



**City of North St. Paul
City Council
Workshop Meeting Agenda**

**September 6, 2022
5:00 PM**

The City Council Meeting will be conducted on **September 6, 2022** at 5:00 p.m. The meeting location is the City Council Chambers of City Hall, located at 2400 Margaret St., North St. Paul.

The City Council will also be meeting by interactive TV under Minn. Stat. 13D.02. Members of the public are permitted to attend the meeting in person. However, it is encouraged to participate in the meeting remotely. Instructions can be found below.

The **September 6, 2022** Zoom meeting can be accessed via:

<https://tinyurl.com/NSPCityCouncil>

(from a PC, Mac, tablet, iPhone or Android device)

or by phone at 1-929-205-6099.

Participants accessing the meeting by phone please use the following meeting ID:
84409094358

You can also watch the meeting on our YouTube channel here tinyurl.com/NSPYouTube

I. Call to Order

II. Roll Call

Council Member Thorsen
Council Member Petersen
Council Member Wong
Council Member Cole
Mayor Furlong

III. Adopt Agenda

IV. Topic(s)

- A. Community Center - "The Next Step"
- B. Riot Response Experiences and Safety Needs in North St. Paul/ Fence Consortium
- C. Downtown Furniture Guidelines
- D. Sidewalk Encroachment Ordinance

V. Other Business

VI. Adjournment

The next regularly scheduled City Council Workshop meeting is September 20, 2022.



To

Honorable Mayor Furlong and City Council

Date

September 6, 2022

Agenda Placement # IV.A

Topic(s)

Subject

Community Center - "The Next Step"

Background/Facts

Recommended Action

Attachments

1. communitycenterreportdraft

Respectfully submitted,
Craig Waldron, Consultant

North St. Paul Community Center

Purpose:

This report provides basic direction with respect to moving forward on the Community Center solution. The Waldron Company has prepared this report based on input from the City Council, input from the public from a community forum, as well as previous Council votes on this issue. There are a number of options depicted, however based on the Council's vision, previous votes, and the public input received, there seems to be one option that is essentially preferred over the others. All options including what appears to be the preferred one, will be discussed within this report.

Critical Immediate Steps:

Prior to focusing on the longer-term solutions for the center, three critical and immediate steps were required:

1. The heating capacity needed to be repaired for the winter months.
2. The roof needed to be repaired.
3. The volleyball contract needed to be extended for another six months.

The initial process relating to this report commenced with a City Council work session June 21, 2022. Previously the City Council had voted four to one in favor of keeping the Center. The intent of the consultant was focused on learning more of the Council's priorities and vision, as well as simply listening to Council perspectives relating to the facility. What follows are a number of comments and themes that surfaced from the meeting with the City Council:

- Sell the building
- Tear it down and simply re-develop the site
- Get this situation resolved quickly
- The library is an asset and we need to keep it
- Do not sell the building
- Potentially have the EDA manage it at some point in the future
- The facility should clearly be utilized as a public good
- We should keep the facility and maintain it as a community asset.
- We should be sure input is obtained from the community at large through a community forum.

Community forum:

At Council direction, a community forum was convened July 28, 2022 to secure additional information and thoughts from the community at large. Approximately 30 people attended the meeting which was also streamed to the City's cable access station and YouTube channel. To ensure a broad base platform of input, everyone who attended was encouraged to provide their opinion. The participants were very enthused and interested in the future of the facility. What follows is a near verbatim depiction of the respective opinions as presented:

1. Keep it as a community center as well as a community hub. Keep it as a facility in order to work for and with our youth.
2. Keep the facility for mixed-use and a community hub that could be available to all groups. Kids need a safe place to go where all are welcome.

3. Maybe utilize this area for community space.
4. Consider a farmers market potential.
5. We need something for North Saint Paul kids.
6. Keep it and use it more as a recreation center focusing on youth needs.
7. Don't privatize the facility. Keep it open for all the public. Do not run it as a profit center.
8. Consider developing programs for seniors at the facility which would include the food program, cardplaying, as well as crafts.
9. Consider the cost of fixing the facility and what the impact will be on taxes.
10. Consider a public private partnership.
11. Get it up and going again.
12. We need to think about what NSP can actually afford.
13. Having a vision is really important regarding the facility.
14. This should become a North St. Paul budget priority.
15. This should be a fun place for after school activities.
16. This should be a safe fun environment. The City needs to keep it.
17. All ages need a safe space. The center should be kept for the kids.
18. Youth should be involved in planning the center.
19. This should stay a free community center.

