I. CALL TO ORDER

Mayor Furlong called the meeting to order at 6:30 p.m.

II. THE PLEDGE OF ALLEGIANCE

All present recited the Pledge of Allegiance.

III. ROLL CALL

Present: Council Member Thorsen
         Council Member Petersen
         Council Member Walczak
         Council Member Sonnek
         Mayor Furlong

Staff:  City Manager Scott Duddeck, City Engineer Morgan Dawley, City Planner Erin Perdu, City Attorney Shana Conklin, Finance Director Jason Zimmerman, Deputy Clerk Mary Mills.

IV. ADOPT AGENDA

*On motion by Council Member Walczak, seconded by Council Member Petersen, with all present voting aye (5-0), motion carried to approve the agenda as submitted.*

V. PRESENTATIONS

Tie Cutting Ceremony – Spielmannszug Minnesota

A representative of the German American Karneval Club of Minnesota gave a presentation and introduced some of the Club’s women members, who were celebrating “Women’s Night Out”. She added the Karneval Club annually celebrates Karneval from November 11 – Ash Wednesday.

Women representing the Karneval Klub handed out ties to all the men in Council Chambers and cut the ties off as a symbol of removal of power.

The Karneval Club representative introduced Junior Princess Keirka the First. Princess Keirka presented Mayor Furlong with a medal, and Mayor Furlong presented the Princess with a Key to the City. Princess Keirka and her helpers also distributed medals to all the City Council Members and City Staff who were present.

The Karneval Club representative stated additional information about the organization can be found on their Facebook page.
VI. APPROVAL OF CONSENT AGENDA

On motion by Council Member Sonnek, seconded by Council Member Walczak, with all present voting aye (5-0), motion carried to approve the consent agenda, Resolution No. 2020-024 consisting of:

A. February 4, 2020 regular meeting minutes.
B. General accounts payable: $2,229,258.76.
C. EDA accounts payable: $448.00.
D. HRA accounts payable: $12,390.83.
E. Application for a Charitable Gambling Permit to conduct lawful gambling in the form of Bingo and Raffles by the Friends and Family of Ramsey County Care Center on multiple occasions in 2020, at North St. Paul American Legion post #39, Resolution No. 2020-025.
F. League of Minnesota Cities Insurance Trust Municipal Tort Liability Waiver, Resolution No. 2020-026.
I. Signal Agreement with Ramsey County for McKnight Road and Anchor Drive.

VII. MEETING OPEN TO PUBLIC

John Schmahl stated he noticed in December 2019 that the Casey Lake water level was higher than normal. He added he discovered that the beehive drain in southwest corner of the lake was frozen, with no way for water to leave the lake and go to the remediation pond area. He noted he took a photo and sent it to Bill Bartolj.

Mr. Schmahl stated he contacted a representative of the Watershed District, who informed that they aware that the drain is frozen. He added he wanted to make the City Council aware of this situation as well.

Sue Springborn, 2573 13th Avenue, stated she is fed up with her alley, which has been maintained by its residents since 1973, who pay for snow plowing services. She added residents of the nearby apartment building have been parking their cars in the alley illegally, making it impossible for the plows to remove snow. She noted many residents are complaining about where the snow is ending up.

Ms. Springborn asked whether there is a City policy regarding parking in alleys. She asked what she can do to fix the situation. She added she has been told in the past that alleys that do not go through cannot be plowed by the City. She noted there is no signage in the alley that prohibits parking.

Mr. Duddeck confirmed that Public Works cannot plow alleys that are unpaved, or that do not go through. He added, however, there are many alleys like this one that need to be reviewed.
Mr. Duddeck agreed to work with City Staff to reach a solution and communicate with Ms. Springborn.

VIII. PUBLIC HEARINGS

There were no scheduled hearings.

IX. CITY BUSINESS ACTION ITEMS & RECOMMENDATIONS

A. Preliminary Plat for property at 2242 7th Street N and 2231 6th Street N; Rezoning from R-1 to R-2 and Preliminary Planned Unit Development Review for 2242 7th Street N.

Ms. Perdu reviewed an application for a townhome development on property located on 4.5 acres on 6th Street N and 7th Street N. She added the preliminary plat, preliminary PUD and rezoning request were reviewed by the Planning Commission, the City Council’s advisory body, in December 2019. She noted significant comments were made, the public hearing was continued, and the applicant was advised to provide a revised concept.

