City of North Saint Paul
October 6, 2020
Adopted Regular City Council Meeting Minutes

I. CALL TO ORDER

Mayor Furlong called the meeting to order at 6:30 p.m. The meeting was conducted via Zoom.

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 Planner Erin Perdu, Finance Director Jason Zimmerman, City Attorney Soren Mattick, Deputy Clerk Jennie Kloos.

IV. ADOPT AGENDA

On motion by Council Member Walczak, seconded by Council Member Sonnek, with all present voting aye (5-0), motion carried to approve the agenda as submitted.

V. PRESENTATIONS

There were no presentations.

VI. APPROVAL OF CONSENT AGENDA

Council Member Thorsen requested that Consent Agenda Items E and H be removed from the Consent Agenda and addressed under IX. City Business Items.

On motion by Council Member Petersen, seconded by Council Member Walczak, with all present voting aye (5-0), motion carried to approve the consent agenda, Resolution No. 2020-105 consisting of:

A. September 8, 2020 workshop meeting minutes.
B. September 15, 2020 workshop meeting minutes.
C. September 22, 2020 workshop meeting minutes.
D. September 15, 2020 regular meeting minutes.
E. General accounts payable: $1,642,034.17. **Moved to City Business**
F. HRA accounts payable: $1,787.44.
G. Declare surplus property (2008 Ford Crown Victoria & 2012 Chevrolet Tahoe) – Resolution 2020-109

H. CSAH 68 (McKnight Road) Intersection Improvements Project – Construction Pay Voucher No. 5 – **Moved to City Business**

VII. MEETING OPEN TO PUBLIC

John Schmahl, 2750 Chisholm Avenue, stated he noticed recently while driving around town that the City's rain gardens are in bad condition. He added he spoke with Council Member Thorsen about it, and he noticed it too. He noted the four rain gardens on Gerald need to be cleaned up, and he notified Carol, who runs the program, and the Gerald rain gardens have improved.

Mr. Schmahl stated he later contacted Ron Richie to ask whether the City's rain gardens should have maintenance agreements, as the proposed holding pond in the 17th and Delaware development will have a maintenance agreement. He added Mr. Richie indicated that he would contact the City Manager about this issue. He noted he also contacted the Watershed District, and received a response from Paige Ahlborg, who indicated that property owners are responsible for rain gardens on their property.

Mr. Schmahl stated rain gardens are located in the City right of way, and not on private property. He added there are many new homes being built in North St. Paul, and many homes that have new owners, and residents with rain gardens should be informed about their maintenance responsibilities. He noted the City should provide an easement on the title, or some information for new homeowners, as it is not right that homeowners should be responsible for maintaining the City's rain gardens.

VIII. PUBLIC HEARINGS

There were no scheduled hearings.

IX. CITY BUSINESS ACTION ITEMS & RECOMMENDATIONS

City Manager Scott Duddeck thanked Deputy Clerk Jennie Kloos for all her hard work in putting together tonight's meeting agenda.

A. <u>Request to Extend Working Hours on the Downtown Redevelopment/Street and Utility Project</u>

Mr. Duddeck requested City Council consideration of extending work hours for construction in the downtown area. He added the extension would be for extra hours on Saturday, from 7:00 a.m. – 7:00 p.m. He noted weekday hours are already 7:00 a.m. – 7:00 p.m.

Mayor Furlong asked whether there is an end date for the extension. Mr. Duddeck stated work is expected to be completed by the 2nd week in November, depending upon weather conditions.

Council Member Sonnek asked how far construction is expected to get this fall. Mr. Duddeck stated it is hoped that concrete curb and pavement will go in, but sidewalks will be the last thing to be done, and a temporary surface may be necessary.

On motion by Council Member Walczak, seconded by Council Member Sonnek, with all present voting aye (5-0), motion carried to adopt Resolution No. 2020-106 Approving Exemption from Construction Activities and Penalty of the North St. Paul City Code.