In addition, other written comments were provided through the City's website ranging from turning the center into a beer hall to actually selling it. Those comments are all included in appendix one.

Rankings:

During the Community form, attendees were also asked to rank the items that were listed. Clearly KEEPING the center as a safe, community hub -used as a recreation center with a strong youth focus were the most highly rated priorities. There was very little interest in selling or privatizing the facility.

Possible Options:

A. Tear down the Center at proximately a cost of \$250,000. In addition, there would have to be negotiations with the library, and we may have a \$700,000 obligation based on the existing lease. We could sell the 1.49 acres.

B. Tear down the building, keep the site, and work to re-develop it. Again, the demolition cost would be similar to the previous option

C. Sell the building as is, the library and volleyball leases would initially have to be protected depending on the date of the sale.

D. Keep the building and commence rehabilitation effort. This option seems to capture the essence of the previous Council vote as well as the input the consultant has received from the forum. This is a fairly extensive proposition, which was last estimated at \$2 million plus, which has probably increased as a result of inflation. This option would have the City immediately moving forward with the repair process which could start quickly. There have been preliminary discussions with some of the existing entities in terms of additional leases, additional space etc. However, these entities are WAITING to see that the City is really is moving forward with a definitive option to refurbish the facility. This clearly would be the definitive action allowing these discussions to progress.

The Consultant 's Perspective:

Based on previous Council votes, the Council's majority vision, as well as the community input, option D appears to be the most acceptable.

Next Action Step:

If option D is indeed the preferred approach and the Council is still in favor of repairing and keeping the facility, the next action is to authorize staff to move forward with the construction/bidding process to allow the aforementioned improvements to advance.

The Wold group has done extensive work on the facility, thus the first step is to request a contract proposal from them regarding the construction management, bidding process etc. At the same time once it is clear these improvements ARE going to happen, very serious and substantial negotiations can commence with the existing leases as well as other future opportunities.

It is strongly recommended once construction is obviously underway, that the City convene a working group comprised of the City Manager, recreation staff if hired, as well as citizens who are potential users, to start working through the potential uses as well as future leases

APPENDIX A -other comments:

A number of additional community comments surfaced through the City's digital formats. In order to ensure a comprehensive analysis, the consultant has included the digital comments verbatim in this appendix. Please note the responses represent a fairly broad spectrum of perspectives ranging from selling the building to using it to facilitate activities for our youth.



NSPC-1

Community Center Public Remarks

Status: Active

Date Created: Jul 7, 2022

Location

2777 GERALD AVE
NORTH SAINT PAUL, MN 55109

Owner:

THORSEN SCOTT
2777 GERALD AVE NORTH ST PAUL, MN 55109

Community Center Public Engagement Remarks

Please share your thoughts and visions for the future of the North St. Paul Community Center.

My ideas are:

Sell the building! It is a financial liability and has cost the taxpayers millions of dollars with very little to no benefit. Interested parties have offered \$1.5 million and \$1 million - take the money and invest in other more important aspects of the city like our streets, parks and public safety!

Are you a resident or business owner in North St. Paul?

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NSPC-2

Community Center Public Remarks

Status: Active

Date Created: Jul 24, 2022

Location

2451 14TH AVE E
NORTH SAINT PAUL, MN 55109

Owner:

BONKO LISA A & DAVID J BONKO
2451 14TH AVE E NORTH ST PAUL, MN 55109

Community Center Public Engagement Remarks

Please share your thoughts and visions for the future of the North St. Paul Community Center.

My ideas are:

1. A brewery/German beer hall. Look how the old Stroh's Brewery is doing on the East Side.
2. Public Market such as the Midtown Global Market. Might be tough due to smaller population density.
3. Small business incubator. Key-Rent has to be affordable for start-ups. The number of incubators who forget that part is amazing.
4. The BEST idea I heard when discussing with friends and family was to turn it into an event/wedding hall. There is an extreme shortage of larger wedding halls. Those that are operating are booked beyond compare and get big-time \$\$\$s.

Are you a resident or business owner in North St. Paul?

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NSPC-3

Community Center Public Remarks

Status: Active

Date Created: Jul 27, 2022

Location

2290 NORTH ST PAUL DR
NORTH SAINT PAUL, MN 55109

Owner:

City of North St Paul
North St Paul, Minnesota 55109

Community Center Public Engagement Remarks

Please share your thoughts and visions for the future of the North St. Paul Community Center.

