



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

**January 17, 2023
5:00 PM**

The City Council Meeting will be conducted on **January 17, 2023** at 5:00 p.m. in 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.

The **January 17, 2023** 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 Cole
Council Member Schweer
Council Member Wong
Council Member Nordby
Mayor Monge

III. Adopt Agenda

IV. Topics

- A. MPCA electric vehicle charging station grant opportunity
- B. Sidewalk encroachment ordinance (aka sidewalk cafes)

V. Other Business

VI. Adjournment

The next regularly scheduled City Council Workshop meeting is February 7, 2023.

**To**

Honorable Mayor Monge and City Council

Date

January 17, 2023

Agenda Placement # IV.A

Topics

Subject

MPCA electric vehicle charging station grant opportunity

Background/Facts

The MPCA has \$664,000 available to install Level 2 EV charging stations in public places, workplaces, and multiunit dwellings. The maximum award per applicant is \$150,000 (\$7,500 for each single-port station and \$15,000 for a dual-port station). A 20% match is required for stations located in public places. The purpose of the program is to increase the use of electric vehicles in place of gas-powered cars to reduce tailpipe emissions, including greenhouse gas emissions in the state. Proposals are due no later than 4:30 p.m. Central Time on February 28, 2023.

Recommended Action

Provide staff with direction on whether to pursue this grant opportunity.

Attachments

None

Respectfully submitted,
Brandy Howe, Planner



To	Date
Honorable Mayor Monge and City Council	January 17, 2023

Agenda Placement # IV.B

Topics

Subject

Sidewalk encroachment ordinance (aka sidewalk cafes)

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 would create a permitting process to allow permittees to encroach into the public right of way for private uses such as sidewalk sales, sidewalk cafes, and similar private uses or structures. A draft ordinance is included in the packet for review and discussion.

Recommended Action

Direct staff on creation of sidewalk encroachment ordinance.

Attachments

1. Sidewalk Encroachment Ordinance

Respectfully submitted,
Brandy Howe, Community Development Director

CHAPTER 94: STREETS AND SIDEWALKS

SECTION 94.22: SIDEWALK ENCROACHMENTS

§ 94.22.010 DEFINITIONS

Amenity Zone: The area along a sidewalk that is located adjacent to the curb line. This zone provides space for pedestrians to gather or wait for transit, trees, landscaping, greening, furnishings, snow storage, signs, wayfinding, streetlights, street signal and utility infrastructure, bicycle parking, and the curb.

Pedestrian Zone: The area located between the building front and amenity zones. This zone provides space for pedestrians and must be kept clear of obstructions.

Sidewalk Café: An outdoor dining or sitting area located in whole or in part on a sidewalk or public plaza where the service of food or beverages is offered to persons using said sitting area.

Sidewalk Sale: The display and sale of merchandise from a stand on the City sidewalk fronting a store.

§ 94.22.020 PERMIT REQUIRED

- A. Applicability. Sidewalk encroachment permits may be granted for the use of a portion of public right-of-way for the purpose of providing seating, food and beverages, sidewalk sales, and the like and for a structure or statue related to a city-coordinated program.
- B. Application.
 - 1. Application for a sidewalk encroachment permit shall be made on forms furnished by the city. An application fee, in accordance with the current fee schedule, shall be submitted at the time of application.
 - 2. 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 privately-owned furnishings (tables, chairs, plant tubs, planters, structures, statues, tables, clothing racks, shelving, carts, fencing or barricades, etc.). The site plan shall also identify the location of any heating devices that may be used.
 - 3. 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 as described in Section 94.22.060.
- C. Expiration/Renewal. A sidewalk encroachment permit is only valid from April 1 to October 31 of each year.
- D. The city manager retains the right to limit the total number of sidewalk encroachment permits.
- E. Issuance of a permit shall not be construed as authorizing any permanent installation to be placed in the public right-of-way.

§ 94.22.030 REQUIREMENTS

- A. General Encroachment Requirements.

1. A minimum of 6' unobstructed pedestrian zone shall be maintained on the public sidewalk at all times for compliance with the Americans with Disabilities Act.
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.
4. Statues and structures related to a city-coordinated program may be fixed to the sidewalk.

B. Sidewalk Sale Requirements.

1. Merchandise must be located in front of permit-holder's business.
2. Merchandise cannot block building entrance or exits.

C. 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 in the amenity zone.
 - ii. The location shall consider the placement of existing public infrastructure.
 - iii. If a sidewalk cafe is adjacent to a parking area or a traffic lane, a barrier such as a planter, railing, or the like shall be installed to separate the sidewalk cafe from the curb and street.
 - iv. The arrangement and number of tables and chairs within the authorized boundaries of the sidewalk café shall reflect the approved plan and shall not be substantially changed, altered, added to or reduced without the approval by the city manager.
2. Alcohol service. No alcoholic beverages shall be allowed in a sidewalk café except with the appropriate license issued by the city under City Code Chapter 117.
3. Operation and equipment standards.
 - i. The tables, chairs and other furnishings shall not be fixed to the sidewalk and shall be of commercial grade, easily movable, but heavy enough to sustain strong winds. 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.
 - ii. 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.
 - iii. 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.

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- iv. While such café is in operation, all tables and chairs shall be kept in a clean, sanitary condition.
4. Heating equipment.
- i. All heating equipment shall comply with existing fire code regulations. Any heating equipment used by a permittee shall be located at least three feet from any structure (i.e., buildings, trees, furniture, etc.).
 - ii. Any heating equipment used by a permittee shall be depicted on the site plan submitted as part of the permit.

§ 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 \$500,000. 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.
- 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 permit holder 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 permit holder 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.