Mr. Duddeck stated City Staff plans to bring a potential Ordinance change to the City Council for consideration, that will address the Ordinance specific to the downtown area. He added the City-wide noise Ordinance is restrictive for activity downtown including snow removal and street cleaning that happens after business hours.

B. Request to Purchase Three New 2021 Police Patrol Vehicles

Mr. Duddeck stated the Police Department is selling three vehicles and requesting the purchase of three vehicles. He added the purchase of two vehicles was approved by the City Council in the 2020 budget, but the vehicles were not purchased due to the pandemic. He noted two additional vehicles are in need of replacement, but only one replacement is being requested.

Mr. Duddeck stated the new patrol vehicles will be hybrid vehicles, or a combination of gas and electric, which will be more energy and cost efficient, and will have built-in safety features. He added the vehicles are proposed to be purchased from a Ford dealer in St. Cloud that is the State contract holder for all municipal vehicles. He noted they will be equipped with safety equipment, lights and cameras after they are delivered to the Police Department.

Council Member Thorsen requested that the City Council be able to review the equipment purchase plan, to have additional information about future scheduled vehicle replacements. Mr. Duddeck agreed.

Council Member Sonnek asked what the cost will be for the additional features. Mr. Duddeck stated an additional $10,000 will be spent per vehicle.

Council Member Walczak asked what is the cost per vehicle? Mr. Duddeck stated that is included in the meeting packet, and the total per vehicle is $45,124.24.

Council Member Walczak asked whether these costs will prohibit the Police Department from getting body-worn cameras by the end of 2020. Mr. Duddeck stated confirmed that body-worn cameras will be in place before the end of the year. He added the vehicles will be replaced under the Vehicle Replacement Program, which is a separate budget.

Council Member Walczak asked whether equipment can be removed from existing surplus equipment and re-used. Mr. Duddeck stated some equipment can be re-used, but cameras and lights will be replaced.

Council Member Walczak asked whether the Police Department will be negatively impacted if they are short one vehicle. Mr. Duddeck stated the Police Department is already short on vehicles, and a designated CSO vehicle is needed.

Mayor Furlong asked about hybrid vehicles. Mr. Duddeck stated they are a combination of gas and electric, with good gas mileage and excellent performance. He added the cost savings is realized within the first year.

Council Member Walczak asked how long the vehicles need to be charged, and how often they need to be filled with gas. Mr. Duddeck stated there are no issues with charging the vehicles, as they regenerate on their own.

Council Member Thorsen agreed to send Councilmember Walczak a link with information about hybrid vehicle technology.

On motion by Council Member Sonnek, seconded by Council Member Thorsen, with all present voting aye (5-0), motion carried and to adopt Resolution No. 2020-107 Requesting the Purchase of Three New 2021 Police Patrol Vehicles.

C. Notice to Withdraw from Joint and Cooperative Agreement

Mr. Duddeck requested City Council consideration of a Resolution to withdraw from the City's Joint Powers Agreement with the Cable Commission by October 15, 2020. He added the City can rescind the withdrawal up to December 31, 2020. He added the City Council rescinded withdrawal in 2019.

Mayor Furlong requested that City Staff schedule a time for Terre to attend a City Council meeting before December 31, 2020 to discuss to provide an update. Mr. Duddeck agreed, adding Terre was unable to attend this meeting, but he will be available to attend an upcoming meeting.

On motion by Council Member Thorsen, seconded by Council Member Sonnek, with all present voting aye (5-0), motion carried to adopt Resolution 2020-108 to withdraw from the Ramsey/Washington County Suburban Cable Communications Commission to Joint and Cooperative Agreement for the Administration of Cable Communications Franchises.

D. Cable Commission – First Reading

Mr. Duddeck has been working directly with Comcast on a potential negotiation for a Franchise Agreement should Council withdraw from the Cable Commission and will be brought back to Council for consideration at a later date. Documents have been included for Council review and discussion. No action to be taken.

