

MINUTES
MAPLEWOOD CITY COUNCIL
7:00 p.m., Monday, July 25, 2011
Council Chambers, City Hall
Meeting No. 14-11

A. CALL TO ORDER

A meeting of the City Council was held in the City Hall Council Chambers and was called to order at 7:14 p.m. by Mayor Rossbach.

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

Will Rossbach, Mayor	Present
Kathleen Juenemann, Councilmember	Present
Marvin Koppen, Councilmember	Present
James Llanas, Councilmember	Present
John Nephew, Councilmember	Present

D. APPROVAL OF AGENDA

The following items were added to the agenda by councilmembers:

- N1. National Night Out
- N2. Tartan Ice Arena
- N3. Dispatch Policy Update

Councilmember Llanas moved to approve the agenda as amended.

Seconded by Councilmember Juenemann Ayes – All

The motion passed.

E. APPROVAL OF MINUTES

1. Approval of July 11, 2011, City Council Workshop Minutes

Councilmember Juenemann had a correction to page 1 of workshop minutes amending the time the meeting adjourned to 6:51 p.m.

Councilmember Nephew moved to approve the July 11, 2011, City Council Workshop Minutes as amended.

Seconded by Councilmember Koppen Ayes – All

The motion passed.

G. CONSENT AGENDA

Councilmember Nephew moved to approve consent agenda items 1-6.

Seconded by Councilmember Juenemann Ayes – All

The motion passed.

1. Approval of Claims

Councilmember Nephew moved to approve the Approval of Claims.

ACCOUNTS PAYABLE:

\$	660,728.95	Checks # 84706 thru # 84739 dated 07/21/11
\$	190,779.36	Disbursements via debits to checking account dated 06/24/11 thru 07/08/11
\$	132,333.05	Checks # 84740 thru # 84781 dated 07/29/11
\$	317,243.82	Disbursements via debits to checking account dated 07/06/11 thru 07/15/11
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\$	1,301,085.18	Total Accounts Payable

PAYROLL

\$	517,149.67	Payroll Checks and Direct Deposits dated 07/08/11
\$	2,375.01	Payroll Deduction check # 9984564 thru # 9984566 dated 07/08/11
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\$	519,524.68	Total Payroll
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\$	1,820,609.86	GRAND TOTAL

Seconded by Councilmember Juenemann Ayes – All

The motion passed.

2. Approval of Developer Agreement, Cottagewood 2nd Developer, City Project 11-05

Councilmember Nephew moved to approve the Developer Agreement, Cottagewood 2nd Developer, City Project 11-05 and corresponding maintenance agreement.

Seconded by Councilmember Juenemann Ayes – All

The motion passed.

3. Approval to Accept Alcohol Compliance Check Grant

Councilmember Nephew moved to approve the Acceptance of the Alcohol Compliance Check Grant.

Seconded by Councilmember Juenemann Ayes – All

The motion passed.

4. Conditional Use Permit Review, St. Paul Regional Water Services (McCarron's Treatment Plant), 1900 Rice Street

Councilmember Nephew moved to approve the Conditional Use Permit Review, St. Paul Regional Water Services (McCarron's Treatment Plant), 1900 Rice Street.

Seconded by Councilmember Juenemann Ayes – All

The motion passed.

5. Conditional Use Permit Review, St. Paul's Priory Planned Unit Development, Benet Road and Monastery Way

Councilmember Nephew moved to approve the Conditional Use Permit Review, St. Paul's Priory Planned Unit Development, Benet Road and Monastery Way.

Seconded by Councilmember Juenemann Ayes – All

The motion passed.

6. Approval of Driving Diversion Program Agreement

Councilmember Nephew moved to approve the Driving Diversion Program Agreement.

Seconded by Councilmember Juenemann Ayes –

The motion passed.

H. PUBLIC HEARING

1. Gladstone Area Redevelopment Improvements, Project 04-21

- a. Assessment Hearing, 8:42 p.m.
- b. Approve Resolution for Adoption of Assessment Roll

Mayor Rossbach opened the public hearing. The following persons spoke:

- 1. Mark Kiperstin, representing Rand Corporation
- 2. Greg Johnson, Developer for the Property
- 3. Mark Bradley, Maplewood
- 4. Bob Zick, North St. Paul

Councilmember Nephew moved to continue the public hearing to August 22, 2011.

Seconded by Councilmember Koppen Ayes – All

The motion passed.

I. UNFINISHED BUSINESS

1. Approval of Chicken Ordinance Summary Publication (Super Majority Vote)

Councilmember Koppen moved to approve the Chicken Ordinance Summary Publication.

