

MINUTES
MAPLEWOOD CITY COUNCIL
7:00 p.m., Monday, April 8, 2013
Council Chambers, City Hall
Meeting No. 07-13

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

The following items were added to the agenda:

M2 Organ Transplantation
M3 City Manager Report

Councilmember Koppen moved to approve the agenda as amended.

Seconded by Councilmember Juenemann Ayes – All

The motion passed.

E. APPROVAL OF MINUTES

1. Approval of March 25, 2013 City Council Workshop Minutes

Councilmember Juenemann moved to approve the March 25, 2013 City Council Workshop Minutes as submitted.

Seconded by Councilmember Koppen Ayes – All

The motion passed.

2. Approval of March 25, 2013 City Council Meeting Minutes

Correct the spelling from Strom to Storm on page 6 of the minutes, agenda item G12.

Councilmember Juenemann moved to approve the March 25, 2013 City Council Meeting Minutes as amended.

Seconded by Councilmember Koppen

Ayes – All

The motion passed.

F. APPOINTMENTS AND PRESENTATIONS

1. Paul Mateyka, Patricia Mateyka and Steven Mateyka Owners of McCarron's Pub and Grill, Introduction to Council

Citizen Services Director/City Clerk Guilfoile introduced the owner's of McCarron's Pub and Grill. The owner's were unable to attend March 25, 2013 council meeting where an on-sale intoxicating liquor license was approved for the establishment with the condition they would be present at the next council meeting.

2. Harriet Tubman Center – Beverly Dusso – Information on Bonding Request for Services to be Provided at Tubman Center

Beverly Dusso, Tubman President gave the report and answered questions of the council.

3. Parks System Task Force Appointments

Councilmember Juenemann moved to approve the Resolution to appoint candidates to the Parks Systems Task Force.

RESOLUTION 13-4-885

BE IT RESOLVED THAT THE CITY COUNCIL OF MAPLEWOOD, MINNESOTA:

Hereby appoints the following individuals, who have interviewed with the Maplewood City Council, to serve on the Parks System Task Force:

- Scott Schaler
- Pete Boulay
- Jason Lamers
- Mark Nichols
- Alysyn Morris
- Marilyn Anderson

Seconded by Councilmember Koppen

Ayes – All

The motion passed.

4. Parks & Recreation Commission Appointments

Councilmember Juenemann moved to approve the Resolution to appoint candidates to the Parks & Recreation Commission.

RESOLUTION 13-4-886

BE IT RESOLVED THAT THE CITY COUNCIL OF MAPLEWOOD, MINNESOTA:

Hereby appoints the following individuals, who have interviewed with the Maplewood City Council, to serve on the Parks & Recreation Commission:

Seconded by Councilmember Koppen

Ayes – All

The motion passed.

5. Approval of a Resolution for the Maplewood Heritage Award to Anne Fosburgh

Mayor Rossbach read the Resolution for the 2012 Maplewood Heritage Award to Anne Fosburgh. Mayor Rossbach then read the plaque and presented Ann Fosburgh with the Maplewood Heritage Award.

Councilmember Cardinal moved to approve the Resolution for the 2012 Maplewood Heritage Award to Anne Fosburgh.

RESOLUTION 13-4-888

RESOLUTION FOR THE 2012 MAPLEWOOD HERITAGE AWARD TO ANNE FOSBURGH

WHEREAS, Anne Fosburgh has lived in what is now the City of Maplewood since 1953, worked as a medical secretary for Dr. C. Hensel and was part owner of 20th Century Printing, worked at Gladstone Catering, Virtue printing and Annway Paper Supply; and

WHEREAS, Anne Fosburgh has raised her children in the City of Maplewood and was very active in the PTP at the Gladstone School; and

WHEREAS, Anne Fosburgh was appointed as an Election Judge since 1968 for the City of Maplewood; and

WHEREAS, Anne Fosburgh was a charter member of the Maplewood Area Historical Society from 1997 to present and has been the official photographer and has served as membership chairperson from 1997 to present and has served faithfully in that capacity; and

WHEREAS, the Heritage Preservation Commission has appreciated her experience, insights and good judgment; and

WHEREAS, Anne Fosburgh has freely given of her wisdom, time and energy, without compensation, for the betterment of the City of Maplewood; and

WHEREAS, Anne Fosburgh has shown dedication to her duties and has consistently contributed her leadership and effort for the benefit of the City.

