

**MINUTES**  
**MAPLEWOOD CITY COUNCIL**  
7:00 P.M. Monday, March 14, 2016  
City Hall, Council Chambers  
Meeting No. 05-16

**A. CALL TO ORDER**

A meeting of the City Council was held in the City Hall Council Chambers and was called to order at 7:00 p.m. by Mayor Slawik.

Mayor Slawik reported that 3M Company opened its new \$150 million Research and Development Laboratory at its Global Headquarters in Maplewood. Council Members Xiong and Smith gave additional information.

Mayor Slawik reported that Prairie Care opened in Maplewood this past week. Councilmember Smith gave additional information.

**B. PLEDGE OF ALLEGIANCE**

**C. ROLL CALL**

Nora Slawik, Mayor	Present
Marylee Abrams, Councilmember	Present
Kathleen Juenemann, Councilmember	Present
Bryan Smith, Councilmember	Present
Tou Xiong, Councilmember	Present

**D. APPROVAL OF AGENDA**

City Manager Coleman requested agenda item F3 be tabled to a future meeting so the chair can attend the meeting and give the annual report for the Parks & Recreation Commission. She then requested agenda item J4 be moved to J1.

The following items were added to the agenda under Appointments and Presentation:

- F2a April Outdoor Events
- F2b Trees in Maplewood
- F2c Maplewood Community Center
- F2d Paint-a-thon
- F2e Joint Oakdale Meeting
- F2f Advancing Racial Equity Cohort
- F2g Rush Line Meeting

Councilmember Juenemann moved to approve the agenda as amended.

Seconded by Councilmember Abrams                      Ayes – All

The motion passed.

**E. APPROVAL OF MINUTES**

**1. Approval of February 22, 2016 City Council Workshop Minutes**

Councilmember Abrams moved to approve the February 22, 2016 City Council Workshop Minutes as submitted.

Seconded by Councilmember Juenemann                      Ayes – All

The motion passed.

**2. Approval of February 22, 2016 City Council Meeting Minutes**

Councilmember Abrams noted a correction to F2c , it should state that Councilmember Juenemann reported on the Racial Equity Project. Councilmember Juenemann noted a correction to section D item e, it should state Maplewood Hill's Grand Opening.

Councilmember Abrams moved to approve the February 22, 2016 City Council Meeting Minutes as amended.

Seconded by Councilmember Juenemann                      Ayes – All

The motion passed.

**F. APPOINTMENTS AND PRESENTATIONS**

**1. Administrative Presentations**

**a. Council Calendar Update**

City Manager Coleman gave the update to the council calendar.

**b. Shop, Ship and Share Presentation by Dan Williams**

Bishop Dan Williams, Commander of the American Legion Department of Minnesota, 4<sup>th</sup> District addressed the council to give information about the project and presented award plaques for their support to Mayor Nora Slawik, Police Chief Schnell, and Commander Michael Shortreed.

**2. Council Presentations**

**a. April Outdoor Events**

Councilmember Juenemann reported on April 2016 Outdoor Events that will take place in Maplewood – Outdoor Family Expo at the Maplewood Community Center on Saturday, April 16<sup>th</sup> from 10:00 a.m. to 2:00 p.m.; Saturday, April 23<sup>rd</sup> is Clean Everything Up Day at Aldrich Arena from 8:00 a.m. to 1:00 p.m.; and the Annual Parks Clean Up will be on Saturday, April 23<sup>rd</sup> from 8:00 a.m. to 2:00 p.m. with bags, gloves and refreshments available at the Maplewood Community Center from 8:00 a.m. to 10:00 a.m.

**b. Trees in Maplewood**

Councilmember Juenemann reported on the article “The Wonder of Trees” in the March

edition of the Seasons that was included with the City's newsletter, Maplewood Living.

**c. Maplewood Community Center**

Councilmember Juenemann reported on how pleased she was to have been at the Community Center and observed the amount of activities that were taking place and the many members enjoying the facility.