Ms. Perdu stated the applicant returned to the Planning Commission in January 2020 with a revised concept, seeking feedback to ensure they were on the right track. She added it was not an official public hearing.

Ms. Perdu stated the applicant provided a new concept at the Planning Commission meeting in February 2020. She added the public hearing was re-opened and public comment was received. She noted the Planning Commission deliberated on this application, and their recommendation is presented for the City Council’s consideration.

Ms. Perdu stated the property related to this request is currently 4 heavily wooded parcels with frontage on 6th Street N and 7th Street N. She added the property is located across the street from the Urban Ecology Center. She noted townhomes are proposed on a 3.4-acre area, with the remainder of the space to be developed as single family homes.

Ms. Perdu stated the applicant presented a revised concept proposal for a cul-de-sac with entrance off 7th Street N that would be a private drive, accessing 18 townhome units, or 9 duplex single-family townhomes as well as 3 single family lots facing 6th Street N. The PUD and rezoning requests are for the townhomes portion of the development as they are currently not permitted in the R-1 zone, although the proposed density meets R-1 zoning requirements.

Ms. Perdu stated the property’s density would be 5.52 units per acre, which meets the units per acre requirements in the 2040 Comprehensive Plan. She added densities do not need to be uniform across all developments. She noted the R-1 zoning district has a maximum density of 5.5 units per acre, while the R-2 zoning district has a maximum density of 7.3 units per acre.

Ms. Perdu stated there was some discussion at the Planning Commission meeting regarding the setbacks of the 2 proposed townhomes on the corner of the private drive and 7th Street N. The corner townhome is about 28.5 feet from the curb on 7th Street with 15-foot proposed setback from the property line, which is the required corner setback. Surrounding have similar setbacks, including a home to the south, adjacent to the Ecology Center that is 30.5 feet from the curb.
Ms. Perdu stated deviation from lot widths is being requested, as most of the townhome lots are 44.25 feet wide, but the lots around the cul-de-sac are 27 feet wide. Lots square footages range from 5,000 – 12,000 square feet.

Ms. Perdu stated the applicant received feedback at the Planning Commission meeting that the private drive cut the property in half. The applicant moved things north to preserve trees on the southern border, which created smaller lot sizes on the north of the private drive.

Ms. Perdu stated a deviation is being requested regarding maximum impervious surface requirements because of the shared driveways. She added four of the townhome lots are in compliance, and 14 exceed requirements.

Ms. Perdu stated the new development requires the planting of 21 trees, or 1 for each residential unit. She added tree removals were discussed at the Planning Commission meeting, and the recommendation was made that the plan should be revised to save as many trees as possible. She noted there is no requirement for tree preservation in City ordinance, but identification of significant trees to be removed is being required as a condition of final approval.

Ms. Perdu stated that if the property were to be developed as single family homes in the R-1 district, with no tree preservation policy, the properties could be razed of all the trees. The PUD allows more authority to preserve existing trees.

Ms. Perdu stated an architectural review is not required at the preliminary PUD and will go back to the Planning Commission for review. City Staff is requesting that the applicant provide a design for the side façade of the townhomes that are facing 7th Street.

City Engineer Morgan Dawley stated, from an engineering standpoint, the applicant will be required to accommodate all requirements related stormwater maintenance agreements and additional easement dedications. The applicant has proposed a stormwater management plan on the site, including 2 holding ponds, which will reduce runoff in all directions from the site, and presents a reduction from predevelopment conditions. City Staff have determined that Sauer Pond has a 24-inch outlet pipe that is documented with City records.

Mr. Dawley stated there has been some concerns expressed related to traffic generated by the new development. He added the proposed 18 residential units will not come close to the threshold for requiring a traffic impact analysis. He added, in his experience, a residential development with this number of units would be handled by the surrounding neighborhood without any expected improvements. He noted several conditions are listed in the Resolution that City Staff will follow up on, to ensure they are satisfied before this application is reviewed by the City Council again.

Ms. Perdu stated City Staff and the Planning Commission recommend conditional approval, including conditions related to confirmation of open space area; developer’s agreement; park dedication fees; review of architectural details; and all other conditions.