NOW, THEREFORE, IT IS HEREBY RESOLVED for and on behalf of the City of Maplewood, Minnesota, and its citizens that Anne Fosburgh is hereby extended the Maplewood Heritage Award – The Maplewood Heritage Award is an annual award recognizing an individual who has positively influenced our City's past or strengthened the preservation of Maplewood history.

Passed by the Maplewood City Council on April 8, 2013

Passed by the Maplewood Heritage Preservation Commission on March 14, 2013

Seconded by Councilmember Koppen

Ayes – All

The motion passed.

6. Adoption of Proclamation for Building Safety Month - May 2013

Mayor Rossbach moved to approve the Proclamation for May of 2013, as Building Safety Month.

PROCLAMATION Building Safety Month — May, 2013

Whereas, the City of Maplewood's continuing efforts to address the critical issues of safety, energy efficiency, and resilience in the built environment that affect our citizens, both in everyday life and in times of natural disaster, give us confidence that our structures are safe and sound, and;

Whereas, our confidence is achieved through the devotion of vigilant guardians—building safety and fire prevention officials, architects, engineers, builders, tradespeople, laborers and others in the construction industry—who work year-round to ensure the safe construction of buildings, and;

Whereas, these guardians—dedicated members of the International Code Council—use a governmental consensus process that brings together local, state and federal officials with expertise in the built environment to create and implement the highest-quality codes to protect Americans in the buildings where we live, learn, work, worship, play, and;

Whereas, the International Codes, the most widely adopted building safety, energy and fire prevention codes in the nation, are used by most U.S. cities, counties and states; these modern building codes also include safeguards to protect the public from natural disasters such as hurricanes, snowstorms, tornadoes, wildfires and earthquakes, and;

Whereas, Building Safety Month is sponsored by the International Code Council, to remind the public about the critical role of our communities' largely unknown guardians of public safety—our local code officials—who assure us of safe, efficient and livable buildings, and;

Whereas, "Building Safety Month: Code Officials Keep You Safe" the theme for Building Safety Month 2013, encourages all Americans to raise awareness of the importance of building safety; green and resilient building; pool, spa and hot tub safety; backyard safety; and new technologies in the construction industry. Building Safety Month 2013 encourages appropriate steps everyone can take to ensure that the places where we live, learn, work, worship and play are safe and sustainable, and recognizes that countless lives have been saved due to the implementation of safety codes by local and state agencies, and,

Whereas, each year, in observance of Building Safety Month, Americans are asked to consider projects to improve building safety and sustainability at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments and federal agencies in protecting lives and property.

NOW, THEREFORE, I, Will Rossbach, Mayor of the City of Maplewood, do hereby proclaim the month of May 2013 as Building Safety Month. Accordingly, I encourage our citizens to join with their communities in participation in Building Safety Month activities.

Adopted April 8th 2013

Seconded by Councilmember Koppen

Ayes – All

applicant's request for an exception from the ciity's pool fence requirement to allow the use of a pool cover.

RESOLUTION 13-4-889
SHORELAND SETBACK VARIANCE RESOLUTION

WHEREAS, Amanda and Joseph Schneider applied for a variance from the shoreland protection ordinance.

WHEREAS, this variance applies to property located at 660 Eldridge Avenue. The property identification number for this property is:

17-29-22-12-0059

WHEREAS, Ordinance Section 44-1242 of the Shoreland Overlay District, requires a setback of 75 feet in width adjacent to a Class 4 Public Water.

WHEREAS, the applicant is proposing a setback of 29 feet, requiring a variance of 46 feet, from the Class 4 Public Water.

WHEREAS, the history of this variance is as follows:

1. On March 18, 2013, the environmental and natural resources commission reviewed this variance and recommended approval.
2. On March 19, 2013, the planning commission held a public hearing to review this proposal. City staff published a notice in the paper and sent notices to the surrounding property owners as required by law. 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 the city staff. The planning commission recommended that the city council approve the variance request.
3. The city council held a public meeting on April 8, 2013, to review this proposal. The council considered the report and recommendations of the city staff and planning commission.