**d. Paint-a-thon**

Councilmember Abrams reported on the Paint-a-thon that is sponsored by the Greater Minneapolis Council of Churches that some homes in the City of Maplewood might qualify for.

**e. Joint Oakdale Meeting**

Mayor Slawik reported on the joint Oakdale-Maplewood City Council Meeting that took place on Monday, March 7, 2016 at the Maplewood Community Center. City Manager Coleman provided additional information about the meeting.

**f. Advancing Racial Equity Cohort**

Mayor Slawik reported on the Advancing Racial Equity Cohort Meeting for Elected Officials through the League of Minnesota Cities she attended. Chief Schnell reported on the Advancing Racial Equity Cohort Meeting for City Staff Members.

**g. Rush Line Update**

Mayor Slawik gave a brief update on the Rush Line Corridor Pre-Project Development Study. There will be a meeting of the Policy Advisory Committee on Thursday, March 17 from 2:00 to 3:30 p.m. at the Maplewood Community Center.

Councilmember Smith took a moment to acknowledge the passing of 5<sup>th</sup> District Congressman Sabo. Mayor Slawik then memorialized the passing of Washington County Commissioner Ted Bearth and Bernie Brommer who was head of the AFL-CIO.

**3. Approval of 2015 Parks and Recreation Commission Annual Report**

This item was tabled to a future meeting.

**4. Approval of 2015 Community Design Review Board Annual Report**

Bill Kempe, Community Design Review Board Commissioner addressed the council and gave the report.

Councilmember Juenemann moved to approve the 2015 Community Design Review Board Annual Report.

Seconded by Councilmember Abrams

Ayes – All

The motion passed.



\$ 535,939.39 Total Payroll

\$ 2,876,926.79 GRAND TOTAL

Seconded by Councilmember Abrams Ayes – All

The motion passed.

**2. Approval to Accept Donations to the National Fire Safety Council, Inc. for the Purchase of Fire Education Literature**

Councilmember Juenemann moved to approve the donation of \$1,848.75 on behalf of the City of Maplewood to purchase fire education literature for the National Fire Safety Council, Inc.

Seconded by Councilmember Abrams Ayes – All

The motion passed.

**3. Approval to Authorize Purchase of Bituminous Materials for 2016**

Councilmember Juenemann moved to approve the Street Superintendent to purchase bituminous materials in an amount up to \$55,000 from T.A. Schifsky and Sons.

Seconded by Councilmember Abrams Ayes – All

The motion passed.

**4. Approval to Authorize Ramsey County to Perform 2016 Street Striping**

Councilmember Juenemann moved to approve the Ramsey County to perform City pavement striping needs in an amount not to exceed \$24,000.

Seconded by Councilmember Abrams Ayes – All

The motion passed.

**5. Approval of Resolution Approving Final Payment and Acceptance of Project, TH 36/English Street Interchange Improvements, City Project 09-08**

Councilmember Juenemann moved to approve the resolution approving final payment in the amount of \$19,133,047.71 and acceptance of project for the TH 36/English Street Interchange Improvements, City Project 09-08.

Resolution 16-03-1319  
APPROVING FINAL PAYMENT AND ACCEPTANCE OF PROJECT  
PROJECT 09-08

WHEREAS, the City Council of Maplewood, Minnesota has heretofore ordered made Improvements Project 09-08, Highway 36/English Street Interchange Improvements, and has let a construction contract pursuant to Minnesota Statutes, Chapter 429, and



Seconded by Councilmember Abrams

Ayes – All

The motion passed.

**10. Approval of a Master Agreement Between the City of Maplewood and the Minnesota State Court System**

Councilmember Juenemann moved to approve the resolution approving the Master Joint Powers Agreement and the Courts Subscriber Services Agreement.