E. 2487 19th Avenue Minor Subdivision and Variance

City Planner Erin Perdu reviewed a request related to City-owned property that is proposed for construction of a student-built home. She added the proposed lot line shift would be 5 feet to the east, giving the parcel more area, and addressing an old retaining wall. She noted the variance request relates to proposed lot coverage of 43.5% which is in excess of the 40% maximum lot coverage requirement.

Ms. Perdu stated the existing home on the property would be demolished and removed along with the existing gravel driveway, patio areas and walkways. She added the new home would be in line with other homes on the street in terms of setback, and the lot is an existing legal nonconforming lot at 6,500 square feet. The required lot size is 7920 square feet. She noted State statute allows for construction on existing nonconforming lots in the Shoreland Overlay District with a variance for lot area with requirements for pervious lot coverage.

Ms. Perdu stated the variance is necessary due to the addition of a proposed 24x24 foot garage, which adds approximately 8% to the lot coverage. She added the impact of the new garage is reduced by the proposed removal of pavement. She noted City Staff feels the proposed garage is necessary to make the home more livable and saleable, and to create a floor plan that meets the needs of today's homebuyers. A single-story floor plan is proposed to maintain neighborhood character.

Ms. Perdu stated City Staff recommends approval of both requests. She added the Planning Commission held a public hearing on this issue and heard comments from a resident regarding the location of the new driveway. She added no variance is required for the proposed driveway. She noted the Planning Commission expressed concerns about the size of the new home and that it would not fit in the neighborhood.

Council Member Thorsen stated this proposal was reviewed by the Housing and Redevelopment Authority, but the unique circumstances of the lot were not made known to the HRA. He added the HRA process should be refined to include consideration of detailed plans, and this route seems more complicated than designing a home that fits within existing parameters. He noted he does not support the concept that this is the only plan that will work on the lot. He expressed his appreciation of all the work that City Staff have done on this proposal, and it was reviewed by the Planning Commission, and he is happy to move forward with the requests.

Mayor Furlong expressed concern about the cost and availability of construction materials, and how quickly costs are increasing. Mr. Duddeck agreed, adding it is hoped that the existing home can be demolished, and the retaining wall reconstructed this year, with the remaining construction to be completed in the spring.

On motion by Council Member Sonnek, seconded by Council Member Walczak, with all present voting aye (5-0), motion carried to adopt Resolution No. 2020-116 Approving Minor Subdivision for Property Located at 2487 19th Avenue E, PID 01-29-22-34-0013 and Resolution 2020-111 Approving a Variance from Chapter 154, Appendix A, Table 4 of the North St. Paul City Code.

F. <u>Mary Jo Lane Sanitary Sewer Extension</u>

Mr. Duddeck reviewed a contract for extension of sanitary sewer from a property located at 1899 Mary Jo Lane, where the existing substandard sanitary sewer system runs 150 feet through the home's side-yard to the street as a service line. He added Public Works crews are unable to service or clean this line, and the only access is from the homeowner's basement.

Mr. Duddeck stated City Staff recommends approval of the contract to extend the sanitary sewer line on Mary Jo Lane.

On motion by Council Member Sonnek, seconded by Council Member Walczak, with all present voting aye (5-0), motion carried to adopt Resolution No. 2020-114 Approving Quote and Award Contract for Mary Jo Lane Sanitary Sewer Extension.

G. <u>Approve Quotes and Award Contract for Tree Removal/RWMWD</u>

Mr. Duddeck requested City Council consideration of removal of large cottonwood trees on Margaret Street near Southwood Park that were struck by lightning recently. He added the trees are deteriorating quickly and need to be removed for safety reasons.

Mr. Duddeck stated City Staff hopes to partner with the Watershed District to complete other improvements at this location, including mitigate erosion and repair and replace a pipe under Margaret Street, as well as dredge and clean holding ponds around Cowern School that empty into the storm sewer system leading to Franklin Pond. He added access to these areas is difficult, and a potential project will be underway this winter.

Mr. Duddeck stated City Staff recommends approval of the removal of trees on Margaret Street. He added nearby neighbors are anxious to have the trees removed and are supportive of this proposal.

