

MINUTES
MAPLEWOOD CITY COUNCIL
7:00 p.m., Monday, November 24, 2014
Council Chambers, City Hall
Meeting No. 19-14

A. CALL TO ORDER

A meeting of the City Council was held in the City Hall Council Chambers and was called to order at 7:07 p.m. by Mayor Slawik.

Mayor Slawik requested Mr. Gonzales who served in the US Army to address the council and report on the Shop, Ship and Share event that took place this past weekend at the Maplewood Mall. The event was put on by District 4 of the American Legion who partnered with the US Postal Service. The event was to package goods for service men and women in the military. Numerous schools participated and donated items to be packed in the boxes. Elementary school children crafted handwritten cards so they would be in the boxes when they were opened. Manufactures donated snacks and personal care items to be included. Shoppers, organizations and the American Legion paid for the shipping of the approximately 1,000 packages that were sent. Thanks were extended to all those that donated their time and resources.

Mr. Gonzales then led the council in the pledge of allegiance.

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

Nora Slawik, Mayor	Present
Marylee Abrams, Councilmember	Present
Robert Cardinal, Councilmember	Present
Kathleen Juenemann, Councilmember	Present
Marvin Koppen, Councilmember	Present

D. APPROVAL OF AGENDA

Councilmember Abrams requested agenda item J7 be moved to the end of the meeting after Agenda Item "N" Council Presentations.

Councilmember Cardinal moved to approve the agenda as amended.

Seconded by Councilmember Koppen Ayes – All

The motion passed.

E. APPROVAL OF MINUTES

1. Approval of November 10, 2014 City Council Workshop Minutes

Councilmember Abrams moved to approve the November 10, 2014 City Council Workshop Minutes as submitted.

Seconded by Councilmember Cardinal

Ayes – All

The motion passed.

2. Approval of November 17, 2014 City Council Workshop Minutes

It was noted that the agenda for the November 17, 2014 City Council Workshop had not been approved.

Councilmember Cardinal moved to approve the November 17, 2014 agenda as submitted. Seconded by Councilmember Koppen. The motion passed.

Councilmember Abrams moved to approve the November 17, 2014 City Council Workshop Meeting Minutes as amended.

Seconded by Councilmember Juenemann

Ayes – All

The motion passed.

3. Approval of November 10, 2014 City Council Meeting Minutes

Councilmember Cardinal moved to approve the November 10, 2014 City Council Meeting Minutes as submitted.

Seconded by Councilmember Koppen

Ayes – All

The motion passed.

F. APPOINTMENTS AND PRESENTATIONS

1. Review of Commissioner Reappointment Assessments
a. Approval of Resolution of Reappointment to Commissions

Councilmember Juenemann moved to approve the Resolution for reappointment to the Planning Commission and Police Civil Service Commission.

Resolution 14-11-1141

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

Hereby appoints the following individuals, who the Maplewood City Council has reviewed, to serve on the following commissions:

Planning Commission

Paul Arbuckle, term expires 12/31/2017

John Donofrio, term expires 12/31/2017

Police Civil Service Commission

James Meehan, term expires 12/31/2017

Seconded by Councilmember Juenemann Ayes – All

The motion passed.

2. Approval of a Memorandum of Understanding (MOU) for the Great Plains Institute Grant for Commercial/Industrial Energy Efficiency Project

Councilmember Koppen moved to approve the Memorandum of Understanding for funding arrangements between the City of Maplewood and the Great Plains Institute Grant for a \$5,000 grant for the Commercial/Industrial Energy Efficiency Project (Green Building Code Incentive Program).

Seconded by Councilmember Juenemann Ayes – All

The motion passed.

3. Approval of a Memorandum of Understanding (MOU) with Sherman and Associates for the Livable Communities Program Grant

Andrew Hughes, Project Manager with Herman and Associates addressed the council and gave the report.

Councilmember Koppen moved to approve the city manager sign the attached Memorandum of Understanding between the City and Maplewood Acquisition LLC.

Seconded by Councilmember Juenemann Ayes – All

The motion passed.

4. Approval of a Resolution Authorizing the MPCA Environmental Assistance Grant for the Commercial/Industrial Energy Efficiency Project

Councilmember Koppen moved to approve the Resolution authorizing the MPCA Environmental Assistance grant for the Commercial/Industrial Energy Efficiency Project (Green Building Code Incentive Program) and authorize the City Manager to sign the grant agreement on behalf of the City.