My ideas are:

I feel the city should sell the city community center to an entity that will pay property taxes. Since residents pay for the lions share of property tax to the city coffers, it is unfair to them to continue paying for the maintenance of this property which in itself is not self sustaining. It is a money drain to the tax payer. Since there is almost no new developable property in NSP to contribute to the tax base, the city needs to sell this property to an entity that will do so. I believe approximately 1/3rd of the land in NSP does not pay property taxes; including, not only city property, but school district, churches and some non-profit properties such as the Boy Scout Museum. There is an insignificant amount of business/commercial/industrial property in NSP considering the city is only 3 square miles in size to contribute additional taxes to the City coffers. Therefore, the burden will always fall on the residents; many like seniors that are on fixed incomes. For these reasons and ones that other contributors may have about this issue, I feel it is not in the best interest of NSP taxpayers to continue paying for the future costs to maintain this facility. Therefore, I encourage the city council to sell the community center to an entity that will pay taxes on that property; in particular, since the council already has a buyer (the volleyball entity) that has expressed interest in purchasing the community center.

Please add my comments to the official City record.

Thank you,

John Fax

2108 Burke Ave E.

NSPC-4

Community Center Public Remarks

Status: Active

Date Created: Jul 28, 2022

Location

2467 15TH AVE E
NORTH SAINT PAUL, MN 55109

Owner:

MAHER STACY A
2467 15TH AVE E NORTH ST PAUL, MN 55109

Community Center Public Engagement Remarks

Please share your thoughts and visions for the future of the North St. Paul Community Center.

My ideas are:

The city of North St. Paul had great ideas when they designed and executed the concept of the community center. As a resident, I think a well functioning, accessible community center could be a huge source of pride! However, the current structure and operations of this building, and the knowledge that the building itself is facing some costly deferred maintenance costs leaves me with questions the community deserves answers to before proceeding with being asked to support any sort of decision or proposal.

- 1.) Does the city want to be in the business of commercial leasing and property management? These are complex arenas, and can create a sizeable financial liability if not executed properly.
- 2) Are deferred maintenance costs built into the current executed leases so that tenants cover the cost of deferred maintenance? I believe some of the maintenance is tax deductible based on usage. I would propose our city be fiduciarily accountable to our tax payers by requiring the tenants of this building to cover any non-tax deductible expenses for maintenance as part of their lease agreement.
- 3) If the city chooses to keep the building, and does not renew their lease with Kokoro, what happens next? With the deferred maintenance costs nearing 2 million, can the city afford these costs without creating a new tax or cost to our residents? If that is possible, what funds have been

dedicated to support the true purpose of recreational community building at this location? Are there any city-related revenue generating opportunities to keep this building in city ownership?

4) What does the city lose by selling this property? Residents and city council deserve a list to review things our residents would lose by offloading a building that seems to be non-revenue generating or sustainable (without investments).

5) What does the city gain by keeping this property? Residents and city council should be able to review a list of every potential gain for the city and its residents if this property is kept on our books.

Ultimately, I would appreciate if North St. Paul were more transparent, using data-driven decision making models. I.E. if someone proposes a change, supply the data to support the change, and include data that shows what happens if no change is made. Our City Manager (two city managers ago) did this in terms of proposing ordinances supporting the keeping of Chickens or Bees in North St. Paul. Where is the data and information for review and comment that analyzes decisions regarding the Community Center?

Are you a resident or business owner in North St. Paul?

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NSPC-5

Community Center Public Remarks

Status: Active

Date Created: Jul 28, 2022

Community Center Public Engagement Remarks

Please share your thoughts and visions for the future of the North St. Paul Community Center.

My ideas are:

NSP is so lucky to have the downtown we have. Beautiful, historic, pedestrian scale commercial street, within blocks of a major bike highway and auto thoroughfare. Any surrounding community would love to have it. It's historic urbanity other places always try and fake in. Having a community center, located downtown, for our residents is part of that valueable infrastructure as well. In my opinion, the repairs should be done and continue the lease to the volleyball company for the short period. However, with more and more younger families moving to NSP, we will need more and more community opportunities available like sports, drama, art, STEM classes, etc. The past population may have not needed a space like this, but we need to adapt to the housing push and give younger residents the amenities they need.

Are you a resident or business owner in North St. Paul?

Yes



NSPC-6

Community Center Public Remarks

Status: Active

Date Created: Jul 29, 2022

Community Center Public Engagement Remarks

Please share your thoughts and visions for the future of the North St. Paul Community Center.