Mayor Furlong asked whether the trees are on public property. Mr. Duddeck confirmed this.

On motion by Council Member Petersen, seconded by Council Member Walczak, with all present voting aye (5-0), motion carried to Approve Quotes and Award Contract for Tree Removal for Ramsey/Washington Watershed Maintenance Project.

H. City Council Meeting Calendar Related to the Reinstatement of the October 6, 2020 Workshop and Regular Meeting and Rescheduling the Canvass Meeting.

Deputy Clerk Jennie Kloos reviewed amended meeting dates including tonight's October 6, 2020 workshop, and the Election Canvass Meeting on November 12, 2020 at 5:00 p.m.

Mayor Furlong requested clarification regarding a proposed Resolution related to business relief. Mr. Duddeck stated a Special City Council meeting is planned for November 10, 2020 at 5:00 p.m.

On motion by Council Member Walczak, seconded by Council Member Sonnek, with all present voting aye (5-0), motion carried to Amend the City Council Meeting Calendar to include October 6, 2020 Workshop and Regular Meeting; November 10, 2020 Business Relief Program meeting (5:00 p.m.); and November 12, 2020 Election Canvass Meeting (5:00 p.m.) and to adopt Resolution No. 2020-110 to Amend Resolution adopting the 2020 City Council meeting schedule.

I. 15th Avenue Street Overlay

Mr. Duddeck stated City Council consideration is requested of an overlay maintenance project on 15th Avenue between 1st Avenue and Margaret Street, an area that is in need of an overlay before full replacement can be completed. He added Excel Energy have completed their work in that area, and the proposed overlay would tie it all together in one pavement surface. He added the low bid was $45,150 for the overlay project.

Council Member Thorsen asked whether there was only one bid. Mr. Duddeck stated there was another bid that was higher than the bid that is being recommended. Council Member Thorsen requested that the rejected bid be added to the record, to be consistent with City policy. Mr. Duddeck agreed.

On motion by Council Member Sonnek, seconded by Council Member Thorsen, with all present voting aye (5-0), motion carried to adopt Resolution No. 2020-115 Approving 15th Avenue Pavement Overlay Project.

J. Business Grant Program Approval

Mr. Duddeck requested City Council consideration of adoption of a business grant program using CARES funding. He added the City Council reviewed proposals from other metro area cities that have done something similar. He noted, if approved, grant application documents would be mailed to eligible businesses by Friday, October 9, 2020, and applications would be reviewed by the City Council by October 30, 2020, for funding awards by November 15, 2020, the CARES funding deadline.

Council Member Sonnek stated, to clarify his position from the workshop earlier, he does not want to complicate the work of reviewing applications. He added he would support creation of a simple criteria mechanism that would allow for the most equitable funding distribution.

On motion by Council Member Thorsen, seconded by Council Member Sonnek, with all present voting aye (5-0), motion carried to Adopt Resolution No. 2020-112 Approving a Covid-19 Emergency Grant Program to be Administered by the North St Paul EDA to Cover Expenses of Business Interruption Due to the Covid-19 Pandemic.

Discussion during motion:
Mayor Furlong stated this funding is a good step forward for helping out the City's businesses that have been negatively impacted by the pandemic. He expressed his appreciation for City Staff and the EDA, as well as Council Member Thorsen, for putting this process together.

Council Member Thorsen stated, for purposes of disclosure, any businesses that he is involved in or that he works at will not be applying for the CARES funding grant.

Council Member Sonnek stated funding guidelines stipulate that businesses that are associated with a City Official will not qualify for this funding.

K. Set Public Hearing Date for the Issuance of the Bonds by the City of Deephaven to Finance the Projects Described in the Housing Program on October 20, 2020

Mr. Duddeck requested City Council consideration of conduit financing to be provided by the City of Deephaven to refinance five Suite Living facilities. He added the financing has no financial effect on the City, but approval must be granted by the City Council. He noted he had initial concerns regarding the non-profit status this would create for businesses would affect the City's tax base, and whether it would trigger grant funding repayments. He noted his concerns have been alleviated by the inclusion of a document that will be registered with the properties confirming they are not tax exempt until bonds are paid off.

