

MINUTES
MAPLEWOOD CITY COUNCIL
7:00 p.m., Monday, December 19, 2013
Council Chambers, City Hall
Meeting No. 23-13

A. CALL TO ORDER

A meeting of the City Council was held in the City Hall Council Chambers and was called to order at 7:01 p.m. by Mayor Rossbach.

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

Will Rossbach, Mayor	Present
Robert Cardinal, Councilmember	Present
Rebecca Cave, Councilmember	Present
Kathleen Juenemann, Councilmember	Present
Marvin Koppen, Councilmember	Present

D. APPROVAL OF AGENDA

N1 Overnight Parking
N2 Cable Commission

Councilmember Juenemann moved to approve the agenda as amended.

Seconded by Councilmember Koppen Ayes – All

The motion passed.

E. APPROVAL OF MINUTES

1. Approval of December 9, 2013 City Council Workshop Minutes

Councilmember Cave moved to approve the December 9, 2013 City Council Workshop Minutes as submitted.

Seconded by Councilmember Juenemann Ayes – All

The motion passed.

2. Approval of December 9, 2013 City Council Meeting Minutes

Councilmember Juenemann moved to approve the December 9, 2013 City Council Meeting Minutes as submitted.

Seconded by Councilmember Koppen Ayes – All

The motion passed.

\$ 1,096,869.68 Total Accounts Payable

PAYROLL

\$ 525,972.41 Payroll Checks and Direct Deposits dated 12/06/13

\$ 1,685.33 Payroll Deduction check # 9989689 thru # 9989691 dated 12/06/13

\$ 527,657.74 Total Payroll

\$ 1,624,527.42 GRAND TOTAL

Seconded by Councilmember Cardinal

Ayes – All

The motion passed.

2. Approval of Budget Adjustments

Councilmember Juenemann moved to approve the budget adjustments noted and directed the Finance Director to make the appropriate entries.

Executive – Additional costs were incurred for contractual services received from Mike Ericson.

Budget adjustment needed - \$26,760

Legislative – Additional costs were incurred during the process of hiring a new police chief.

Budget adjustment needed - \$4,500

Building Maintenance – Utility costs were higher than expected during 2013 - \$5,200; The lease for the solar panel system was not included in the original 2013 budget - \$4,760; Repairs were required on Air Handling Unit #1 - \$16,020; The main ADA door needed major repairs in order to function correctly - \$8,850.

Budget adjustment needed - \$34,830

Citizen Services – Additional pages were added to the November and December issues of the Maplewood Monthly.

Budget adjustment needed - \$2,550

Seconded by Councilmember Cardinal

Ayes – All

The motion passed.

3. Approval of Stormwater Maintenance Agreement for Truck Utilities' Properties, Highway 36 / English Street Interchange Improvements, City Project 09-08

Councilmember Juenemann moved to approve the Stormwater Maintenance Agreements with the owners of Truck Utilities Mfg. Co., Leo Capeder and Jay T. Langer, for the Highway 36/English Street Interchange Improvements, City Project 09-08, and authorize the City Manager and City Attorney to execute the agreements signifying City Council approval. Minor changes are authorized as approved by the City Attorney.

Seconded by Councilmember Cardinal

Ayes – All

The motion passed.

4. Approval of Temporary Construction Access Agreement from 3M Company for Fire Station 1 Improvements, City Project 12-14

Councilmember Juenemann moved to approve the Temporary Construction Access Agreement from 3M Company for Fire Station 1 Improvements, City Project 12-14, and authorize the Mayor and City Manager to execute the agreement signifying City Council approval. Minor changes are authorized as approved by the City Attorney.

Seconded by Councilmember Cardinal

Ayes – All

The motion passed.

5. Approval of Resolution Adopting Atlas 14 Precipitation Frequency Standards

Public Works Director/City Engineer Thompson answered questions of the council.

Councilmember Juenemann moved to approve the resolution authorizing the City Engineer to Update and Implement Design Standards and Guidelines for Revised Rainfall Frequency Estimates.

Resolution 13-12-1017

Authorizing City Engineer to Update and Implement Design Standards and Guidelines for Revised Rainfall Frequency Estimates

WHEREAS, the City Council of Maplewood, Minnesota adopted a Surface Water Management Plan (December 2009) that established goals, policies and standards relating to surface water management, and

WHEREAS, the City Engineer for the City of Maplewood has created and maintained engineering design guidelines for surface water management that are applied to public and private projects throughout the City, and

WHEREAS, the City Engineer for the City of Maplewood has reviewed the revisions to the widely accepted rainfall frequency estimates developed by the National Oceanic and Atmospheric Administration for the areas covering the City and has determined that updates to City standards and guidelines are necessary to be protective of residents and property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MAPLEWOOD, MINNESOTA, that

1. The City Engineer shall establish and implement revised standards and guidelines for requiring use of the updated rainfall frequency estimates on projects as of January 1, 2014.