Ms. Perdu stated an additional condition of approval relates to information regarding a potential eagle’s nest on the property. She added information was circulated to the U.S. Fish and Wildlife Service, which is the regulatory authority for eagles and their habitat. She noted they did not do a survey of the property.
Ms. Perdu stated the applicant has searched the property and has not found an eagle’s nest. She added this condition was added in case there is more information that would require that regulations need to be met.

Council Member Sonnek asked what the standard side yard setback for corner properties is, and whether there is a standard throughout the City. Ms. Perdu stated the required corner setback is 15 feet, and that requirement is met.

Council Member Sonnek asked whether the 2 properties on the corner of 7th Street N and the new private road have standard setbacks for side yards on corner properties throughout the City. Ms. Perdu confirmed this.

Council Member Sonnek stated he received an email from Mr. Aurelius, a resident of this neighborhood. He added Mr. Aurelius sent a photo of a property to the south, with a setback to the curb of 24 feet. Ms. Perdu stated the new townhomes will be 28.5 feet from the curb. She added the setbacks are consistent with setback requirements.

Mr. Aurelius stated he measured 25 feet from the lot line to the curb.

Council Member Sonnek stated some conditions of R-2 zoning make it difficult to meet development requirements for lot coverage and lot width. He added, in the proposed development, variances are required for each lot. He noted the density that would be achieved in this development as is would be 5.8 units per acre, while the minimum for the R-2 zone is 6 units per acre.

Council Member Thorsen asked why townhomes are not allowed in the R-1 zoning district. Ms. Perdue stated the Planning Commission discussed this issue, possible consideration of Ordinance revisions. She added this development fits more with the R-1 zoning, but townhomes are not permitted in the R-1 district. She added rezoning and an overlay would be required.

Council Member Thorsen stated he would support going back and taking a look at the zoning ordinance for potential changes. He added, as noted by Council Member Sonnek, this proposed development is not impactful and would fit in the R-1 district. He noted the rezoning process is not necessary, and modifications to the zoning code should be reviewed.

Council Member Sonnek this property stated this property had already been identified as a future R-2 zoning district in the 2040 Comprehensive Plan update. He added the property would have been rezoned within the next 6 months whether this developer was to be involved or not. He noted there is a need for housing of this type within the community and the greater Metro Area, and this is an opportunity to provide it.

Council Member Sonnek stated construction can be disruptive and difficult in a residential neighborhood that is used to having a densely wooded property in the area. He added this seems to be a reasonable compromise that provides opportunities and restrictions that would not be available if the property were to be developed as single-family homes. He noted the importance of keeping in mind that this is private property that will be developed eventually.
Mayor Furlong stated there is a need for this type of residential housing, and properties like this are limited. He added the City receives many requests for this type of housing.

Council Member Thorsen stated the City does not have a tree preservation policy, but the PUD overlay provides control over how many trees will be removed. Ms. Perdu agreed, adding the PUD provides deviations from Ordinance in exchange for public benefit. She added a regular zoning request would not have any such requirements.

Council Member Thorsen asked whether there is a definition of what constitutes a “major tree”. He expressed concern that this condition is subjective and too difficult to enforce.

Ms. Perdu stated the Planning Commission left that condition so the information would have to be provided, although there is no definition in City Ordinance and there are no preservation requirements. She added it would be mostly informational, to help make informed decisions.

Council Member Thorsen expressed concern regarding the condition related to an eagle’s nest on the property, and the word “potential” that is used to describe any eagle’s nests that are found on the property.

Ms. Perdu stated this condition was to ensure that additional information would be provided before final PUD approval.

Council Member Thorsen stated all the other conditions are very specific and technical. He added these two conditions, related to tree inventory and whether there is an eagle’s nest on the property, are open-ended and do not provide enough information. He asked for clarification regarding the expectation of the applicant.

Ms. Perdu stated the applicant is in compliance, but these conditions will ensure that they continue to comply with regulations of regulatory authorities.

Council Member Sonnek stated it is safe to assume there are many species of animals living on the property. He added there is no evidence that there is an eagle nesting site, or any other protected species on the property. He noted the proposed development will reduce habitat and affect wildlife, as every development must do.