NOW, THEREFORE, BE IT RESOLVED that the city council approved the above-described variances based on the following reasons:

- A. Strict enforcement of the ordinance would cause the applicant practical difficulties because complying with the shoreland setback requirement stipulated by the ordinance would prohibit the building of any permanent structures, substantially diminishing the potential of this lot.
- B. Approval of the requested shoreland setback variance would benefit the adjacent lake because the site will be planted with additional buffer plantings.
- C. Approval would meet the spirit and intent of the ordinance since the proposed swimming pool would be built in an area that is already maintained as lawn, which is also allowed by ordinance.

- D. The Minnesota Department of Natural Resources has reviewed the applicant's plans and does not require a permit or have any state statutes that prevent the pool from being built.

Conditions of Approval

Approval of the shoreland setback variance shall be subject to complying with all of the conditions of approval in the Engineering Review report by Jon Jarosch and in Shann Finwall and Virginia Gaynor's Environmental Review.

The Maplewood City Council approved this resolution on April 8, 2013.

RESOLUTION 13-4-890 WETLAND BUFFER VARIANCE RESOLUTION

WHEREAS, Amanda and Joseph Schneider applied for a variance from the wetland protection ordinance.

WHEREAS, this variance applies to property located at 660 Eldridge Avenue. The property identification number for this property is:

17-29-22-12-0059

WHEREAS, Ordinance Section 12-310, the Environmental Protection and Critical Area Ordinance dealing with Wetlands, requires a wetland protection buffer of 50 feet in width adjacent to Manage B wetlands next to lakes.

WHEREAS, the applicant is proposing wetland protection buffers of 29 feet, requiring a variance of 21 feet, from the Manage B wetland.

WHEREAS, the history of this variance is as follows:

1. On March 18, 2013, the environmental and natural resources commission reviewed this variance and recommended approval.
2. On March 19, 2013, the planning commission held a public hearing to review this proposal. City staff published a notice in the paper and sent notices to the surrounding property owners as required by law. 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 the city staff. The planning commission recommended that the city council approve the variance request.
3. The city council held a public meeting on April 8, 2013, to review this proposal. The council considered the report and recommendations of the city staff and planning commission.

NOW, THEREFORE, BE IT RESOLVED that the city council approved the above-described variances based on the following reasons:

- A. Strict enforcement of the ordinance would cause the applicant practical difficulties because complying with the wetland buffer requirement stipulated by the

ordinance would prohibit the building of any permanent structures, substantially diminishing the potential of this lot.

- B. Approval of the requested wetland buffer variance would benefit the adjacent wetland because the site will be planted with additional buffer plantings.
- C. Approval would meet the spirit and intent of the ordinance since the proposed swimming pool would be built in an area that is already maintained as lawn, which is also allowed by ordinance.
- D. The Ramsey Washington Metro Watershed District has reviewed the applicant's plans and had no concerns and does not require a permit.

Conditions of Approval

Approval of the wetland buffer variance shall be subject to complying with all of the conditions of approval in the Engineering Review report by Jon Jarosch and in Shann Finwall and Virginia Gaynor's Environmental Review.

The Maplewood City Council approved this resolution on April 8, 2013

Seconded by Councilmember Juenemann Ayes – All

The motion passed.

2. Review of Allied Waste Services' 2012 Annual Report and 2013 Work Plan for City-Wide Residential Trash Collection

Environmental Planner Finwall gave the staff report and answered questions of the council. Rich Herstein from Allied Waste addressed and answered questions of the council.

3. Arkwright-Sunrise Area Street Improvements, City Project 12-09, Resolution Accepting Feasibility Study, Authorizing Preparation of Plans and Specifications and Calling for Public Hearing

Public Works Director/City Engineer Thompson gave the staff report and answered questions of the council. Rich Wilson, Maplewood Resident addressed and asked questions of the council. Assistant City Manager Ahl gave additional information.

Councilmember Juenemann moved to approve the Resolution accepting the Feasibility Report, authorizing the Preparation of Plans and Specifications, and Calling for a Public Hearing for 7:00pm, Monday, May 13, 2013 for the Arkwright-Sunrise Area Street Improvements, City Project 12-09.