My ideas are:

Youth space- some sort of connection program along the lines of Big Brother/ Sister, get kids interested in skills and off streets. Community classes space. Farmers market space would also be fantastic.

Are you a resident or business owner in North St. Paul?

Yes



NSPC-7

Community Center Public Remarks

Status: Active

Date Created: Aug 1, 2022

Community Center Public Engagement Remarks

Please share your thoughts and visions for the future of the North St. Paul Community Center.

My ideas are:

- Coffee shop run by isd622 kids! -Bring back the community workout space!
- Invest in some awesome murals outside that actually make the building look inviting and welcoming, and not like a prison.
- give the building to the school district to turn into a community education space

Are you a resident or business owner in North St. Paul?

Yes

NSPC-8

Community Center Public Remarks

Status: Active

Date Created: Aug 3, 2022

Community Center Public Engagement Remarks

Please share your thoughts and visions for the future of the North St. Paul Community Center.

My ideas are:

While the idea of a city owned and operated community center is nice; successful ones require continued financial investment and operational oversight. The city council shouldn't expect NSP taxpayers to make up for a lack of amenities or services provided by other cities within Ramsey county, Washington county or the school district.

If the council believes it's necessary to own the community center building, the wish list items offered at the public input session need to be narrowed down to focus on unmet N. St. Paul resident needs. A good chunk of available NSP land is already off the property tax rolls and some school district, church and nonprofit facilities already provide services/spaces for NSP residents. Partnering with, not replicating, uses or services provided or operated by private, nonprofit or publicly owned facilities in close proximity might be a financially sustainable approach. A feasibility analysis to assess what needs aren't, or couldn't be, served by some of those entities requires more representative input than heard from some "pre-organized" meeting attendees. The ongoing operational costs also need to be realistically estimated and a determination made of the expected annual subsidy needed after necessary capital improvements are made. More clarity about the expected outcomes and how they'd be measured is also necessary – i.e. a teen "hangout" to do what specifically?

The Maplewood community center is now operated by the YMCA which is an option to consider as that partnership stopped the drain on taxpayers in a city with a population 3-4 times that of NSP. The Y provides many program options in close proximity to NSP residents and at nominal costs, for the most part. The library board wants to expand its space for the short term and look into a new location if one becomes available. Again, the services provided within libraries go far beyond a quiet space to read or rent a movie. It was troubling to hear so many speakers apparently not aware the NSP library or the YMCA Maplewood facility exist. And to hear the city could've been a better partner to the current private party renter who was willing to provide space to other entities during "off times".

Are you a resident or business owner in North St. Paul?

Yes



NSPC-9

Community Center Public Remarks

Status: Active

Date Created: Aug 4, 2022

Community Center Public Engagement Remarks

Please share your thoughts and visions for the future of the North St. Paul Community Center.

My ideas are:

Youth space, provide a variety of services, place to hang out, student run.

Are you a resident or business owner in North St. Paul?

No

Timeline

Label	Status	Activated	Completed	Assignee	Due Date
 Staff Review	Active	Aug 4, 2022 at 12:19 pm	-	Kari Erpenbach	-

**To**

Honorable Mayor Furlong and City Council

Date

September 6, 2022

Agenda Placement # IV.B

Topic(s)

Subject

Riot Response Experiences and Safety Needs in North St. Paul/ Fence Consortium

Background/Facts

North St. Paul Police Sergeant Ben Badowich previously worked for the Minneapolis Police Department. During his time at the Minneapolis Police Department, Sergeant Badowich gained valuable experience related to law enforcement response to riots and civil unrest, including acquiring the knowledge and recommendations of how to best ensure the safety of our community and officers while de-escalating any possible tensions between law enforcement and people exercising their 1st Amendment rights.

In addition to identifying officer safety equipment needs, we have identified a need to join the recently established metro area Fence Consortium Group. The Fence Consortium Group will be explained in the presentation, including the requirements and prerequisites to join this consortium. Information related to civil unrest experiences, communication, roles and responsibilities, as well as agency recommendations and needs will be presented.

Recommended Action**Attachments**

None

Respectfully submitted,
Phil Baebenroth, Police Chief

**To**

Honorable Mayor Furlong and City Council

Date

September 6, 2022

Agenda Placement # IV.C

Topic(s)

Subject

Downtown Furniture Guidelines

Background/Facts

Review the recommended guidelines set forth by the Planning Commission for downtown outdoor furniture.

