

City of North Saint Paul
July 7, 2020
Adopted Regular City Council Meeting Minutes

North St. Paul City Hall – Council Chambers
2400 Margaret Street

I. CALL TO ORDER

Mayor Furlong 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 Thorsen
Council Member Petersen
Council Member Walczak
Council Member Sonnek
Mayor Furlong

Staff: City Manager 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 Walczak, seconded by Council Member Petersen, with all present voting aye (5-0), motion carried to approve the agenda as submitted.

V. PRESENTATIONS

A. Laurie Koehnle Retirement

Mayor Furlong presented a Plaque of Recognition to Laurie Koehnle for 18 years of service to the City of North St. Paul. He invited Ms. Koehnle to address the City Council.

Ms. Koehnle stated she still intends stay involved with the Veterans Park Committee, pursue other local volunteer opportunities, and spend more time with her family. She introduced her husband Ron; daughter Karen and her daughters Tilly and Tatum; daughter Christa, her husband Joe and their children Amelia and Evan; daughter Kelly, her husband Eric and their children Andrew and Stella.

Ms. Koehnle expressed her appreciation to Mayor Furlong and the City Council as well as City Manager Scott Duddeck and City Staff for giving her the opportunity to work for the great City of North St. Paul. She thanked her supervisor, Debra Gustafson, and her great team.

Ms. Koehnle thanked her husband Ron for sharing in all the duties at home, which allowed them both to have a career.

VI. APPROVAL OF CONSENT AGENDA

City Manager Duddeck stated the Consent Agenda that the City Council just approved includes an application for charitable gambling for Tartan Area Youth Hockey. He noted a representative was present at the meeting and invited him to address the City Council.

John Maslowski, Gambling Manager for Tartan Area Youth Hockey, stated he and his family have been long-time residents of North St. Paul, although he currently lives in Maplewood and his family supports Tartan High School Hockey. He added the Association intends to do charitable gambling at Neumann's Bar & Grill. He noted he has been volunteering at local food shelves since April 1, along with other Sheriff's Department retirees, partnering with distributors to ensure that the food shelves are stocked.

On motion by Council Member Sonnek, seconded by Council Member Walczak, with all present voting aye (5-0), motion carried to approve the consent agenda, Resolution No. 2020-076 consisting of:

- A. June 16, 2020 workshop meeting minutes.
- B. June 16, 2020 regular meeting minutes.
- C. General accounts payable: \$1,848,944.47.
- D. HRA accounts payable: \$10,584.72
- E. Application for a Premises Permit to conduct Lawful Gambling at Neumann's Bar & Grill submitted by the Tartan Area Youth Hockey Association (TAYHA). Resolution No. 2020-077.
- F. Contract with Malloy, Montague, Karnowski, Radosevich & Co. P.A. (MMKR) for auditing services. Resolution No. 2020-078.

VII. MEETING OPEN TO PUBLIC

Shawn Rivet thanked City Staff for doing clean-up at his neighbor's house which was abandoned. He added there is another sink hole in his street, and there must be a water main break. He noted water sits in front of his house constantly.

Mr. Rivet stated his truck was under water on Sunday, and a neighbor cleaned out the drain but there was not much debris there. He added there should be a drain in front of his house, and he has been asking for help for nine years. He noted he loves North St. Paul and does not want to leave, but he may have to sell his house.

Mr. Rivet stated work was done on a nearby property, and they tore up everything in his backyard, including his fire pit which they assured him they would not dig up. He added exposed wires were left in the yard.

Mayor Furlong stated the City Council discussed this issue at its Work Session that evening. Mr. Rivet stated the City has been discussing this issue for nine years.

Council Member Thorsen stated, as he mentioned in the Work Session, the only solution would be to do a massive overhaul of the sewer system near Mr. Rivet's house, and that is not financially feasible. He added his solution is to purchase Mr. Rivet's home and turn his property

into a drainage and holding pond. He added the City did this on the property on 2nd and Margaret. He noted 100-year flood events are happening once or twice a year.

Council Member Thorsen encouraged Mr. Rivet to communicate with the City Manager to come up with a plan for exiting the home. He added he feels sorry for Mr. Rivet's situation and wants to come up with a plan to negotiate a fair market value for Mr. Rivet's home. He noted he hopes Mr. Rivet would be able to find another home in North St. Paul.