Resolution 16-03-1320

**RESOLUTION APPROVING STATE OF MINNESOTA JOINT POWERS AGREEMENTS WITH THE CITY OF MAPLEWOOD ON BEHALF OF ITS CITY ATTORNEY AND POLICE DEPARTMENT**

WHEREAS, the City of Maplewood on behalf of its Prosecuting Attorney and Police Department desires to enter into Joint Powers Agreements with the State of Minnesota, Department of Public Safety, Bureau of Criminal Apprehension to use systems and tools available over the State's criminal justice data communications network for which the City is eligible. The Joint Powers Agreements further provide the City with the ability to add, modify and delete connectivity, systems and tools over the five year life of the agreement and obligates the City to pay the costs for the network connection.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Maplewood, Minnesota as follows:

1. That the State of Minnesota Joint Powers Agreements by and between the State of Minnesota acting through its Department of Public Safety, Bureau of Criminal Apprehension and the City of Maplewood on behalf of its Prosecuting Attorney and Police Department, are hereby approved. Copies of the two Joint Powers Agreements are attached to this Resolution and made a part of it.

2. That the Chief of Police, Paul Schnell, or his or her successor, is designated the Authorized Representative for the Police Department. The Authorized Representative is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the City's connection to the systems and tools offered by the State.

To assist the Authorized Representative with the administration of the agreement, [\_\_name or position name] is appointed as the Authorized Representative's designee.

3. That the City Prosecutor, Joseph Kelly of Kelly & Lemmons. P.A. or his or her successor, is designated the Authorized Representative for the Prosecuting Attorney. The Authorized Representative is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the City's connection to the systems and tools offered by the State.

To assist the Authorized Representative with the administration of the agreement, Chief of Police is appointed as the Authorized Representative's designee.

4. That Nora Slawik, the Mayor for the City of Maplewood, and Karen Haag, the City Clerk, are authorized to sign the State of Minnesota Joint Powers Agreements.

Seconded by Councilmember Abrams

Ayes – All

The motion passed.

## H. PUBLIC HEARINGS

1. **Bellaire Avenue Street Improvements, Project 15-16**
  - a. **Assessment Hearing, 7:00 p.m.**
  - b. **Resolution Adopting Assessment Roll**
  - c. **Resolution of Concurrence for Award of Bid**

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

Mayor Slawik opened the public hearing. No one spoke.

Mayor Slawik closed the public hearing.

Councilmember Juenemann moved to approve the resolution for Adopting Assessment Roll for the Bellaire Avenue Street Improvements, City Project 15-16.

### Resolution 16-03-1321 ADOPTING ASSESSMENT ROLL

WHEREAS, pursuant to resolution passed by the City Council on February 8, 2016, calling for a Public Hearing, the assessment roll for the Bellaire Avenue Street Improvements, City Project 15-16 was presented in a Public Hearing, pursuant to Minnesota Statutes, Chapter 429, and

WHEREAS, no property owners have filed objections to their assessments according to the requirements of Minnesota Statutes, Chapter 429, summarized as follows:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY 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 March 28, 2016, as to their recommendations for adjustments.
3. The assessment roll for the Bellaire Avenue Street Improvements as amended, 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 and 8 years for all properties, the first installments to be payable on or before the first Monday in January 2017 and shall bear interest at the rate of 3.75 percent per annum from the date of the adoption of this assessment resolution. To the first installment shall be added interest on the entire assessment from the date of this resolution until December 31, 2016. 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, 2016, pay the whole of the assessment on such property, with interest accrued to the date of the payment, to the city clerk, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of this resolution; and they may, at any time after November 15, 2016, 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, 2016, but no later than November 16, 2016, 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.

Seconded by Councilmember Smith

Ayes – All

The motion passed.

Councilmember Juenemann moved to approve the resolution for Receiving Bids and Concurrence (with North St. Paul) for Awarding of Construction Contract for the Bellaire Avenue Street Improvements, City Project 15-16, to Valley Paving.