The Planning Commission is recommending the following guidelines for downtown furniture should a business decide to purchase:

- ☐ Durable - Commercial grade (vs. residential)
- ☐ Made of weather resistant materials such as:
 - o Wrought Iron
 - o Cast Iron
 - o Aluminum
 - o Lumber-grade HDPE plastic

Recommended Action**Attachments**

1. Downtown furniture guidelines

Respectfully submitted,
Brandy Howe, Planner

The following guidelines have been set forth by the North St. Paul Planning Commission regarding outdoor downtown furniture.

If a downtown business wishes to have outdoor seating/furniture, it must be:

- Durable - Commercial grade (vs. residential)
- Made of weather resistant materials such as:
 - Wrought Iron
 - Cast Iron
 - Aluminum
 - Lumber-grade HDPE plastic

Wrought Iron example



Aluminum example



Lumber-grade HDPE plastic example



**To**

Honorable Mayor Furlong and City Council

Date

September 6, 2022

Agenda Placement # IV.D

Topic(s)

Subject

Sidewalk Encroachment Ordinance

Background/Facts

Outdoor seating was allowed on public right-of-way in the downtown during COVID as a temporary measure to keep businesses afloat during the pandemic. Several businesses have since voiced their desire to continue to offer outdoor seating to customers. However, with the COVID emergency lifted, the city no longer has a mechanism to permit the use of the public right of way for private purposes. The proposed ordinance will create a sidewalk encroachment permit that would fill this void. The proposed ordinance is a new section under Chapter 94: Streets and Sidewalks within Title IX General Regulations of the Municipal Code. This section creates a permitting process to allow permittees to encroach into the public sidewalk for sidewalk sales, sidewalk cafes, and similar private uses. A draft ordinance is included in the packet for review and discussion. The draft has been reviewed by the City Attorney and shared with the Police Chief for review and comment.

Recommended Action**Attachments**

1. DRAFT Sidewalk Encroachment Ordinance - CC Workshop 09-06-2022

Respectfully submitted,
Brandy Howe, Planner

CHAPTER 94: STREETS AND SIDEWALKS

SECTION 94.22: SIDEWALK ENCROACHMENTS

§ 94.22.010 DEFINITIONS

Sidewalk Café: An outdoor dining or sitting area of a retailer that abuts or is contiguous to the retailer's premises and which is located in whole or in part on a sidewalk or public plaza and contains removable tables, chairs, barriers, planters, or related appurtenances.

Sidewalk Sale: The use of public right-of-way by a retailer to sell goods outside of their premises.

§ 94.22.020 PERMIT REQUIRED

- A. Sidewalk encroachment permits may be granted to a business on an annual basis for the use of a portion of public right-of-way that is immediately adjacent to said business establishment for the purpose of providing seating, food and beverages, sidewalk sales, and the like and for a structure or statute related to a city-coordinated program.
- B. Application for a sidewalk encroachment permit shall be made to the City Clerk on forms furnished by the city. An application fee, in accordance with the current fee schedule, shall be submitted at the time of application.
- C. An application for a sidewalk encroachment permit shall be accompanied by a site plan. The site plan shall be drawn to scale and clearly delineate property lines, curbs, existing facilities, existing obstructions within the public right of way, and the proposed location of furnishings (tables, chairs, plant tubs, planters, structures, statutes, tables, clothing racks, shelving, carts, fencing or barricades, etc.).
- D. The city manager, or designee, shall either grant or deny the application within 30 days of the application being filed. If the application is denied, the applicant may appeal to the city council by filing a written appeal with the city council as described in Section 125.060.
- E. Issuance of a permit shall not be construed as authorizing any permanent installation to be placed in the public right-of-way.
- F. The city manager retains the right to limit the total number of sidewalk encroachment permits.

§ 94.22.030 REQUIREMENTS AND PROHIBITIONS

- A. General Encroachment Requirements.
 - 1. A minimum width of 54 inches of clear, unobstructed pedestrian walk-through zone shall be maintained on the public sidewalk at all times.
 - 2. No fire exits or lanes may be blocked and must remain clear at all times. Emergency entries and exits shall be maintained according to the approved site plan and in compliance with the Americans with Disabilities Act.
 - 3. The use of the public sidewalk under an encroachment permit shall not be an exclusive use. All public improvements, including, but not limited to, trees, light poles, traffic signals, pull boxes or manholes, or any public-initiated maintenance

procedures, shall take precedence over said use of the public sidewalk at all times.