Resolution 14-11-1142
Resolution Authorizing the MPCA Environmental Assistance Grant for the
Commercial/Industrial Energy Efficiency Project

WHEREAS, in July 2014 the City of Maplewood has applied for a grant from the Minnesota Pollution Control Agency (MPCA), under its FY 2014-2015 Environmental Assistance Grant Program; and

WHEREAS, in August 2014 the MPCA awarded Maplewood \$20,000 for a Commercial/Industrial Energy Efficiency Project called the Green Building Code Incentive Program;

WHEREAS, MPCA requires that the City of Maplewood enter into a grant agreement with the MPCA that identifies the terms and conditions of the funding award

based on the objectives outlined below:

1. Objective 1 of 8 -- Property Assessed Clean Energy Program
Task: Implement a Property Assessed Clean Energy (PACE) program in Maplewood to offer financial lending opportunities for energy efficiency projects to all commercial and industrial buildings.
2. Objective 2 of 8 – Partners in Energy
Task: Implement the Partners in Energy program in Maplewood. The program includes a partnership with Xcel Energy for community support program offering tools and resources to develop and implement an energy action plan. As part of the program, the City will appoint an energy action team that will meet over a three-month period to create the City's energy goals. One of the goals that will be outlined in the energy action plan is the implementation of the Green Building Code incentive program to assist commercial and industrial buildings with energy efficiency projects.
3. Objective 3 of 8 - Education and Outreach
Task: Provide education and outreach to all commercial and industrial building owners in Maplewood on the City's Green Building Code and opportunities for energy efficiency and sustainability.
4. Objective 4 of 8 -- Incentive Program
Task: Create an incentive program to promote voluntary compliance with the Maplewood Green Building Code by funding building recommissioning studies and recommended improvements for commercial and industrial buildings. Properties participating in the incentive program will be required to implement as many energy efficiency or sustainability projects specified in the study as the City's funding can cover. Properties must also submit three years of energy use performance data to the City. This data will be entered into separate accounts associated with the City of Maplewood's Minnesota B3 program.
5. Objective 5 of 8 – B3 Account for Private Properties
Task: Create separate B3 accounts for private properties participating in the Maplewood Green Building Program.
6. Objective 6 of 8 -- Partnerships
Task: Through education, outreach, and reporting on the Green Building Code the City will build partnerships with commercial and industrial building owners. This will allow the City to offer technical assistance and guidance on future building, energy efficiency, and sustainability projects.
7. Objective 7 of 8 -- Evaluation
Task: Evaluate results of the Maplewood Green Building Program.
8. Objective 8 of 8 - Reporting
Task: Submit reports to the MPCA.

BE IT RESOLVED THAT the City of Maplewood hereby agrees to enter into and sign a grant agreement with the MPCA to carry out the project specified therein and to comply with all of the terms, conditions, and matching provisions of the grant agreement

and authorizes and directs Melinda Coleman, City Manager, to sign the grant agreement on its behalf.

The Maplewood City Council adopts this resolution on November 24, 2014.

Seconded by Councilmember Juenemann Ayes – All

The motion passed.

5. Approval of a Conditional Use Permit Review, Kline Auto World, 2610 Maplewood Drive

Councilmember Koppen moved to approve to review the conditional use permit for Kline Auto World, 2610 Maplewood Drive permit again only if a problem arises or if changes are proposed.

Seconded by Councilmember Juenemann Ayes – All

The motion passed.

6. Approval of a Conditional Use Permit Review, St. Paul Hmong Alliance Church, 1770 McMenemy Street

Councilmember Koppen moved to approve to extend the approval of the conditional use permit for the St. Paul Hmong Alliance Church and review again in one year.

Seconded by Councilmember Juenemann Ayes – All

The motion passed.

7. Approval of a Conditional Use Permit Review, Agropur, 2080 Rice Street

Councilmember Koppen moved to approve the conditional use permit for a planned unit development for Agropur, 2080 Rice Street, and review the permit only if problem arises or if changes are proposed.

Seconded by Councilmember Juenemann Ayes – All

The motion passed.