Council Member Thorsen stated he would support having Mr. Rivet work with City Staff to make a recommendation to the City Council to move forward with the purchase of Mr. Rivet's property.

City Engineer Morgan Dawley stated the area of Mr. Rivet's home was included in a flood study and identified as an opportunity for a surge basin. He added this would remove excess water that is over and above the capacity of the existing stormwater sewer system. He noted Mr. Rivet's property is on the dividing line between two systems, and water from his property flows to the Helen Street trunk surge basin.

Mr. Dawley stated the intensity of the recent rain event was over and above the capacity of storm sewer systems designed for North St. Paul when the City was developed post-World War II. He added these types of burst storms result in localized flooding as storm sewers are not designed to accommodate the amount of water. He noted there is not a clear area with enough space for the City to add a surge basin that would sufficiently relieve pressure on the Helen Street trunk.

Mr. Dawley stated a surge basin is under construction that will provide relief, but it is not adjacent to the Helen Street trunk. He added there are opportunities for catch basins in rear yards in the Helen Street trunk area. He noted a potential stormwater mitigation area near Mr. Rivet's property may be a good opportunity.

Mr. Dawley stated the stormwater capital improvements plan is economically challenging, and improvements will need to be done incrementally over the next 20 years. He added, however, these improvements will not solve all the stormwater problems all the time. He noted the City's flood Ordinance sets requirements for new home construction and reconstruction thresholds and elevations that were not in place years ago, which has resulted in at-risk properties, even when pipes are overtaxed.

Mr. Dawley stated infrastructure and design standards are more stringent and have been adjusted for different precipitation models. He added City Staff looks for opportunities to maximum flood protection when new homes are constructed, and existing homes are reconstructed. He noted it would be his recommendation that some type of basin should be created for this system, on land that is sufficient to retain and control stormwater.

Council Member Thorsen stated, in theory, there is no guarantee that increasing the capacity of existing pipes would solve this problem. He asked what it would cost to increase pipe capacity.

Mr. Dawley stated estimates for the flood improvement capital plan were \$20-40 million, which is not an achievable figure for what was intended to be a 20-year plan. He added the flood improvement capital plan was only intended to address stormwater issues in 2/3 of North St. Paul.

Council Member Thorsen asked whether there are other areas in North St. Paul that experience the extreme flooding that Mr. Rivet has encountered for the past 10 years. Mr. Dawley stated some areas have recently improved systems, and some areas have more slope and elevation changes. He added Mr. Rivet's home is in a very flat part of town, with not much gravity to push water through a pipe in another direction.

Council Member Thorsen stated two new homes that were built near Mr. Rivet's home do not have basements. He asked whether a stormwater mitigation review process was completed when the homes were built.

Mr. Dawley stated the two homes that were built in this area were thoroughly reviewed for groundwater elevations and emergency overflow, which are required under the City's flood protection Ordinance. He added the homes were adjusted, and their elevations were raised.

Council Member Thorsen stated he does not feel there should be a house at that location. He added drain tile could be added to alleviate water getting into the house, but that would cost more than half the value of the home itself. He noted the most cost-effective solution would be for the City to purchase the home so it can be demolished. He expressed his belief that this would not be a precedent, as this is an extreme case that creates an undue hardship.

John Schmahl stated one of his neighbors recently asked him how to find out whether another neighbor is encroaching on his property by building a driveway. He added he called the City to get a copy of the building permit, which did not have any information on it regarding his neighbor's property lines. He noted he brought this to City Staff's attention and was told that there is additional information that he does not have.

Mr. Schmahl stated building permits and related documents are public record. He added residents should know where their property lines are and talk to their neighbors before doing construction near property lines.

VIII. PUBLIC HEARINGS

There were no scheduled hearings.

IX. CITY BUSINESS ACTION ITEMS & RECOMMENDATIONS

A. Conditional Use Permit request to relocate an Adult Day Care in the existing building at 2544, 2546, and 2548 7th Avenue E.

City Planner Erin Perdu reviewed a request for a Conditional Use Permit (CUP) for an adult day care operation in an existing building at the corner of Margaret Street and 7th Avenue E. She added the building is for sale, and no changes to the exterior of the building are proposed except signage. She noted the applicant has indicated they would like to open a restaurant in the Victoria Room and keep the outdoor seating area.