B. Sidewalk Café Requirements.

1. The general layout of the sidewalk cafés shall comply with the following considerations:
 - i. Where possible, sidewalk cafés shall be located adjacent to the curb, allowing pedestrian traffic to flow next to the building.
 - ii. The location shall be selected to minimize interference with pedestrian traffic.
 - iii. The location shall consider the placement of existing public infrastructure.
2. No alcoholic beverages shall be allowed in a sidewalk café except with the appropriate license issued by the city. Alcohol service on sidewalk areas must include an amendment to the liquor license site plan and physical demarcation as required under City Code Section 117.120 (2).
3. The tables, chairs and other furnishings used in the sidewalk cafe shall not be fixed to the sidewalk and shall be of a type of street furniture that is commercial grade, easily movable, but heavy enough to sustain strong winds. Statutes and structures related to a city-coordinated program may be fixed to the sidewalk. Acceptable weather-resistant materials include wrought iron, cast iron, aluminum, and lumber-grade HDPE plastic. Evidence of durability shall be provided in the permit application.
4. Receptacles for waste or dirty dishes, and cooking appliances shall not be placed or stored on any portion of the sidewalk. The business owner shall ensure that the area is properly maintained and litter free.
5. Tables, chairs, and any other components of the approved permit use shall be neatly stacked and organized at the end of each business day in a manner which will result in minimal intrusion into the public right-of-way.
6. While such café is in operation, all tables and chairs shall be kept in a clean, sanitary condition.
7. If a sidewalk cafe is adjacent to a traffic lane, a barrier such as a planter or railing shall be installed to separate the permitted area from the curb and street.

§ 94.22.040 INSURANCE REQUIRED

No sidewalk encroachment permit shall be effective until evidence of insurance has been filed with the city insuring against liability imposed by law arising out of the ownership, maintenance, or operation of such sidewalk café in an amount of \$_____. The city shall be named as an additional insured in the policy, providing such insurance and such policy shall further provide that it may not be canceled except upon 10 days' written notice filed with the license and permit division.

§ 94.22.050 PERMIT REVOCATION

- A. Failure to comply with all of the terms and conditions of the permit and all requirements of this chapter may result in the termination of the sidewalk encroachment permit. The City reserves the right to revoke any sidewalk encroachment permit through the process described in this Section.

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- B. After revocation, such use of the public sidewalk shall cease and no tables or chairs or other encumbrances of the sidewalk may remain.
 - C. Substantial breach. The city reserves its right, as provided herein, to revoke any sidewalk encroachment permit without a fee refund, if there is a substantial breach of the terms and conditions of any statute, ordinance, rule or regulation, or any material condition of the permit. A substantial breach by permittee shall include, but shall not be limited to, the following:
 - 1. The violation of any material provision of the sidewalk encroachment permit;
 - 2. An evasion or attempt to evade any material provision of the sidewalk encroachment permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the city or its citizens;
 - 3. Any material misrepresentation of fact in the application for a sidewalk encroachment permit;
 - D. Written notice of breach. If the city determines that the permittee has committed a substantial breach of a term or condition of any statute, ordinance, rule, regulation or any condition of the permit, the city shall make a written demand upon the permittee to remedy such violation. The demand shall state that continued violations may be cause for revocation of the permit. A substantial breach, as stated above, will allow the city, at its discretion, to place additional or revised conditions on the permit to mitigate and remedy the breach.
 - E. Response to notice of breach. Within 24 hours of receiving notification of the breach, permittee shall provide the city with a plan, acceptable to the city, that will cure the breach. Permittee's failure to so contact the city, or permittee's failure to timely submit an acceptable plan, or permittee's failure to reasonably implement the approved plan, shall be cause for immediate revocation of the permit.
 - F. Reimbursement of city costs. If a permit is revoked, the permittee shall also reimburse the city for the city's reasonable costs, including restoration costs and the costs of collection and reasonable attorneys' fees incurred in connection with such revocation.
 - G. Revocation. The revocation of a permit must be made in writing and document the basis for the revocation. The city must notify the right-of-way user within three business days of the decision to revoke a permit.

§ 94.22.060 APPEAL

- A. A sidewalk encroachment applicant or permittee that has been denied a permit; or has had a permit revoked may have the denial or revocation reviewed, upon written request, by the City Council.
- B. The City Council shall act on a timely written request within 45 days of receipt, provided the applicant or permittee has submitted its appeal with sufficient time to include the appeal as a regular agenda item. A decision by the City Council affirming the denial or revocation will be in writing and supported by written findings establishing the reasonableness of the decision.