8. Approval of a Conditional Use Permit Review, The Shores at Lake Phalen, 1870 East Shore Drive

Councilmember Abrams had a question regarding the temporary overflow parking lot that was installed without communicating with City.

City Planner Ekstrand answered questions of council.

Councilmember Abrams moved to approve to review the conditional use permit for The Shores planned unit development again in April 2015. By that time, the owner of The

Shores shall begin work with the city for the Phase II expansion of The Shores to rectify the non-conforming parking lot they installed without city approval. If owner hasn't started Phase II with the city, the applicant shall remove the unapproved gravel parking lot to comply with city ordinance.

Seconded by Councilmember Juenemann Ayes – All

The motion passed.

9. Approval of Resolution Accepting Insurance Labor-Management Committee's (LMC) Recommendations for Employee Insurance Benefits for 2015

Councilmember Koppen moved to approve the resolution Accepting Insurance Labor-Management Committee's (LMC) Recommendations for Employee Insurance Benefits for 2015.

Resolution 14-11-1143

Be it resolved that the Maplewood City Council hereby affirms the recommendations of Insurance Labor Management Committee regarding 2015 employee insurance benefits for the City of Maplewood.

Approved this 24th day of November 2014.

Seconded by Councilmember Juenemann Ayes – All

The motion passed.

Mayor Slawik requested to go back to Agenda Item D so council members could add items under Council Presentations.

The following items were added:

- N1 Cable Commission
- N2 Multi-Ethnic Business Event
- N3 Parks & Recreation Commission
- N4 Housing & Economic Commission
- N5 Historic Preservation Commission
- N6 TAB
- N7 622 Superintendent Search
- N8 Suburban Ramsey Family Collaborative

Councilmember Juenemann moved to approve the added items to council presentations.

Seconded by Councilmember Abrams Ayes – All

The motion passed.

H. PUBLIC HEARING

None

I. UNFINISHED BUSINESS

None

J. NEW BUSINESS

1. Approval of Resolution for 2015 Annual Liquor License Renewals for Club, Off-Sale, On-Sale, and Wine

City Clerk/Citizen Services Director Haag gave the staff report.

Councilmember Juenemann moved to approve the Resolution for 2015 Annual Liquor License Renewals for Club, Off-Sale, On-Sale, and Wine.

Resolution 14-11-1144
2015 ANNUAL LIQUOR LICENSE RENEWALS
FOR CLUB, OFF-SALE, ON-SALE AND WINE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF MAPLEWOOD, RAMSEY COUNTY, MINNESOTA, that the following On-Sale, Off-Sale, Club and Wine Liquor Licenses, having been previously duly issued by this Council, are hereby approved for renewal for one year, effective January 1, 2015, with approvals granted herein subject to satisfactory results of required Police, Fire, health inspections, and required documentation submitted:

Off-Sale 3.2 Beer Licenses

Cub Foods #30244
100 County Road B West

Rainbow Foods #7300
2501 White Bear Avenue

Cub Foods #31264
2390 White Bear Avenue

SuperAmerica #4022
1750 White Bear Avenue

Maplewood Kwik Mart
2150 McMenemy Street North

SuperAmerica #4089
11 Century Avenue South

Off-Sale Intoxicating Liquor Licenses

61 Liquors
2700 Maplewood Dr North

Cub Discount Liquor
100 West County Road B

A-1 Liquor
19 Century Avenue North

Heritage Liquor LLC
1347 Frost Avenue

Big Discount Liquor
2515 White Bear Avenue

Maddie's Liquor
1690 McKnight Road North

Costco Wholesale #1021
1431 Beam Avenue East

Maplewood Wine Cellar
1281 Frost Avenue

Merwin Liquors
1700-D Rice Street

MGM Liquor Warehouse
2950 White Bear Avenue

Party Time Liquor
1835 East Larpenteur Avenue

Princess Liquor 'n Tobacco
2728 Stillwater Road

On-Sale Club License

Maplewood Moose Lodge #963
1946 English Street

On-Sale Intoxicating Liquor Licenses

5-8 Tavern & Grill
2289 Minnehaha Avenue

Acapulco Mexican Restaurant
3069 White Bear Avenue

Aramark
2350 Minnehaha Avenue East

Bleachers Bar & Grill
2220 White Bear Avenue

Buffalo Wild Wings #118
3085 White Bear Avenue

Chili's Grill & Bar #224
1800 Beam Avenue

Chipotle Mexican Grill #224
2303 White Bear Avenue

Freddy's Tiki Hut
1820 Rice Street North

Goodrich Golf Course
1820 North Van Dyke

Guldens Roadhouse
2999 North Highway 61

Huey's Saloon
2425 North Highway 61

Sarrack's Int'l. Wine & Spirits
2305 Stillwater Road

White Bear Liquor & Wine
2223 White Bear Avenue

On-Sale 3.2 Beer Licenses

Chipotle Mexican Grill #1438
3095 White Bear Ave North

Jake's City Grille
1745 Beam Avenue East

Lancer Catering at Keller Golf Course
2166 Maplewood Drive North

McCarron's Pub and Grill
1986 Rice Street N

Myth
3090 Southlawn Drive North

Olive Garden #1200
1749 Beam Avenue

Osaka Sushi & Hibachi
1900 County Road D E

Outback Steakhouse #2412
1770 Beam Avenue

Red Lobster #0283
2925 White Bear Avenue

Stargate Dance Club
1700 Rice Street, Suite J

T.G.I. Friday's #0472
3087 White Bear Avenue

The Dog House Bar & Grill
2029 Woodlynn Avenue East

The Ponds at Battle Creek
601 Century Avenue South

On-Sale Wine/Strong Beer Licenses

Bambu Asian Cuisine
1715-A Beam Avenue

Taste of India
1745 Cope Avenue East

Noodles & Company
2865 White Bear Avenue

Seconded by Councilmember Abrams

Ayes – All

The motion passed.

2. **Approval of the Following Resolutions for U-Haul to Expand its Business to the Former Goodwill Property, 2250 White Bear Avenue**
 - a. **A Conditional Use Permit for Indoor Storage in a Commercial Zoning District**
 - b. **A Conditional Use Permit to Lease Motor Vehicles**
 - c. **A Variance to Lease Trucks and Trailers Within 350 Feet of Residentially Zoned Property**

Senior Planner Ekstrand gave the staff report and answered questions of the council. Planning Commissioner Bill Kempe addressed the council and gave the planning commission report. Christopher Bohlman, President of Southern U-Haul in Minnesota was present and addressed the council to give additional information and answered questions of the council.

Councilmember Koppen moved to approve

- A. The conditional use permit resolution to allow indoor storage and the leasing of trucks and trailers in a BC (business commercial) zoning district, located at 2250 White Bear Avenue. Approval is based on the findings required by ordinance and subject to the following conditions:
 1. All construction shall follow the site plan date-stamped September 15, 2014 approved by the city in addition to the required changes below. 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. The applicant shall submit plans for their site and building improvements to the community design review board for approval.
 5. The building and site changes and improvements shall include the following requirements:

- a. A decorative six-foot-tall solid screening fence along the easterly lot line to screen the proposed site from the New Horizon day care center building and playground. The screening fence shall be also placed in the southeast corner of the site to fill in a gap in screening. Fencing in this area is subject to the requirements of the city engineer due to the drainage swale in this corner.
 - b. Clean-up, maintenance and repair of the former Goodwill building.
 - c. Resurfacing of the parking lot.
 - d. Providing a connecting driveway between the existing U-Haul property and the former Goodwill site. This connecting driveway shall be curbed with concrete curbing to meet the requirements of city code.
 - e. Restriping of the parking lot with no parking lot stripes for rental vehicles any closer than 100 feet to the south property line.
 - f. Removal of the tall freestanding sign structure. This sign is no longer considered legal-nonconforming.
6. The applicant shall comply with the requirements of the city's building official, assistant fire chief and city engineer.
- B. Approval of a variance resolution to allow the leasing of motor vehicles within 350 feet of property zoned and planned as residential. This variance is based on the findings that:
1. The proposed setback reduction to 100 feet from the southerly lot line would be in harmony with the general purposes and intent of the ordinance since the site would be screened from view from the residential properties to the south and the east by six-foot-tall screening fences.
 2. The proposal is for a commercial venture which is consistent with the Maplewood Comprehensive Plan for this property.
 3. There are practical difficulties in complying with the ordinance. The applicant would not be able to utilize this site for truck and trailer leasing without a variance since the entire site is within 350 feet of residential property.

This approval is conditioned upon all rental vehicles being kept at least 100 feet from the abutting residential property to the south.

