattick said it would not, since feral cats do not have an owner.

On motion by Council Member Walczak, seconded by Council Member Sonnek, with all present voting aye (5-0), motion carried to adopt Ordinance No. 769 and approve the associated forms.

C. Play Structure and Site Improvements at Colby Hills Park.

City Manager Waldron presented the Parks and Recreation Commission Recommendation to install a new playground and conduct site improvements at Colby Hills Park in an amount not to exceed \$30,000 with all funding coming from the Park Fund.

Council Member Walczak expressed concerns regarding handicap accessible parking at the park. City Manager Waldron stated he would have the staff ADA Coordinator look into the feasibility and cost associated with adding a handicap parking spot at Colby Hills.

On motion by Council Member Furlong, seconded by Council Member Sonnek, with all present voting aye (5-0), motion carried to adopt Resolution No. 2018-089 authorizing park fund expenditure of up to \$30,000 for Colby Hills Park Updates.

** Additional item D. Set Special Council Workshop Meeting on July 23, 2018 at 5:30 pm

A special meeting needed to be set to further discuss the 2019 budget.

On motion by Council Member Sonnek, seconded by Council Member Petersen, with all present voting aye (5-0), motion carried to set a Special Council Workshop Meeting on July 23, 2018 at 5:30 p.m.

** Additional item E. 2115 Burke Avenue Interim Use Permit.

City Manager Waldron stated staff is still working on this and therefore it needs to be continued to another council meeting.

On motion by Council Member Sonnek, seconded by Council Member Walczak, with all present voting aye (5-0), motion carried to continue the 2115 Burke Avenue Interim Use Permit to the August 21, 2018 City Council Meeting.

X. REPORTS OF CITY MANAGER AND DEPARTMENTS

City Manager Waldron stated he will get additional staff clarification regarding absentee voting when the Deputy City Clerk is back in the office. Finance Director Day provided clarification regarding voting, she said that absentee voting is only available at limited locations and that early voting is available 14 days prior to the election at additional locations such as the Maplewood Library. The Mayor stated that we will continue to look into voting options in the future.

Added Item by Attorney Soren Mattick. Update Assessment Policy

Attorney Mattick discussed updating the city's assessment policy to put an assessment cap of \$8,000 on single family properties. The proposed policy will impact any projects that have not been assessed yet. The proposed policy change will be brought back to Council for consideration at the next City Council meeting on August 21st.

Mayor Kuehn stated that state law says the assessed value on a public improvement project cannot exceed the potential increase in value on a property.

On motion by Council Member Sonnek, seconded by Council Member Furlong, with all present voting aye (5-0), motion carried to direct staff to update the assessment policy and bring back to the August 21 meeting for Council approval.

XI. REPORTS OF COUNCIL, COMMISSIONS & COMMITTEES

Council Member Petersen attended the first municipal revenue metro cities meeting on July 17, 2018.

Mayor Kuehn provided an overview of the last Economic Development Agency meeting. He stated they reviewed potential development at the meeting. There is a potential developer that is interested in Anchor Block and will be meeting with City Council at a workshop meeting scheduled the first full week in August. There will be a ground breaking soon for the North St. Paul Care Center where the old school bus garage used to be located. The City HRA recently purchased one of the dentist offices across from City Hall. The EDA is planning to look at drawings regarding potential development on that site. Mayor Kuehn stated he is starting to see interest for development and redevelopment in the City.

Council Member Furlong stated that the 9th annual Silver Lake SPLASH will be held on July 21, 2018 at Silver Lake Park and on July 19, 2018 the Parks Commission is hosting a concert in the park at Casey Lake Park featuring a cover band.

XII. GENERAL BUSINESS

Council Member Petersen had the following general business:

- Stated she received a certificate for the City participating in the Green Step City program.
- Council Member Petersen suggested having a staff person assigned to move the City from Step three to four. Council Member Walczak stated that the Strategic Operations Director presented what is required to move from step three to step four at an EAC meeting and it would be a lot of work for our limited staff.
- Petersen stated that there is an upcoming 1970 North St. Paul Hockey Reunion on Friday, July 20 at 6 p.m. at the American Legion Post.
- Petersen thanked the residents that attended the recent meeting regarding trees.
- Petersen said she will be in the dunk tank at the Silver Lake SPLASH at 1:00 p.m.

Mayor Kuehn stated that he has received several letters and emails concerning trees and the upcoming street project. Mayor Kuehn suggested having the Council draft a letter together to be sent out as a general Council response. Mayor asked the City Engineer to draft a letter for Council that addressed residents' concerns. He thanked the City Engineer for meeting with residents regarding their street reconstruction concerns. Council Member Walczak thanked Council Members Petersen and Sonnek for attending the recent resident tree meeting. Dr. Waldron stated the City could plant two trees for every tree that is removed. Mayor Kuehn stated that would be good, if the residents want them. Mayor Kuehn asked if the sod / seed issue has been addressed regarding the upcoming street project. City Engineer Dawley stated that residents will be given the option to sod or seed.

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 Furlong, with all present voting aye (5-0), Mayor Kuehn adjourned the meeting at 8:16 p.m.

/s/ Michael R. Kuehn, Mayor

Attest: /s/ Dr. Craig Waldron, City Manager