Resolution 16-03-1322  
CONCURRENCE FOR AWARD OF BID

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MAPLEWOOD, MINNESOTA that that the bid of Valley Paving in the amount of \$3,881,770.00 is the lowest responsible bid for the construction of Bellaire Avenue Street Improvements, City Project 15-16, and per the approved Joint-Powers Agreement between the City of North St. Paul and the City of Maplewood (dated January 25, 2016), the City of Maplewood, through this resolution, is signifying award of bid concurrence in order for the City of North St. Paul to enter into a construction contract for the Maplewood portion of the improvement with Valley Paving.

The Finance Director is hereby authorized to make the financial transfers necessary to implement the financing plan for the project as previously approved by the City Council.

Seconded by Councilmember Smith

Ayes – All

The motion passed.

2. **Beebe Road Street Improvements, Project 13-10**
  - a. **Assessment Hearing, 7:00 p.m.**
  - b. **Resolution Adopting Assessment Roll**

**c. Resolution Receiving Bids and Awarding Construction Contract**

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

Mayor Slawik opened the public hearing. The following people spoke:

1. Adam Kopp, 1689 Beebe Road
2. Jayda Miller, 2119 Southwind Drive

Mayor Slawik closed the public hearing.

Councilmember Juenemann moved to approve the resolutions for Adopting Assessment Roll for the Beebe Road Street Improvements, City Project 13-10.

Resolution 16-03-1323  
ADOPTING ASSESSMENT ROLL

WHEREAS, pursuant to resolution passed by the City Council on February 22, 2016, calling for a Public Hearing, the assessment roll for the Beebe Road Street Improvements, City Project 13-10 was presented in a Public Hearing, 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 14-29-22-43-0006 – Adam Kopp, 1689 Beebe Road North  
It is currently proposed that the property be assessed for 1 unit at a rate of \$3,450.00 per unit. Adam Kopp is requesting a revision of assessment.
- b. Parcel 14-29-22-42-0031 – William Symoniak, 1897 Beebe Road North  
It is currently proposed that the property be assessed for 1 unit at a rate of \$3,318.56 per unit. William Symoniak is requesting a revision of assessment.
- c. Parcel 14-29-22-43-0002 – Diane M Mencke, 2135 Larpenteur Avenue East  
It is currently proposed that the property be assessed for 8 units at a rate of \$3,450.00 per unit. Diane M. Mencke is requesting an undeveloped property deferral.
- d. Parcel 14-29-22-43-0022 – Jayda Miller, Trustee, 2119 Southwind Drive  
It is currently proposed that the property be assessed for 1 unit at a rate of \$1,056.49 per unit. Jayda Miller, Trustee, is requesting a revision of assessment, disability deferral, and financial hardship deferral.
- e. Parcel 14-29-22-43-0032 – Donald Sundin, 2132 Southwind Drive  
It is currently proposed that the property be assessed for 1 unit at a rate of \$1,056.49 per unit. Donald Sundin, is requesting a disability deferral.

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

7. 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.

8. 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 March 28, 2016, as to their recommendations for adjustments.
9. The assessment roll for the Beebe Road Street Improvements as amended, 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.
10. Such assessments shall be payable in equal annual installments extending over a period of and 8 years for all properties, the first installments to be payable on or before the first Monday in January 2017 and shall bear interest at the rate of 3.75 percent per annum from the date of the adoption of this assessment resolution. To the first installment shall be added interest on the entire assessment from the date of this resolution until December 31, 2016. To each subsequent installment when due shall be added interest for one year on all unpaid installments.
11. 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, 2016, pay the whole of the assessment on such property, with interest accrued to the date of the payment, to the city clerk, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of this resolution; and they may, at any time after November 15, 2016, 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.
12. The City Engineer and City Clerk shall forthwith after November 15, 2016, but no later than November 16, 2016, 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.

Seconded by Councilmember Abrams

Ayes – All

The motion passed.

Councilmember Juenemann moved to approve the resolution for Receiving Bids and Awarding Construction Contract for the Beebe Road Street Improvements, City Project 13-10, to Asphalt Surface Technologies Corp.