Approved this 19th day of December 2013.

Seconded by Councilmember Cardinal

Ayes – All

WHEREAS, the Municipality acknowledges advance funds are released on a first-come-first-serve basis and this resolution does not guarantee the availability of funds.

NOW, THEREFORE, Be It Resolved: That the Commissioner of Transportation be and is hereby requested to approve this advance for financing approved Municipal State Aid Street Project(s) of the City of Maplewood in an amount up to **\$2,000,000.00**. I hereby authorize repayments from subsequent accruals to the Municipal State Aid Street Construction Account of said Municipality from future year allocations until fully repaid and will not request future advances until the City is back within the allowable advancing limits.

Seconded by Councilmember Cardinal

Ayes – All

The motion passed.

- 7. Approval of Bartelmy-Meyer Area Improvements, City Project 11-14**
 - a. Approval of Resolution Directing Modification of Existing Construction Contract, Change Order No. 4**
 - b. Approval of Resolution for Final Payment and Acceptance of Project**

Councilmember Juenemann moved to approve the Resolution Directing Modification of Existing Construction Contract, Change Order No. 4, for the Bartelmy-Meyer Area Street Improvements, City Project 11-14; and moved to approve the Resolution Approving Final Payment and Acceptance of Project.

Resolution 13-12-1019
Directing Modification of Existing Construction Contract
Project 11-14, Change Order No. 4

WHEREAS, the City Council of Maplewood, Minnesota has heretofore ordered made Improvements Project 11-14, Bartelmy-Meyer Area Street Improvements, and has let a construction contract pursuant to Minnesota Statutes, Chapter 429, and

WHEREAS, it is now necessary and expedient that said contract be modified and designated as Improvement Project 11-14, Change Order No. 4.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MAPLEWOOD, MINNESOTA, that:

1. The Mayor and City Manager are hereby authorized and directed to modify the existing contract by executing said Change Order No. 4 which is an increase of \$12,521.15.

The revised contract amount is \$3,061,244.50.

Adopted by the Maplewood City Council on this 19th day of December 2013.

Resolution 13-12-1020
Approving Final Payment and Acceptance of Project
City Project 11-14

Seconded by Councilmember Cardinal

Ayes – All

The motion passed.

11. Approval for the Fire Department to Accept a Grant from Ramsey County Emergency Management

Councilmember Juenemann moved to approve the grant from Ramsey County Emergency Management in the amount of \$14,300.

Seconded by Councilmember Cardinal

Ayes – All

The motion passed.

12. Approval of Vehicle Lease Agreement-Ramsey County Violent Crime Enforcement Team

Councilmember Juenemann moved to approve entering into a Vehicle Lease Agreement with Ramsey County Violent Crime Enforcement Team.

Seconded by Councilmember Cardinal

Ayes – All

The motion passed.

H. PUBLIC HEARING

- 1. Highway 36/English Street Interchange Improvements, Project 09-08**
 - a. New Assessment Hearing, 7:00 p.m.**
 - b. Resolution Adopting Assessment Roll**

Public Works Director/City Engineer Thompson gave the staff report.

Mayor Rossbach opened the public hearing. No one spoke.

Mayor Rossbach closed the public hearing.

Councilmember Juenemann moved to approve the Resolution Adopting Assessment Roll for the Highway 36/English Street Interchange Improvements, City Project 09-08.

Resolution 13-12-1021
Adopting Assessment Roll

WHEREAS, pursuant to a resolution adopted by the City Council on October 28, 2013 (and confirmed on December 9, 2013), calling for an Assessment Public Hearing, the assessment roll for the Highway 36/English Street Interchange Improvements, City Project 09-08 was presented in a Public Hearing format, pursuant to Minnesota Statutes, Chapter 429, and

WHEREAS, the following property owners have filed objections to their assessments according to the requirements of Minnesota Statutes, Chapter 429, summarized as follows:

- a. Parcel 09-29-22-34-0002 – Roger and Naomi Inc., 2228 Maplewood Dr N: The property owner is objecting to the assessment because they feel that the property has received no benefit from the improvement.
- b. Parcel 09-29-22-43-0049 - Menard Inc., 2280 Maplewood Dr N: The property owner is objecting because they feel that this project is a community improvement and the entire community should be assessed.
- c. Parcel 09-29-22-41-0007 – BBD Investments, Inc., 0 Highway 36: The property owner “reserves all available objections and all of its legal and other rights and remedies including, but not limited to, all rights of appeal.”
- d. Parcel 09-29-22-41-0029 – BBD Investments, Inc., 1285 Cope Ave. E: The property owner “reserves all available objections and all of its legal and other rights and remedies including, but not limited to, all rights of appeal.”
- e. Parcel 09-29-22-42-0004 – Soukup Realty, 1167 Viking Dr E: The property owner is objecting to the assessment because the assessment is unjust and unfair.
- f. Parcel 09-29-22-41-0003 – Three D Sac Self Storage, 1195 Viking Dr E: The property owner is objecting because they feel that they are receiving no benefits or increase in property value.
- g. Parcel 09-29-22-41-0025 – Aa Metcalf Moving Storage Inc., 1255 Viking Dr E: The property owner is objecting to the assessment because no special benefit has been derived from the alleged improvements.
- h. Parcel 09-29-22-41-0026 – Maplewood Business Center, Inc., 1261 Viking Dr E: The property owner is objecting to the assessment because no special benefit has been derived from the alleged improvements.
- i. Parcel 09-29-22-42-0001 – Second Harvest Heartland, 1140 Gervais Ave. E: The property owner respectfully requests a full abatement of the assessment as they do not feel that the project provided any increase to the fair market value of the property.
- j. Parcel 09-29-22-41-0019 – Cramer Maplewood, LLC, 2385 English Street North
- k. The property owner is “appealing this proposed special assessment as arbitrary and very unfair, as it does not take into account the now very small usable portion of land left after the land taken.”
- l. Parcel 10-29-22-32-0006 – Camada Limited Partnership (Vomela); 2354 English Street North: The property owner is objecting to the assessment because there is no benefit to the property from the project.
- m. Parcel 09-29-22-14-0010 – Land of Lakes Properties, LLC, 1259 Gervais Ave E: The property owner is objecting to the assessment because not all properties benefitting from improvements are subject to the special assessment.
- n. Parcel 10-29-22-32-0017 – Summit Community Bank, 0 Viking Dr E: The property owner is objecting to the assessment because no special benefit has been derived from the alleged improvements.
- o. Parcel 10-29-22-32-0018 – Summit Community Bank, 0 Cope Ave E: The property owner is objecting to the assessment because no special benefit has been derived from the alleged improvements.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MAPLEWOOD, MINNESOTA:

1. Such proposed assessment, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.

2. That the City Engineer and City Clerk are hereby instructed to review the objections received and report to the City Council at the regular meeting on January 13, 2014, as to their recommendations for adjustments.
3. The assessment roll for the Highway 36/English Street Interchange Improvements (Project 09-08), without those property owners' assessments that have filed objections, a copy of which is attached hereto and made a part hereof, is hereby adopted. Said assessment roll shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.
4. Such assessments shall be payable in equal annual installments extending over a period of 8 years, the first installments to be payable on or before the first Monday in January 2015 and shall bear interest at the rate of 4.5 percent per annum beginning on January 1, 2015. To each subsequent installment when due shall be added interest for one year on all unpaid installments.
5. The owner of any property so assessed may, at any time prior to certification of the assessment to the county auditor, but no later than November 15, 2014, pay the whole of the assessment on such property to the city clerk, no interest shall be charged if the entire assessment is paid by November 15, 2014; and they may, at any time after November 15, 2014, pay to the county auditor the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the next succeeding year.
6. The City Engineer and City Clerk shall forthwith after November 15, 2014, but no later than November 16, 2014, transmit a certified duplicate of this assessment to the county auditor to be extended on the property tax lists of the county. Such assessments shall be collected and paid over the same manner as other municipal taxes.

Adopted by the Maplewood City Council on this 19th day of December, 2013.

Seconded by Councilmember Koppen

Ayes – All

The motion passed.

I. UNFINISHED BUSINESS

None

J. NEW BUSINESS

1. **Approval of an On-Sale Intoxicating Liquor License for Blue Bell Enterprises, Inc, Doing Business As Lancer Catering, at Keller Golf Course, 2166 Maplewood Drive**

City Clerk Guilfoile gave the staff report and answered questions of the council. Steve Craver from Blue Bell Enterprises, Inc. addressed and answered questions of the council.

Councilmember Cave moved to approve the On-Sale Intoxicating Liquor License for Blue Bell

Enterprises, Inc., doing business as Lancer Management Services at Keller Golf Course, 2166 Maplewood Drive.