A representative stated the portfolio of Hampton properties that they are purchasing includes Suite Living communities, one of which is located in North St. Paul. He added Suite Living will be maintained as the property managers and no operational changes will be made. He noted the plan is to aggregate 25-30 communities, with the goal of providing better, more efficient care to seniors.

Mayor Furlong asked why the City of Deephaven is providing the financing. The representative stated the City of Deephaven was chosen based on the recommendation of the underwriter and bond counsel.

Mayor Furlong asked City Attorney Soren Mattick whether there is any risk to the City. Mr. Mattick stated this type of pass-through conduit financing is put in place simply to obtain funding and does not represent any financial exposure for the City.

On motion by Council Member Thorsen, seconded by Council Member Walczak, with all present voting aye (5-0), motion carried to Adopt Resolution No. 2020-113 to Set Public Hearing Date for the Issuance of the Bonds by the City of Deephaven to Finance the Projects Described in the Housing Program on October 20, 2020.

L. Accounts Payable Check Register

Council Member Thorsen stated he requested that this item be removed from the Consent Agenda for discussion. He added credit card statements with purchase details should be included in the Accounts Payable register. Mr. Duddeck stated City Staff plans to begin using a separate form to record each credit card transaction.

Finance Director Jason Zimmerman stated the credit card transactions are tendered individually and consolidated online. He added credit card statements are included in the annual audit. He noted he understands Council Member Thorsen's request, and City Staff can comply with that request.

On motion by Council Member Thorsen, seconded by Council Member Walczak, with all present voting aye (5-0), motion carried to Approve General Accounts Payable of $1.652 million.

M. CSAH 68 (McKnight Road) Intersection Improvements Project – Construction Pay Voucher No. 5

Council Member Thorsen stated he requested that this item be removed from the Consent Agenda for additional discussion. He expressed concern about change orders for the McKnight Road improvements. He added all changes to construction projects should be reviewed by the City Council for approval. He asked whether change orders will be reviewed by the City Council moving forward.

Mr. Duddeck stated some change orders have occurred within the contingency percentages of the project. He agreed to review the change order process with the City Engineer and City Attorney regarding City Council approval.

Thorsen the city council just approved a purchasing policy. I would imagine that would fall into that, if it's outside the contingency that is already approved. Just to make sure

Council Member Thorsen stated the City Council approved a purchasing policy, and the contingencies for change orders fall under that approval. He added he would like to ensure another level of accountability and transparency. He noted, in his opinion, a change order is outside the purview of what was originally approved, and any changes should be discussed by the City Council.

On motion by Council Member Sonnek, seconded by Council Member Thorsen, with all present voting aye (5-0), motion carried to Approve Intersection Improvement Project CSAH 68 (McKnight Road) Intersection Improvements Project – Construction Pay Voucher No. 5.

X. REPORTS OF CITY MANAGER AND DEPARTMENTS

Mr. Duddeck stated construction projects continue in the downtown area, and with the City Council's approval tonight regarding work hours, crews will work 12-hour days, 6 days per week. He added there is an estimated 6 weeks of work to be done.

Mr. Duddeck stated the Uptown Commons development project construction is now officially under way. He added the building foundation was dug out yesterday, and footings and rebar were installed. He noted concrete footings will be poured on Thursday, October 8, 2020

Mr. Duddeck stated remodeling has begun at Caring for Cats' new location, including a new water main and fire sprinkler system,

Mr. Duddeck stated roadway material was crushed on site across from the fire station, and the pile is ready to be used. He added 10,000 tons of materials were needed.

Mr. Duddeck stated development continues at the Anchor North site, with the Kwik Trip proposal to be reviewed by the Planning Commission at their November meeting. He added it is hoped that the City will close on that property by the end of 2020, with construction beginning in Spring 2021. He noted the storage facility construction is progressing, with framing completed on first floor and concrete floor poured on the second floor.