Ms. Perdu stated the combination of restaurant use and adult day care would help create more foot traffic in the downtown area and promote a pedestrian-friendly environment, which is a recommendation for the downtown district in the Comprehensive Plan. She added the proposed

use is compatible with current and future land use and the restaurant use would not require a CUP. She noted the use that is being requested is the adult day care.

Ms. Perdu stated City Staff and the Planning Commission recommend approval of the CUP with no additional conditions. She added the applicant has joined the meeting and is available for questions.

Mayor Furlong asked whether the restaurant use can be added to the CUP. Ms. Perdu stated a CUP would not be required for the restaurant portion of the building because it is a permitted use in that district.

Mayor Furlong asked whether it is a requirement for that building to be used as a restaurant. Ms. Perdu stated that is not a requirement. She reiterated that the CUP is for the proposed adult day care use only.

Council Member Sonnek stated the plan as presented to the Planning Commission was that there is a possibility that the applicant may use the end unit for a restaurant in the future. He added the Planning Commission expressed concern that an adult day care center use would not be compatible with the Comprehensive Plan as it would not generate much pedestrian traffic in the downtown area. He noted that a restaurant, however, would bring foot traffic but it is not specifically a part of the CUP request.

Council Member Sonnek stated applicant joined the Planning Commission meeting and discussed their intention regarding the restaurant.

Council Member Sonnek stated the Victorian Room would be a great location for a proposed restaurant as there will be a 3-story apartment building across the street. He added the market will drive what sorts of businesses can be sustained in that area. He noted a restaurant would be the most appropriate and valuable use of the space.

True, the applicant, stated the restaurant is in the works. She added she has met with the rest of the team and that is something they would like to do. She noted their plans include both the proposed adult day care and a restaurant, but the current request is for an adult day care.

Mayor Furlong asked whether the restaurant would serve the adult day care as well as being open to the public. True stated the two uses would be separate. Mayor Furlong asked what type of restaurant it would be. True stated it would be a mixture of American and Asian food. She added they are interested in pursuing a liquor license for the restaurant.

Mayor Furlong stated it has been the City's intent for many years to have a restaurant in the downtown area. He added the Victorian Room is a key space that would work very well as a restaurant.

True stated it is their intent to have the adult day care clients out in the neighborhood as much as possible. She added they plan to host community events at the center, and invite the community to interact with the elders.

Mayor Furlong asked whether the applicant has other adult day care centers. True stated they do not have any day care centers, but they have a business plan for the day care center and currently run two in-home senior care agencies.

Council Member Thorsen stated he is excited that the adult day care center will be joining the community. He added he supports the future use of the Victorian Room as a restaurant. He noted the current owner has been trying to sell these buildings for quite a while so he can continue his catering business elsewhere.

Council Member Walczak stated she is fascinated with the proposal to have community events that will bring the public and adult care clients together to interact with each other. She added this will bring pedestrian traffic to the downtown area. She asked whether True has examples of what types of events would be planned.

True stated they have done some research and looked at examples from other agencies, and they hope to host events like New Year's celebrations and community open houses.

The other applicant stated this is a great opportunity for community-building, and for students to come and meet the elders and hear their stories. She added they could come to visit and meet the elders, volunteer and become pen pals. She noted students can learn about what the older generation has been through.

Council Member Walczak asked whether they will be marketing the adult day care center to veterans. True stated there are some veterans interested in coming to their agency. She added they also intend to market to Century College to attract nursing students. She noted the community will be welcome to come and work with the seniors and learn from the experience.

On motion by Council Member Sonnek, seconded by Council Member Walczak, with all present voting aye (5-0), motion carried to adopt Resolution No. 2020-079 approving Conditional Use Permit for an Adult Day Care Located at 2544, 2546 and 2548 7th Avenue E.

X. REPORTS OF CITY MANAGER AND DEPARTMENTS

Mr. Duddeck stated construction at the former City Hall development site, Uptown Commons, will be moving forward in the next few weeks. Road construction and utility work in preparation for construction will be starting, and tree removal has begun. Margaret Street between 7th and 4th Avenues will be closed beginning on July 15, 2020, with closures continuing through mid-October. He noted City Staff will be in direct communication with downtown businesses throughout the duration.

Mr. Duddeck stated all trees on 7th Avenue in the project area will be removed, to facilitate storm sewer and watermain replacement and sidewalk replacement. He added this will begin on July 15, 2020.

Mr. Duddeck stated Seppala Boulevard will soon revert to 2-way traffic between Margaret and Helen Streets. He added access issues related to relocation of USPS mailboxes has caused delays.