Resolution 14-11-1145
CONDITIONAL USE PERMIT

WHEREAS, U-Haul, has applied for a conditional use permit be allowed to lease trucks and trailers and to operate an indoor-storage facility in a BC (business commercial) district.

WHEREAS, Sections 44-512 (4 and 5) of the city ordinances requires a conditional use permit for used car sales or leasing and for indoor storage facilities in a BC (business commercial) zoning district.

WHEREAS, this permit applies to the property located at 2255 White Bear Avenue. The property identification number of this property is:

112922330059

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

1. On November 18, 2014, 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 reports and recommendation of city staff. The planning commission recommended that the city council approve this permit.
2. On November 24, 2014, 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 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 generate only minimal vehicular traffic on local streets and would not create traffic congestion or unsafe access on existing or proposed streets.
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 minimal adverse environmental effects.

Approval is subject to the following conditions:

1. All construction shall follow the plans date-stamped September 15, 2014, 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 after review and good-cause is shown.
3. The city council shall review this permit in one year.
4. The applicant shall submit plans for their site and building improvements to the community design review board for approval.
5. The building and site changes and improvements shall include the following requirements:
 - a. A decorative six-foot-tall solid screening fence along the easterly lot line to screen the proposed site from the New Horizon day care center building and playground. The screening fence shall be also placed in the southeast corner of the site to fill in a gap in screening. Fencing in this area is subject to the requirements of the city engineer due to the drainage swale in this corner.
 - b. Clean-up, maintenance and repair of the former Goodwill building.
 - c. Resurfacing of the parking lot.
 - d. Providing a connecting driveway between the existing U-Haul property and the former Goodwill site. This connecting driveway shall be curbed with concrete curbing to meet the requirements of city code.
 - e. Restriping of the parking lot with no parking lot stripes for rental vehicles any closer than 100 feet to the south property line.
 - f. Removal of the tall freestanding sign structure. This sign is no longer considered legal-nonconforming.
6. The applicant shall comply with the requirements of the city's building official, assistant fire chief and city engineer.

The Maplewood City Council approved this resolution on November 24, 2014.

Resolution 14-11-1146
VARIANCE RESOLUTION

WHEREAS, U-Haul has applied for a variance to be allowed to lease trucks and

trailers closer than 350 feet to a residential zoning district.

WHEREAS, this variance applies to the property at 2255 White Bear Avenue. The property identification numbers for this property is:

112922330059

WHEREAS, Sections 44-512 (5) of the city ordinances requires that used motor vehicle rental activities be at least 350 feet from a residential district.

WHEREAS, the applicant's proposed use would be totally within this 350 foot proximity of two nearby residential districts.

WHEREAS, the history of this variance is as follows:

1. The planning commission held a public hearing on November 18, 2014. City staff published a notice in the Maplewood Review and sent notices to the surrounding property owners as required by law. The planning commission gave everyone at the hearing an opportunity to speak and present written statements. The council also considered reports and recommendations from the city staff. The planning commission recommended that the city council approve this variance.
2. On November 24, 2014, the city council considered the recommendations of city staff and the planning commission and the testimony of persons present at the meeting.

NOW, THEREFORE, BE IT RESOLVED that the city council approved the above-described variances since:

1. The proposed setback reduction to 100 feet from the southerly lot line would be in harmony with the general purposes and intent of the ordinance since the site would be screened from view from the residential properties to the south and the east by six-foot-tall screening fences.
2. The proposal is for a commercial venture which is consistent with the Maplewood Comprehensive Plan for this property.
3. There are practical difficulties in complying with the ordinance. The applicant would not be able to utilize this site for truck and trailer leasing without a variance since the entire site is within 350 feet of residential property.

This approval is conditioned upon all rental vehicles be kept at least 100 feet away from the abutting residential property to the south.

The Maplewood City Council approved this resolution on November 24, 2014.

Seconded by Councilmember Cardinal

Ayes – All

The motion passed.

3. Approval of Resolution Adopting 2015 Assessment Rates, Public Works Permit Fees and Park Availability Charges

Assistant City Engineer Love gave the staff report.

Councilmember Cardinal moved to approve the resolution for Adoption of the 2015 Assessment Rates, Public Works Permit Fees, and Park Availability Charges.