Mr. Duddeck stated the Anchor View Apartments developer is in the final phase of preparing title work, and close on the sale should occur by the end of October, with construction to begin immediately.

Mr. Duddeck stated work at the former BP is now complete, with the asphalt parking lot and lighting removed. He added topsoil will be hauled in that was salvaged from the Anchor North site, to bring the BP site up to grade and restored to green space. He noted access to the site will be closed off, including curbing, to prevent vehicles from entering the site.

Mayor Furlong stated City Staff should put a couple signs on the site. Mr. Duddeck agreed.

Mr. Duddeck stated Public Works crews have been out sweeping the streets, with an emphasis around the lakes to prevent storm sewer systems from backing up with leaves. He added the storm sewer sumps around Silver Lake are being cleaned out.

Mr. Duddeck stated the Fire Department-sponsored Booya was an outstanding evening and a big success. He added the Fire Department did an excellent job on planning and implementing the event, which was organized and efficient, with pre-placed orders and socially distanced pick-up procedures. He noted the Fire Department's efforts were greatly appreciated by residents.

XI. REPORTS OF COUNCIL, COMMISSIONS & COMMITTEES

Council Member Sonnek stated the Planning Commission's last meeting was held October 1, 2020, at which the minor subdivision and variance request for 2487 19th Avenue were discussed and recommended for City Council approval. He added the Planning Commission's next meeting is scheduled for November 5, 2020 at 6:15 p.m.

Council Member Petersen stated she recently attended the League of Minnesota Cities' Municipal Revenue Policy meeting, at which the message was that cities should spend all the CARES funding.

Council Member Petersen stated the Parks and Recreation Commission met last week and had a good discussion. She added she appreciates Mr. Duddeck for joining the meeting and providing comments and feedback. She noted she looks forward to the future of parks in North St. Paul.

Mr. Duddeck stated, with regard to Parks & Recreation events, the "Star Watch" scheduled for October 12, 2020 was cancelled due to the pandemic. He added the planner was very disappointed, but the event will be rescheduled in the spring.

Mr. Duddeck stated the Rotary Club sponsored construction of a restroom facility at Rotary Park, which is complete and ready for a ribbon-cutting ceremony, which will be postponed until the spring. He noted information regarding completion of the facility will be made available for residents on social media and the City's web site.

Council Member Thorsen stated the Economic Development Authority met recently to discuss the CARES Act funding for business grants. He added the EDA will have a regular meeting via Zoom on Tuesday, October 13, 2020, at 3:00 p.m. He noted information on the meeting and a meeting link will be available on the City website.

Council Member Thorsen stated he received an email invitation from Councilmember Kevin Zabel of Oakdale to participate in a small regional meeting with League of Minnesota Cities. He added the meeting will be held October 27, from 2:00 – 3:00 p.m. at Oakdale City Hall, and he plans to attend and report back to the City Council.

Council Member Petersen stated she plans to attend that meeting as well, representing the League of Minnesota Cities. She added the League has been doing a lot of outreach for cities.

XII. GENERAL BUSINESS

Council Member Walczak stated she attended the Homes for Heroes event at the new home for veterans last week.

Council Member Petersen she attended the Homes for Heroes event last week. She added she attended the City Council candidates' Meet & Greet event, which was informative.

Council Member asked when budget discussions will be scheduled regarding enterprise funds and the City fee schedule. Mr. Duddeck stated he does not have a date, but he will get something out to the City Council right away. He added no changes to the fee schedule are proposed.

Mayor Furlong stated he attended the ribbon-cutting ceremony at the Homes for Heroes new home near Veteran's Park, which was well-attended. He added the house is beautiful and spacious with many amenities and features. He noted the reception included many people who worked on the home from various trades, and people who donated time and materials, and attendees received a special coin representing heroes. The home's new residents, a veteran and family, will move in at the end of October 2020.

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 Sonnek, with all present voting aye (5-0), Mayor Furlong adjourned the meeting at 8:17 p.m.

/s/ Terrence J. Furlong, Mayor

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