Council Member Walczak stated residents are welcome to take plants that are available because they would not otherwise survive the construction. Mr. Duddeck confirmed this, adding plants have been removed and are still available, at the corner of 7th Street and Margaret Street.

Mr. Duddeck stated the storage facility at Anchor North has been delayed a week due to rain. He added work began today on footings and foundation, and work continues on the traffic signal at Anchor Drive and McKnight Road.

Mr. Duddeck stated the development agreement and purchase agreement for the proposed apartment building at Anchor North will be available for City Council consideration and approval at an upcoming meeting. He added the Kwik Trip development agreement will also be available soon.

Mr. Duddeck stated the City of North St. Paul received \$918,000 in federal Care funding to be used for Covid-related expenses. He added City Staff will attend a League of Minnesota Cities webinar to learn more about what the funding can be used for. He noted it is hoped that some of the funding will go toward software improvements to increase accessibility, and grants for local small businesses.

Mr. Duddeck stated there will be an application process for funding, and recipients will need to meet requirements. A federal audit will be required to ensure that the funding is spent appropriately, and the funds must be expended by November 15, 2020. He added it is City Staff's intent to have the funding dispersed by November 15, 2020.

Council Member Walczak asked whether funds can also be used for personal protective gear for the Police and Fire Departments. Mr. Duddeck confirmed this, adding the funds can be used for expenses already incurred, and to purchase additional supplies for future use. He noted City Staff are working on a list of potential purchases for City Council consideration and approval.

Mr. Duddeck stated "Food Truck Night" on July 22, 2020 has been combined with a music event in Casey Lake Park scheduled for the next night. He added there was a band cancellation, and another local band stepped up to take their place.

XI. REPORTS OF COUNCIL, COMMISSIONS & COMMITTEES

Council Member Sonnek stated the Planning Commission held their most recent meeting in Council Chambers on July 2, 2020, at which the adult day care center was discussed, as well as updates to Zoning Code district tables.

Council Member Petersen stated the League of Minnesota Cities' recent annual conference was held virtually.

Council Member Petersen stated, as mentioned by Mayor Furlong, the City's second annual "Food Truck Night" will be held on July 22, 2020, at Hause Park at 6:00 p.m.

Council Member Thorsen stated the next Economic Development Authority meeting is scheduled to be held on July 14, 2020. He added Business Association meetings are still on hiatus, as there are still attendance restrictions at the American Legion, where meetings are held.

He noted it is hoped their meetings will resume soon. He noted they may be able to assist with decisions regarding federal grants for local small businesses.

Mr. Duddeck stated the City of North St. Paul will receive GreenStep Cities recognition for completing Steps 4 and 5 from the League of Minnesota Cities. He added recognition will be formally presented to the City at the League's conference next year in Rochester.

Council Member Petersen thanked City Staff for their hard work toward getting GreenStep Cities recognition for North St. Paul.

XII. GENERAL BUSINESS

Council Member Petersen stated Parks and Recreation Commissioner Heather Haas has been fundraising to purchase yard signs that express thanks to the Police Department. She added Ms. Haas plans to do a luncheon for the Police and Fire Departments with excess funds. She noted the signs will be ready to be picked up tomorrow.

Council Member Petersen expressed her appreciation to Theresa Auge', who is retiring from the School Board after 16 years. She thanked Ms. Auge' for her years of service.

Council Member Petersen expressed sadness at the death of Marissa Marple as a result of a diving accident over the weekend.

Council Member Thorsen expressed his appreciation to residents and Public Works employees for their clean-up efforts after crowds left trash in local parks on 4th of July. He stated it is unfortunate, but it happens every year. He added the City could consider a partnership with the Business Association to co-sponsor a 4th of July fireworks display in North St. Paul.

Mayor Furlong stated the 15th Anniversary of the Veterans Park will be celebrated on August 15, 2020. He added the anniversary celebration will showcase the Homes for Heroes veterans' home that is being built. He noted guest speakers are planned, including the Brigadier General and other dignitaries.

Mr. Duddeck stated the Housing and Redevelopment Authority meeting will convene after the regular meeting.

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 Walczak, with all present voting aye (5-0), Mayor Furlong adjourned the meeting at 7:50 p.m.

/s/ Terrence J. Furlong, Mayor

Attest: /s/ Scott A. Duddeck, City Manager/Clerk