RESOLUTION 13-4-891 ACCEPTING FEASIBILITY STUDY, AUTHORIZING PREPARATION OF PLANS AND SPECIFICATIONS, AND CALLING FOR PUBLIC HEARING

WHEREAS, pursuant to resolutions of the council adopted July 23, 2012, a report has been prepared by the City Engineering Division with reference to the improvement of Arkwright-Sunrise Area Street Improvements, City Project 12-09, and this report was received by the council on April 8, 2013, and

WHEREAS, the report provides information regarding whether the proposed project is necessary, cost-effective, and feasible,

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

1. The City Council will consider the Arkwright-Sunrise Area Street Improvements, City Project 12-09 in accordance with the report and the assessment of abutting property for all or a portion of the cost of the improvement pursuant to Minnesota Statutes, Chapter 429 at an estimated total cost of the improvement of \$4,996,000.
2. The City's Engineer or his designee is the designated engineer for this improvement and is hereby directed to prepare final plans and specifications for the making of said improvement.
3. The finance director is hereby authorized to make the financial transfers necessary for the preparation of plans and specifications. A proposed budget of \$4,996,000 shall be established. The proposed financing plan is as follows:

FEASIBILITY ESTIMATED PROJECT COST RECOVERY	
FUNDING SOURCE	FEASIBILITY ESTIMATE
G.O. IMPROVEMENT BONDS	\$2,529,000
RAMSEY COUNTY (SIDEWALKS)	\$176,000
SANITARY SEWER FUND	\$279,000
I & I GRANT	\$39,000
ENVIRONMENTAL UTILITY FUND	\$460,000
SPECIAL BENEFIT ASSESSMENT	\$697,000
ST. PAUL WATER	\$480,000
W.A.C. FUND	\$58,000
CITY OF LITTLE CANADA	\$243,000
DRIVEWAY REPLACEMENT PROGRAM	\$35,000
TOTAL FUNDING	\$4,996,000

4. A public hearing shall be held on such proposed improvement on the 13th day of May, 2013 in the council chambers of city hall at 7:00 p.m., and the clerk shall give mailed and published notice of such hearing and improvement as required by law.

Approved this 8th day of April, 2013

Seconded by Councilmember Koppen

Ayes – All

The motion passed.

4. Consideration of Community Comment Policy to Replace Listening Forum

Assistant City Manager Ahl gave the staff report.

Councilmember Cave moved to have Visitor Presentation added at the beginning of the agenda with the stipulation that speakers sign-up beforehand including the topic that they would be speaking on and also impose a five minute time limit.

Seconded by Councilmember Cardinal

Councilmember Koppen made an amendment to the motion to have Visitor Presentation at the end of the agenda.

Ayes – Mayor Rossbach, Council Members Cardinal and Koppen
Nays – Council Members Cave and Juenemann

The motion to amend the motion passed.

The Mayor called the question on the original motion.

Ayes – Council Members, Cave, Cardinal and Koppen
Nays – Mayor Rossbach, Council Member Juenemann

The following person spoke:

1. Bob Zick

5. Adoption of Resolution Supporting Street Improvement District Legislation

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

Councilmember Koppen moved to approve the Resolution Supporting Legislation Authorizing the Establishment of Municipal Street Improvement Districts.

RESOLUTION 13-4-892 SUPPORTING LEGISLATION AUTHORIZING THE ESTABLISHMENT OF MUNICIPAL STREET IMPROVEMENT DISTRICTS

WHEREAS, Minnesota contains over 135,000 miles of roadway, and over 19,000 miles— or 14 percent--are owned and maintained by Minnesota's 853 cities; and

WHEREAS, 84 percent of municipal streets are ineligible for dedicated Highway User Tax Distribution Fund dollars; and

WHEREAS, the more than 700 Minnesota cities with populations below 5,000 are ineligible for dedicated Highway User Tax Distribution Fund dollars; and

WHEREAS, city streets are a separate but integral piece of the network of roads supporting movement of people and goods; and

WHEREAS, existing funding mechanisms, such as Municipal State Aid (MSA), property taxes and special assessments, have limited applications, leaving cities under-equipped to address growing needs; and

WHEREAS, maintenance costs increase as road systems age, and no city--large or small—is spending enough on roadway capital improvements to maintain a 50-year lifecycle; and

WHEREAS, for every one dollar spent on maintenance, a road authority saves seven dollars in repairs; and

WHEREAS, the Council of the City of Maplewood finds it is difficult to develop adequate funding systems to support the City's needed street improvement and maintenance programs while complying with existing State statutes; and

WHEREAS, cities need flexible policies and greater resources in order to meet growing demands for municipal street improvements and maintenance.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MAPLEWOOD supports enabling legislation that would authorize cities to establish street improvement districts to fund municipal street maintenance, construction and reconstruction.

ADOPTED by the Maplewood City Council this 8th day of April in 2013.