Resolution 16-03-1324  
RECEIVING BIDS AND AWARDING CONSTRUCTION CONTRACT

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MAPLEWOOD, MINNESOTA that that the bid of Asphalt Surface Technologies Corp in the amount of \$543,273.83 is the lowest responsible bid for the construction of Beebe Road Street

Improvements, and the Mayor and the 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 financial transfers necessary to implement the financing plan for the project as previously approved by the City Council.

Seconded by Councilmember Abrams

Ayes – All

The motion passed.

**3. Lakewood-Sterling Street Improvements, Project 15-11**

- a. **Assessment Hearing, 7:00 p.m.**
- b. **Resolution Adopting Assessment Roll**
- c. **Resolution Receiving Bids and Awarding Construction Contract**

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

Mayor Slawik opened the public hearing. No one spoke.

Mayor Slawik closed the public hearing.

Councilmember Xiong moved to approve the resolutions for Adopting Assessment Roll for the Lakewood-Sterling Street Improvements, City Project 15-11.

Resolution 16-03-1325  
ADOPTING ASSESSMENT ROLL

WHEREAS, pursuant to resolution passed by the City Council on February 22, 2016, calling for a Public Hearing, the assessment roll for the Lakewood-Sterling Street Improvements, City Project 15-11 was presented in a Public Hearing, 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 12-28-22-42-0019 – Philip N. Lambert, 553 Sterling Street S. It is currently proposed that the property be assessed for 1 unit at a rate of \$2,255.69 per unit. Philip N. Lambert is requesting a revision to the assessment amount, a senior citizen deferral, and a financial hardship deferral.
- b. Parcel 24-28-22-12-0006 – Patricia J. Paczkowski, 1240 Sterling Street S. It is currently proposed that the property be assessed for 4 units at a rate of \$3,450 per unit. Patricia J. Paczkowski is requesting an undeveloped property deferral.
- c. Parcel 24-28-22-12-0012 – Beverly J Stielow, 1285 Sterling Street S. It is currently proposed that the property be assessed for 2 units at a rate of \$3,450 per unit. Beverly J Stielow is requesting an undeveloped property deferral.
- d. Parcel 13-28-22-43-0022 – Kenneth Perry, President, St. Paul Educational Foundation, 1210 Sterling Street South, It is currently proposed that the property be assessed for 325 feet of front footage. Kenneth Perry, on behalf of St. Paul Educational Foundation,

is objecting to the assessment on the basis that the assessment will create a financial hardship and is requesting a revision to the assessment amount.

- e. Parcel N.A. – Tom Brudvig, President, Crestview Forest Townhomes Rec. Board, 610 Crestview Forest Drive is located at the southeast corner of Sterling Street and Crestview Forest Drive. It is currently proposed that the property be assessed for 532.53 feet of front footage. Tom Brudvig, on behalf of the Crestview Forest Townhomes Rec. Board, is objecting to the assessment and is requesting a revision to the method of assessment and an undeveloped property deferral.
- f. Parcel 13-28-22-32-0024 – Susan Brennan, 1052 Lakewood Drive S. It is currently proposed that the property be assessed for 1 unit at a rate of \$3,450 per unit. Susan Brennan is requesting a revision to the assessment amount and a financial hardship deferral.

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

- 13. 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.
- 14. 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 March 28, 2016, as to their recommendations for adjustments.
- 15. The assessment roll for the Lakewood-Sterling Street Improvements as amended, 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.
- 16. Such assessments shall be payable in equal annual installments extending over a period of and 8 years for all properties, the first installments to be payable on or before the first Monday in January 2017 and shall bear interest at the rate of 3.75 percent per annum from the date of the adoption of this assessment resolution. To the first installment shall be added interest on the entire assessment from the date of this resolution until December 31, 2016. To each subsequent installment when due shall be added interest for one year on all unpaid installments.
- 17. 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, 2016, pay the whole of the assessment on such property, with interest accrued to the date of the payment, to the city clerk, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of this resolution; and they may, at any time after November 15, 2016, 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.