Resolution 14-11-1147
ADOPTION OF THE 2015 ASSESSMENT RATES,
PUBLIC WORKS PERMIT FEES, AND PARK AVAILABILITY CHARGES

WHEREAS, the City of Maplewood has established assessment rates, permit fees, and park availability charges, and

WHEREAS, city staff has reviewed the assessment rates, permit fees, and park availability charges.

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

1. The proposed assessment and improvement rates hereby attached shall become effective beginning January 1, 2015. Furthermore the special assessment rates shall be officially established through a benefit appraisal analysis.
2. The updated public works fees are approved for all related permit applications received on or after January 1, 2015.
3. The park availability charge (which has not changed from 2014) shall be effective beginning January 1, 2015.
4. The rates attached will be reviewed by staff on an annual basis with recommendations for revision brought to the City Council for consideration.

Adopted by the Maplewood City Council on this 24th day of November 2014.

Seconded by Councilmember Juenemann Ayes – All

The motion passed.

4. Approval of Resolution Authorizing a Wetland Buffer Variance for the Construction of a Garage, 1703 Jessie Street

Environmental Planner Finwall presented the staff report and answered questions of the council. Planning Commissioner Bill Kempe addressed the council to give the report from the Planning Commission. Scott Miller, applicant/owner addressed the council to give additional information.

Councilmember Juenemann moved to approve the resolution authorizing a wetland buffer variance for the construction of a garage at 1703 Jessie Street. Approval is based on the

following reasons:

1. 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.
2. Approval of the wetland buffer variance will redirect stormwater from the garage and future hard surface driveway to a rain garden and areas near the wetland will no longer be maintained as a mowed lawn, but allowed to grow as a naturalized area.
3. Approval would meet the spirit and intent of the ordinance since the proposed garage would be built in an area that is already maintained as lawn.

Approval of the wetland buffer variance shall be subject to the following:

1. Shift the garage 3 feet to the south to maintain a 5-foot setback from the house and increase the setback to the wetland from 30 feet to 33 feet.
2. Install a gutter on the north side of the garage and a downspout on the northeast corner of the garage which directs water to a rain garden.
3. Install a rain garden on the northeast corner of the garage, adjacent the driveway. The rain garden will be designed to infiltrate water from the garage roof and future hard surface driveway. Rain garden design plans to be approved by the City engineer prior to issuance of a building permit.
4. Discontinue maintaining the area to the north of the applicants' property line, within the City property, as mowed lawn area. Allow this area to grow as a naturalized area adjacent the wetland. If the owner would prefer to restore this portion of the lawn to native plants at their own expense, the City would allow for that but would need to approve restoration plans.
5. The applicants should submit an escrow to cover up to 150 percent of the cost of the gutter, downspout, and rain garden. The escrow will be released when the gutter, downspout, and rain garden are installed per the City's approval.

Resolution 14-11-1148
VARIANCE RESOLUTION

WHEREAS, Scott and Ann Miller applied for a variance from the wetland ordinance.

WHEREAS, this variance applies to the property located at 1703 Jessie Street, Maplewood, MN. The property identification number is 17-29-22-34-0052. The legal description is Lot 4, Block 7, Kings Addition to the City of St. Paul, Ramsey Co., Minnesota.

WHEREAS, Section 12-310 of the City's ordinances (Wetlands and Streams) requires a wetland buffer of 75 feet adjacent to Manage B wetlands.

WHEREAS, the applicants are proposing to construct a garage to within 30 feet of a

Manage B wetland, requiring a 42-foot wetland buffer variance.

WHEREAS, the history of this variance is as follows:

1. On November 17, 2014, the Environmental and Natural Resources Commission reviewed the variance and recommended approval of the wetland buffer variance to the Planning Commission and City Council.
2. On November 18, 2014, 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 and Environmental and Natural Resources Commission. The Planning Commission recommended approval of the wetland buffer variance to the City Council.
3. The City Council held a public meeting on November 24, 2014, to review this proposal. The City Council considered the report and recommendations of the city staff, the Environmental and Natural Resources Commission, and the Planning Commission.

NOW, THEREFORE, BE IT RESOLVED that the City Council approved the above-described variance based on the following reasons:

1. 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.
2. Approval of the wetland buffer variance will redirect stormwater from the garage to a rain garden and areas near the wetland will no longer be maintained as a mowed lawn, but allowed to grow as a naturalized area.
3. Approval would meet the spirit and intent of the ordinance since the proposed garage would be built in an area that is already maintained as lawn.