Seconded by Councilmember Nephew Ayes – All

The motion passed.

J. NEW BUSINESS

1. Approval of Transfer of Environmental Utility Funds for July 16th Storm Clean-up and Investigation

City Engineer Thompson presented the report and gave specifics of the report. The following persons spoke:

1. Kevin McLafferty, Maplewood
2. Dan Haag, Maplewood
3. Diana Longrie, Maplewood
4. Betty Bryan, Maplewood

Councilmember Llanas moved to approve the Transfer of Environmental Utility Funds for July 16, 2011 Storm Clean-up and Investigation.

Seconded by Councilmember Nephew Ayes – All

The motion passed.

2. Approval of Conditional Use Permit Revision, Parking Reduction Waiver and Design Review Former Corner Kick Soccer Center, 1357 Cope Avenue

Senior Planner Ekstrand gave the report. Planning Commissioner Al Bierbaum spoke. Matt Ledvina from the Community Design Review Board addressed the council. Mike McGrath, owner of the building located at 1357 Cope Avenue addressed the council.

Councilmember Nephew moved to approve the Resolution for the Conditional Use Permit Revision, Parking Reduction Waiver and Design Review Former Corner Kick Soccer Center, 1357 Cope Avenue with the following condition added. The uses of the building shall be restricted to those that would generate the amount of parking that is available on the site.

RESOLUTION 11-7-602B CONDITIONAL USE PERMIT REVISION

WHEREAS, Mike McGrath requested a revision to the conditional use permit for the former Corner Kick Soccer Center to make exterior building and site renovations because the proposed building improvements are taking place within 350 feet of residential property.

WHEREAS, Section 44-637(b) of the city ordinances requires a conditional use permit for any building or exterior use in the M-1 zoning district if it is within 350 feet of a residential district.

WHEREAS, this permit applies to the property at 1357 Cope Avenue legally described as:

IN SECTION 10, TOWNSHIP 29, RANGE 22, EXCEPT WEST 398 FT; THE PARTS OF HWY 36 & WEST RAILROAD R/W (Bruce Vento Trail) OF THE NW ¼ OF SW 14 (SUBJECT TO ROAD)

WHEREAS, the history of this conditional use permit revision is as follows:

1. On July 5, 2011, the planning commission held a public hearing. The city staff published a notice in the paper and sent notices to the surrounding property owners. The planning commission gave persons at the hearing a chance to speak and present written statements. The commission also considered reports and recommendations of the city staff. The planning commission recommended that the city council approve the conditional use permit revision.
2. On July 25, 2011, the city council discussed the proposed conditional use permit revision. They considered reports and recommendations from the planning commission and city staff.

NOW, THEREFORE, BE IT RESOLVED that the city council approve the above-described conditional use permit revision for the following reasons:

1. The use would be located, designed, maintained, constructed and operated to be in conformity with the City's Comprehensive Plan and Code of Ordinances.
2. The use would not change the existing or planned character of the surrounding area.
3. The use would not depreciate property values.
4. The use would not involve any activity, process, materials, equipment or methods of operation that would be dangerous, hazardous, detrimental, disturbing or cause a nuisance to any person or property, because of excessive noise, glare, smoke, dust, odor, fumes, water or air pollution, drainage, water run-off, vibration, general unsightliness, electrical interference or other nuisances.
5. The use would not exceed the design standards of any affected street.
6. The use would be served by adequate public facilities and services, including streets, police and fire protection, drainage structures, water and sewer systems, schools and parks.
7. The use would not create excessive additional costs for public facilities or services.
8. The use would maximize the preservation of and incorporate the site's natural and scenic features into the development design.
9. The use would cause no more than minimal adverse environmental effects.

Approval is subject to the following conditions:

1. All construction shall follow the plans date-stamped May 17, 2011. The city council shall review any major changes proposed. Staff may approve minor changes.
2. The city council shall review this permit in one year.

3. The applicant shall comply with all conditions of the city engineer, building official and fire marshal.
4. The applicant shall revise the landscaping plan for staff approval to provide for a visual buffer along the frontage of the property between the two driveways to block headlights from shining into neighboring properties. This buffer shall be at least three to four feet tall.
5. Site lights and noise shall be controlled to follow the requirements of the city ordinance.
6. This permit includes a parking waiver for the applicant to provide 60 parking spaces with the potential for 23 additional future spaces. If further spaces are needed, the applicant shall restripe the parking lot to provide at least 15 additional spaces at the ends of the proposed parking rows.
7. The uses of the building shall be restricted to those that would generate the amount of parking that is available on the site.