The City Engineer and City Clerk shall forthwith after November 15, 2016, but no later than November 16, 2016, 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.

Seconded by Councilmember Juenemann                      Ayes – All

The motion passed.

Councilmember Xiong moved to approve the resolution for Receiving Bids and Awarding Construction Contract for the Beebe Road Street Improvements, City Project 13-10, to Asphalt Surface Technologies Corp.

Resolution 16-03-1326  
RECEIVING BIDS AND AWARDING CONSTRUCTION CONTRACT

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MAPLEWOOD, MINNESOTA that that the bid of Midwest Asphalt in the amount of \$972,143.60 is the lowest responsible bid for the construction of Lakewood-Sterling Street Improvements, and the Mayor and the 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 financial transfers necessary to implement the financing plan for the project as previously approved by the City Council.

Seconded by Councilmember Juenemann                      Ayes – All

The motion passed.

**I. UNFINISHED BUSINESS**

None

**J. NEW BUSINESS**

Agenda item J4 was heard before item J1. After agenda item J4 was heard, Councilmember Abrams left the meeting.

**1. Consider Approval of Penalties for Alcohol Compliance Failures**

City Clerk/Citizen Services Director Haag gave the staff report and answered questions of the council. Chris Sarrack owner of Sarrack’s Int’l Wine & Spirits addressed the council to give information on measures to prevent future compliance failures.

Councilmember Xiong moved to approve the penalties for alcohol compliance failures as recommended by staff.

<u>ORGANIZATION NAME</u>	<u>AMOUNT</u>
Cub Food, 100 County Road B W	\$500
MGM Liquor, 2950 White Bear Ave	\$2,000



**5. Consider Approval of a Resolution Authorizing the Vacation of a Public Utility and Drainage Easement, 2115 Lydia Avenue (Requires 4 Votes)**

Economic Development Coordinator Martin gave the staff report.

Councilmember Juenemann moved to approve the resolution vacating five feet of the ten-foot-wide utility and drainage easement located on the east side of the property at 2115 Lydia Avenue. The easement is being vacated since:

1. It is in the public interest.
2. There are no utilities located in the easement and it is not being utilized.

Resolution 16-03-1327  
Easement Vacation Resolution

WHEREAS, the City of Maplewood is requesting the vacation of that portion of the ten-foot-wide utility and drainage easement located on the east side of the property at 2115 Lydia Avenue described as follows

The westerly 5.00 feet of the easterly 10.00 feet of Lot 13, Block 1, LYNNWOOD TERRACE,, Ramsey County, Minnesota, according to the recorded plat thereof, lying south of the northerly 10.00 feet of said Lot 13 and north of the southerly 10.00 feet of said Lot 13.

WHEREAS, on February 23, 2016, the Planning Commission held a public hearing. The city staff published a notice in the Maplewood Review and sent a notice to the abutting property owner. The Planning Commission gave everyone at the hearing a chance to speak and present written statements. The Planning Commission also considered reports and recommendations from the city staff. The Planning Commission recommended that the City Council approve this request.

WHEREAS, on March 14, 2016, the City Council reviewed this request after considering the recommendations of staff and the Planning Commission.

WHEREAS, after the City Council approves this vacation, the public interest in the property will go to the property at 2115 Lydia Avenue.

NOW, THEREFORE, BE IT RESOLVED that the City Council approves the above-described vacation because:

1. It is in the public interest.
2. There are no utilities located in the easement and it is not being utilized.

Seconded by Councilmember Smith

Ayes – All

The motion passed.

**6. Consider Approval of a Resolution Authorizing a Wetland Buffer Variance, 2214 Woodlynn Avenue**

Economic Development Coordinator Martin gave the staff report. Applicants Sarah and Ryan Buhl addressed and answered questions of the council.