Approval of the wetland buffer variance shall be subject to the following:

1. Shift the garage 3 feet to the south to maintain a 5-foot setback from the house and increase the setback to the wetland from 30 feet to 33 feet.
2. Install a gutter on the north side of the garage and a downspout on the northeast corner of the garage which directs water to a rain garden.
3. Install a rain garden on the northeast corner of the garage, adjacent the driveway. The rain garden will be designed to infiltrate water from the garage roof and future hard surface driveway. Rain garden design plans to be approved by the City engineer prior to issuance of a building permit.
4. Discontinue maintaining the area to the north of the applicant's property line, within the City property, as mowed lawn area. Allow this area to grow as a naturalized area adjacent the wetland. If the owner would prefer to restore this portion of the lawn to

1. Housing and Economic Development Commission (HEDC) Representative
 - a. Commissioners Gansluckner and Tkachuck were appointed to the energy action team by the HEDC Commission on November 12.
2. Environmental and Natural Resources (ENR) Commission Representative
 - a. Commissioners Miller and Sinn were appointed to the energy action team by the Commission on November 17.
3. City Council Representative
4. Resident Member at Large
 - a. Matt Ledvina, resident and Community Design Review Board member, has volunteered to serve on the energy action team.
5. Business Member at Large
 - a. Jill Skogheim, owner of the 5-8 Club and member of the St. Paul Area Chamber of Commerce, has volunteered to serve on the energy action team.
6. Business Associations
 - a. St. Paul Area Chamber of Commerce (Jill Skogheim – see above)
 - b. White Bear Avenue Business Association
7. Staff Members
 - a. Nick Carver, Building Official
 - b. Shann Finwall, Environmental Planner
 - c. Chris Swanson, Environmental Specialist
 - d. Joe Ballandby, GreenCorps Member
 - e. One representative from building operations

Seconded by Councilmember Cardinal

Ayes – All

The motion passed.

6. Discussion on Municipal Continuing Disclosure Cooperative Initiative Compliance.

Finance Director Bauman gave the staff report and answered questions of the council. Terri Heaton from Springsted addressed the council to provide additional information and answer questions of the council. All council members participated in the discussion and felt it was immaterial to self-report at this time.

The following agenda item J7 was moved to the end of the agenda (after N8).

7. Approval of Employment Agreement – City Manager Melinda Coleman.

Human Resource Attorney Bethel stated the meeting will be closed as permitted by Section 13D to discuss Labor Negotiations with City Manager Melinda Coleman.

Mayor Slawik moved to enter into closed session for the purpose of discussing the Employment Agreement with Melinda Coleman.

Seconded by Councilmember Cardinal

Ayes – All

The motion passed.

The following individuals were present during the closed session:
Mayor Slawik

department expenses be financed using PEG grant money which will result in an increase for Maplewood's equipment of about \$101,000.

2. Multi-Ethnic Business Event

Councilmember Abrams reported on the Multi-Ethnic Business event that is scheduled for February 26, 2014.

3. Parks & Recreation Commission

Councilmember Abrams reported on the Parks and Recreation Commission meeting held on November 19, 2014.

4. Housing & Economic Commission

Councilmember Koppen reported on the Housing & Economic Commission meeting held on November 12, 2014.

5. Historic Preservation Commission

Councilmember Koppen reported that at the Historic Preservation Commission meeting they conducted a secret ballot for person of the year which will soon be announced.

6. TAB

Mayor Slawik reported on the last TAB meeting she attended.

7. 622 Superintendent Search

Mayor Slawik reported that Patty Phillips is retiring from her position of Superintendent from District 622. She encouraged council members to attend an elected officials meeting to comment on what kind of leader they would like to see as her replacement.

8. Suburban Ramsey Family Collaborative

Mayor Slawik reported on the Suburban Ramsey Family Collaborative meeting that Chief Schnell had attended as an alternate. Chief Schnell gave additional information about the meeting.

Mayor Slawik requested Chief Schnell comment from a public safety standpoint regarding the current situation in Ferguson, Missouri.

O. ADJOURNMENT

Mayor Slawik adjourned the meeting at 9:46 p.m.