The Maplewood City Council adopted this resolution on July 25, 2011.

Seconded by Councilmember Llanas

Ayes – All

The motion passed.

The council took a 10 minute recess.

3. Approval of Conditional Use Permit, Design Review and Parking Reduction Authorization for South Metro Human Services Mental Health Care Facility, 1111 Viking Drive

Senior Planner Ekstrand gave the staff report. Matt Ledvina from the Community Design Review Board addressed the council. Planning Commissioner Al Bierbaum spoke. The following people spoke:

1. Ken Frigstad, Maplewood
2. John Wycoff, Maplewood
3. Bob Zick, North St. Paul
4. Don Huot, Maplewood
5. Terry Schneider, Conditional Use Permit Applicant
6. Dick Seppala, Maplewood
7. Ken Frigstad, Maplewood – second appearance

Councilmember Llanas moved to approve the Conditional Use Permit, Design Review and Parking Reduction Authorization for South Metro Human Services Mental Health Care Facility, 1111 Viking Drive as amended.

**RESOLUTION 11-7-602A
CONDITIONAL USE PERMIT**

WHEREAS, South Metro Human Services has applied for a conditional use permit to operate the Community Foundations program, a mental health care facility with temporary housing for 16 patients.

WHEREAS, Section 44-1092(3) of the city ordinances requires a conditional use permit for residential programs in zoning districts where they are not specifically prohibited.

WHEREAS, this permit applies to the property located at 1111 Viking Drive. The legal description is:

The North 55 rods of the West 32 rods of the Southeast ¼ of Section 9, Township 29, Range 22, except portions taken by the State of Minnesota for highway purposes. Above property is subject to a cartway over and across North 16 feet, more or less, thereof.

WHEREAS, the history of this conditional use permit is as follows:

1. On July 5, 2011, the planning commission held a public hearing. The city staff published a notice in the paper and sent notices to the surrounding property owners. The planning commission gave everyone at the hearing a chance to speak and present written statements. The planning commission also considered the report and recommendation of city staff. The planning commission recommended that the city council approve this permit.

2. On July 25, 2011, the city council considered reports and recommendations of the city staff and planning commission.

NOW, THEREFORE, BE IT RESOLVED that the city council approved the above-described conditional use permit, because:

1. The use would be located, designed, maintained, constructed and operated to be in conformity with the City's Comprehensive Plan and this Code.
2. The use would not change the existing or planned character of the surrounding area.
3. The use would not depreciate property values.
4. The use would not involve any activity, process, materials, equipment or methods of operation that would be dangerous, hazardous, detrimental, disturbing or cause a nuisance to any person or property, because of excessive noise, glare, smoke, dust, odor, fumes, water or air pollution, drainage, water run-off, vibration, general unsightliness, electrical interference or other nuisances.
5. The use would not exceed the design standards of any affected street.
6. The use would be served by adequate public facilities and services, including streets, police and fire protection, drainage structures, water and sewer systems, schools and parks.
7. The use would not create excessive additional costs for public facilities or services.
8. The use would maximize the preservation of and incorporate the site's natural and scenic features into the development design.
9. The use would cause no more than minimal adverse environmental effects.

Approval is subject to the following conditions:

1. All construction shall follow the site plan approved by the city. Staff may approve minor changes.
2. The proposed use must be substantially started within one year of council approval or the permit shall become null and void. The council may extend this deadline for one year.
3. The city council shall review this permit in one year.

4. Before the applicant obtains a building permit, they shall sign an agreement with the city agreeing to pay an annual assessment of \$1,000 per year for ten years to defray the cost of police calls to the facility.
5. Additional housing units cannot be added without a revision of this permit.
6. The applicant shall provide on-site staffing 24 hours a day and 365 days a year, this is to ensure the health and safety of the residents in accordance with Minnesota Statute Section 245A.11.
7. This conditional use permit is granted based on the pertinent requirements of federal and state laws, which are Minnesota Statute Section 245A.11 and the requirements of the FHA, the FHAA and the ADA (the Fair Housing Act, the Fair Housing Act Amendment of 1988 and the American's with Disabilities Act) which all have requirements about accommodations for people with disabilities in various ways.

The Maplewood City Council approved this resolution on July 25, 2011.

Seconded by Councilmember Nephew

Ayes – All

The motion passed.

ADJOURNMENT

Mayor Rossbach adjourned the meeting at 11:35 p.m. Visitor Presentations, Administrative Presentations and Council Presentations were not heard.