Seconded by Councilmember Juenemann

Ayes – Mayor Rossbach, Council Members
Cardinal, Juenemann and Koppen

Nays – Councilmember Cave

The motion passed.

K. AWARD OF BIDS

1. Authorization to Consider Receiving Quotes and Awarding Construction Contract – Police Department Expansion Phase 1A

Assistant City Manager Ahl gave the staff report.

Councilmember Cardinal moved to Award the Low Bid of \$165,000 for Police Department Expansion Phase 1A to Weber, Inc.

Seconded by Councilmember Koppen

Ayes – All

The motion passed.

L. ADMINISTRATIVE PRESENTATIONS

1. Cancellation of Council-Manager Workshop for May 6, 2013

Councilmember Cardinal moved to cancel the Council-Manager Workshop on May 6, 2013.

Seconded by Councilmember Juenemann

Ayes – All

The motion passed.

2. Cancellation of the May 27, 2013 City Council Meeting Due to Memorial Day Holiday

Councilmember Cardinal moved to cancel the May 27, 2013 City Council Meeting and not reschedule the meeting.

Seconded by Councilmember Juenemann

Ayes – All

The motion passed.

M. COUNCIL PRESENTATIONS

- 1. Annual Performance Evaluation of City Manager James Antonen**
 - a. Declaration of Intent to Close Meeting (Minn. Stat. §13D.05)**

The Performance Evaluation of City Manager James Antonen was delayed until the April 29, 2013 City Council Meeting.

- 2. Organ Transplant**

Councilmember Juenemann informed residents that April is organ transplant month. She encouraged citizens to take the steps to become organ donors.

- 3. City Manager Evaluation**

The council discussed the annual performance evaluation for James Antonen and the process for conducting the evaluation at the April 29, 2013 council meeting.

- 4. Community Meeting Open House**

Councilmember Juenemann reminded residents that there is a Community Meeting Open House on Thursday, April 25th from 3:00 p.m. to 7:00 p.m. at the White Bear Lake Community Center located at 2460 County Road F East in White Bear Lake.

- 5. Spring Clean-Up**

Councilmember Cardinal reminded residents that the annual City-Wide Clean-Up is scheduled for Saturday, April 20th from 8:00 a.m. to 1:00 p.m. at Aldrich Arena on 1850 White Bear Avenue.

N. ADJOURNMENT

Mayor Rossbach adjourned the meeting at 9:50 p.m.

City of Maplewood
City Council Meeting Sign-Up Sheet

*By putting your name and address on this sheet,
you are indicating which agenda item you would
like to discuss with the City Council*

Date: April 08, 2013

	<u>Name - First & Last</u> <i>(please print clearly)</i>	<u>Address</u>	<u>Agenda Item</u>
1.	<u>Bob Zick</u>	<u></u>	<u>J4</u>
2.	<u>Dw Dusso</u>	<u>1725 Munster Way</u>	<u>F2</u>
3.	<u></u>	<u></u>	<u></u>
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4.8.2013

Permanent Record - City Council Meeting
J4. Consideration of Community Police to
Replace Listening Forum

4-8-2013

FREE SPEECH INTOLERANCE -- VIOLATING COMMUNITY STANDARDS

The actions of the Maplewood City Council and the city manager, Mr. Antonen, personally violated, targeted and attacked my constitutional right of free speech and my right to; share different thoughts, opinions, petition my government during a council meeting and/or discuss the city on the 'Inside Insight News Hour'.

If the city council and staff are not willing to accept a different view point perhaps public service is not for you. If encountering ideas you do not share makes you put in place barriers to citizens' concerns, perhaps you are unsuited to be on a city council or serving as a city manager.

If we are paying for censorship by a dictator we are owed a full blown ordinance not a mere council rule. Outlawing free speech in Maplewood deserves at least the same penalty under law as not cutting your grass or leaving your trash container out where it can be seen from the street.

One would expect that any censorship ordinance put in place by Maplewood would be comprehensive and city wide. It, of course, would not just censor cable television and comments made at city hall but all disparaging remarks whether spoken on the street, in the parks, in the restaurants or in the bars.

The ordinance should be fully enforced by the Maplewood Police utilizing listening devices, security cameras and reliable volunteer citizen snitches.

Respectively submitted by:

Bob Zick, 'Inside Insight News Hour', SCC cable channel 15, Wednesdays 8:30 P.M.