Councilmember Juenemann moved to approve the resolution authorizing a wetland buffer variance for 2214 Woodlynn Avenue East. 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 include the restoration of the remaining wetland buffer, which will improve the water quality of the wetland.
3. Approval would meet the spirit and intent of the ordinance with the construction of a new single family house on a vacant lot that is zoned and guided in the City's comprehensive plan as residential.

Resolution 16-03-1328  
VARIANCE RESOLUTION

WHEREAS, Ryan and Sarah Buhl applied for a variance from the wetland ordinance.

WHEREAS, this variance applies to the property located at 2411 Woodlynn Avenue East, Maplewood, MN. The property identification number is 02-29-22-11-0101. The legal description is the Westerly 94.98 Feet of Lots 18 and 19, Block 1, Netnorlin, Ramsey County, Minnesota.

WHEREAS, Section 12-310 of the City's ordinances (Wetlands and Streams) requires a wetland buffer of 50 feet adjacent to Manage C wetlands.

WHEREAS, the applicants are proposing to construct a single family house and grading for the house to within 20 feet of a Manage C wetland, requiring a 30-foot wetland buffer variance.

WHEREAS, the history of this variance is as follows:

1. On January 27, 2016, 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 February 23, 2016, 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 March 14, 2016, 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 include the restoration of the remaining wetland buffer, which will improve the water quality and wildlife habitat of the wetland.

3. Approval would meet the spirit and intent of the ordinance with the construction of a new single family house on a vacant lot that is zoned and guided in the City's comprehensive plan as residential.

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

4. 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.

5. Approval of the wetland buffer variance will include the restoration of the remaining wetland buffer, which will improve the water quality of the wetland.

6. Approval would meet the spirit and intent of the ordinance with the construction of a new single family house on a vacant lot that is zoned and guided in the City's comprehensive plan as residential.

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

1. Conditions outlined in Jon Jarosch's January 25, 2016, Engineering Plan Review.

2. Prior to issuance of a grading permit for the new single family house the applicants must submit:

a. A tree plan which shows the location, size, and species of all significant trees located on the lot, and the trees that will be removed with the construction of the new single family house. Removal of significant trees with the construction of the single family house must comply with the City's tree preservation ordinance and tree replacement requirements.

b. A revised survey which shows the house shifted four feet to the north, toward the road. This will decrease the impacts to the wetland.

c. A revised grading plan which shows the location of a retaining wall to be constructed approximately 8 to 10 feet from the south side of the house, adjacent the wetland. This will create a flat yard area and reduce the amount of grading and impacts to the wetland.

d. A revised survey which shows the location of the proposed deck on the first floor. The deck footings must not encroach past the proposed retaining wall located in the back yard. This will ensure no additional impacts to the wetland.

e. A wetland buffer restoration plan to be approved by City staff. This will improve the water quality of the wetland.

f. An escrow to cover up to 150 percent of the cost of the wetland buffer restoration.

3. Prior to release of the escrow, the wetland buffer plantings must be established.

Seconded by Councilmember Smith

Ayes – All

The motion passed.

Councilmember Juenemann moved to approve the wetland buffer variance shall be subject to the following:

1. Conditions outlined in Jon Jarosch's January 25, 2016, Engineering Plan Review.

2. Prior to issuance of a grading permit for the new single family house the applicants must submit:

a. A tree plan which shows the location, size, and species of all significant trees located on the lot, and the trees that will be removed with the construction of the new single family house. Removal of significant trees with the construction of the single family house must comply with the City's tree preservation ordinance and tree replacement requirements.

b. A revised survey which shows the house shifted four feet to the north, toward the road. This will decrease the impacts to the wetland.

c. A revised grading plan which shows the location of a retaining wall to be constructed approximately 8 to 10 feet from the south side of the house, adjacent the wetland. This will create a flat yard area and reduce the amount of grading and impacts to the wetland.

d. A revised survey which shows the location of the proposed deck on the first floor. The deck footings must not encroach past the proposed retaining wall located in the back yard. This will ensure no additional impacts to the wetland.

e. A wetland buffer restoration plan to be approved by City staff. This will improve the water quality of the wetland.

f. An escrow to cover up to 150 percent of the cost of the wetland buffer restoration.