Seconded by Councilmember Juenemann Ayes – All

The motion passed.

- 2. Approval of Arkwright-Sunrise Area Street Improvements, Project 12-09**
 - a. Project Design Feature Petition Update**
 - b. Approval of Resolution Approving Plans and Specifications and Advertising for Bids**
 - c. Approval of Resolution Ordering Preparation of Assessment Roll**
 - d. Approval of Joint-Powers Agreement with the City of Little Canada**

Public Works Director/City Engineer Thompson gave the staff report and answered questions of the council. Civil Engineer II Jarosch addressed and answered questions of the council. Assistant City Engineer Love answered additional questions of the council.

The following people spoke:

1. Don Haugen, 2233 Sunrise Drive
2. Brad Johnson, 500 County Road B East

Mayor Rossbach moved to approve the resolution approving Plans and Advertisement for Bids for the Arkwright Sunrise Area Street Improvements, City Project 12-09; and continue to review traffic issues at Edgerton and County Road B and the drainage issues on the south side of County Road B.

Resolution 13-12-1022
Approving Plans
Advertising for Bids

WHEREAS, pursuant to resolution passed by the City Council on May 13, 2013 plans and specifications for the Arkwright Sunrise Area Street Improvements, City Project 12-09, have been prepared by (or under the direction of) the City Engineer, who has presented such plans and specifications to the council for approval,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, MINNESOTA:

1. Such plans and specifications, a copy of which are attached hereto and made a part hereof, are hereby approved and ordered placed on file in the office of the City Engineer.
2. The City Clerk or office of the City Engineer shall prepare and cause to be inserted in the official paper and in the Construction Bulletin an advertisement for bids upon the making of such improvement under such approved plans and specifications. The advertisement shall be published twice, at least twenty-one days before the date set for bid opening, shall specify the work to be done, shall state that bids will be publicly opened and considered by the council at 10:00 a.m. on the 18th day of February, 2014, at city hall and that no bids shall be considered unless sealed and filed with the clerk and accompanied by a certified check or bid bond, payable to the City of Maplewood, Minnesota for five percent of the amount of such bid.

Seconded by Councilmember Koppen

Ayes – All

The motion passed.

K. AWARD OF BIDS

1. Approve Resolution Receiving Bids and Awarding Contract, Fire Station 1 Improvements, City Project 12-14

Public Works Director/City Engineer Thompson gave the staff report and answered questions of the council. Fire Chief Lukin answered additional questions of the council.

Councilmember Koppen moved to approve the resolution for the Fire Station 1 Improvements, City Project 12-14, Receiving Bids and Awarding a Contract to Terra General Contractors, LLC for the total base bid amount of \$3,629,000.

Resolution 13-12-1024
Receiving Bids and Awarding Contract

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MAPLEWOOD, MINNESOTA, that the bid of Terra General Contractors, LLC in the amount of \$3,629,000, is the lowest responsible bid for construction of the Fire Station 1 Improvements: City Project 12-14, and the mayor and city manager are hereby authorized and directed to enter into a contract with said bidder for and on behalf of the city.

The finance director is hereby authorized to make the following financial transfers necessary to implement the financing plan for the project.

<u>Funding Source</u>	<u>Amount</u>
3M TIF	\$1,250,000
CIP Bond	\$3,179,000
<u>2013 Transfer</u>	<u>\$ 100,000</u>
Total	\$4,529,000

Adopted by the Maplewood City Council on this 19th day of December, 2013.

Seconded by Councilmember Juenemann

Ayes – All

The motion passed.

L. VISITOR PRESENTATION

- 1. George Gonzales, Maplewood Resident

M. ADMINISTRATIVE PRESENTATIONS

1. Council Calendar Update

City Manager Ahl gave the staff report.

N. COUNCIL PRESENTATIONS

1. Overnight Parking

Councilmember Juenemann reminded residents there is no parking on Maplewood city streets from 2:00 AM until 6:00 AM.

2. Cable Commission

Councilmember Cardinal noted that the City of Maplewood has the largest ownership of the Ramsey-Washington Suburban Cable Commission and requested the breakdown be included in the minutes.

	Multiply by Weighting
Birchwood	1.00%
Grant	2.00%
Dellwood	1.00%
Lake Elmo	5.00%
Mahtomedi	6.00%
Maplewood	25.00%
North St. Paul	7.00%
Oakdale	18.00%
WBL	18.00%
WBT	8.00%
Vadnais Hts	9.00%
Willernie	1.00%

O. ADJOURNMENT

Mayor Rossbach adjourned the meeting at 9:30 p.m.