The City Attorney stated, from a legal perspective, zoning changes are a legislative decision of the City Council and should be in the best interests of the public, promote public welfare and safety, and accommodate changes. She added, under Minnesota Law, zoning laws are not meant to be static or permanent in nature. She noted the PUD Overlay District provides the City Council with the ability to be flexible whenever appropriate, and consistent with City Code.

On motion by Council Member Sonnek, seconded by Council Member Walczak, with all present voting aye (5-0), motion carried to adopt Resolution No. 2020-029 approving the Rezoning of Property located at 2242 7th Street N from R-1 to R-2.

On motion by Council Member Thorsen, seconded by Council Member Walczak, with all present voting aye (5-0), motion carried to adopt Resolution No. 2020-030 approving Preliminary Plat for Major Subdivision for property at 2242 7th Street N and 2231 6th Street N.
On motion by Council Member Sonnek, seconded by Council Member Thorsen, with all present voting aye (5-0), motion carried to adopt Resolution No. 2020-031 approving Preliminary Residential Planned Unit Development for Property located at 2242 7th Street N.

B. Fiber Optic Use Agreement with Ramsey County Library

Mr. Duddeck stated the City’s existing Fiber Optic Capacity Agreement with Ramsey County Library is up for renewal, with an updated fee of $2,400 per month. He added the term to be approved is July 1, 2020 – June 30, 2021. He noted the Agreement provides fiber optic connectivity service to Ramsey County Library, and the arrangement has been in place for the past few years.

Council Member Walczak asked how fee that is charged to the Library compares to fees that are being charged of other users. Mr. Duddeck stated this is an institutional network that does not serve any private homes or businesses.

On motion by Council Member Petersen, seconded by Council Member Sonnek, with all present voting aye (5-0), motion carried to approve the Fiber Use Agreement with Ramsey County Library Board for use of fiber optic capacity.

X. REPORTS OF CITY MANAGER AND DEPARTMENTS

Mr. Duddeck stated the local Business Association’s monthly meeting was held at the American Legion on date, and there were nearly 100 attendees at the event. He added the Business Association has members from a wide variety of businesses throughout the City. He noted it was exciting to have such a great turn-out and excellent community involvement.

Mr. Duddeck stated a recent Star Tribune article referred to the City of North St. Paul as #4 among the hot residential markets in the Twin Cities area. He added the increase in local development has had a positive effect on North St. Paul’s reputation as a growing community.

XI. REPORTS OF COUNCIL, COMMISSIONS & COMMITTEES

Councilmember Petersen stated she attended a League of Minnesota Cities’ 4-hour communications workshop last week, which was very informative.

Council Member Thorsen stated he attended the Business Association lunch, and there was a great turn-out, which he hopes will continue. He urged local business owners to contact City Hall if they would like to register to become a member of the Business Association, which meets the 2nd Tuesday of every month at the American Legion from 11:30 a.m. – 1 p.m., and lunch is provided.

Mr. Duddeck stated the intent is to have a special informational program every month at the Business Association meeting, to encourage members to attend. He added the March 2020 meeting will feature a staff member from the City of North St. Paul Utility Department to discuss energy audits and other energy savings initiatives, including a give-away energy savings kit. He noted the April 2020 meeting will feature a representative of Biz Recycling.
XII. GENERAL BUSINESS

Council Member Petersen stated she attended a City Hall forum with Senator Wiger and Representative Lillie. She added she brought up the Highway 120/Highway 36 interchange issue. She noted she left the meeting feeling confident about the funding situation.

Mayor Furlong stated the City Council received an email announcing that the annual parade will be cancelled. He added efforts are being undertaken to bring the parade back.

Council Member Thorsen stated these types of events are a lot of work, and they are volunteer-driven. He added this is a good opportunity for residents to get involved, if they want the parade to continue.

Mr. Duddeck stated the car show has been an important local event for 26 years. He added he is confident it will be possible to have the parade back in place again, with assistance from a committee-at-large.

XIII. CLOSED SESSION

There was no closed session.

XIV. ADJOURNMENT

There being no further business, on motion by Council Member Walczak, Seconded by Council Member Petersen, with all present voting aye (5-0), Mayor Furlong adjourned the meeting at 7:50 p.m.

/s/ Terrence J. Mayor Furlong, Mayor

Attest: /s/ Scott A. Duddeck, City Manager/Clerk