3. Prior to release of the escrow, the wetland buffer plantings must be established.

Seconded by Councilmember Smith

Ayes – All

The motion passed.

**7. Consider Approval of a Resolution Authorizing a Conditional Use Permit, Galilee Lutheran Church Community Garden, 1958 Rice Street**

Planning Technician Lorenz gave the staff report. Planning Commissioner Kempe addressed the council to give additional information. Applicants Kathy Schneider and Ron Peterson addressed the council to give further information about the community garden.

Councilmember Juenemann moved to approve the resolution authorizing a conditional use permit for Galilee Lutheran Church at 1958 Rice Street. Approval is subject to the following conditions:

1. The proposed use must be substantially started within one year of council approval or the permit shall end. The council may extend this deadline for one year.
2. The city council shall review this permit in one year. Staff may approve minor changes.
3. Applicant shall obtain a grading permit from the city's public works department before any disturbances take place on site.
4. Applicant shall enter a shared parking agreement with McCarron's Pub and Grill to accommodate overflow parking needs for various events.
5. Satisfy the requirements set forth in the staff report authored by environmental planner Shann Finwall, dated January 15, 2016.
6. Applicant shall obtain a building permit and structural engineer's report before constructing a fence that is 7 feet tall or higher along the perimeter of the garden area.
7. The existing, legal non-conforming parking lot may not be altered or expanded without gaining the required city approvals.

Resolution 16-03-1329  
Conditional Use Permit

WHEREAS, Galilee Lutheran Church, has applied for a conditional use permit for a community garden and use of a legal, non-conforming parking lot in a business commercial (BC) zoning district.

WHEREAS, Sections 44-1092 of the city ordinances requires a conditional use permit for a public use in a BC (business commercial) district.

WHEREAS, this permit applies to the property located at 1958 Rice Street. The property's legal description is:

Subj To Drainage Esmt And Sth 49/126; Ex The N 44 Ft Of S 675 Ft Of W 142 Ft Os Sw 1/4 Of Nw 1/4 And Ex N 158 Ft Of S 631 Ft Of W 152 Ft Of Sw 1/4 Of Nw 1/4 And Ex S 158 Ft Of W 150 Ft Of Sw 1/4 Of Nw 1/4; The S 675 Ft Lying Wly Of Soo Line Ry R/w Of The Sw 1/4 Of Nw 1/4 Sec 18 Tn 29 Rn 22

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

1. On February 23, 2016, 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 March 14, 2016, the city council considered reports and recommendations of the city staff and planning commission.

NOW, THEREFORE, BE IT RESOLVED that the city council approve 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:

8. The proposed use must be substantially started within one year of council approval or the permit shall end. The council may extend this deadline for one year.
9. The city council shall review this permit in one year. Staff may approve minor changes.
10. Applicant shall obtain a grading permit from the city's public works department before any disturbances take place on site.

11. Applicant shall enter a shared parking agreement with McCarron's Pub and Grill to accommodate overflow parking needs for various events.
12. Satisfy the requirements set forth in the staff report authored by environmental planner Shann Finwall, dated January 15, 2016.
13. Applicant shall obtain a building permit and structural engineer's report before constructing a fence that is 7 feet tall or higher along the perimeter of the garden area.
14. The existing, legal non-conforming parking lot may not be altered or expanded without gaining the required city approvals.

Seconded by Councilmember Smith

Ayes – All

The motion passed.

**K. AWARD OF BIDS**

None

**L. VISITOR PRESENTATIONS** – *All presentations have a limit of 3 minutes.*

1. Bob Zick, North St. Paul Resident
2. Kevin Berglund, Maplewood Resident
3. Tim Kinley, Maplewood Resident
4. John Wykoff, Maplewood Resident

**M. ADJOURNMENT**

Mayor Slawik adjourned the meeting at 9:48 p.m.