PROPOSED MINUTES

CITY OF ST. PAUL PARK
REGULAR COUNCIL MEETING
April 15, 2019

Meeting called to order at 7:00 p.m. Present: Mayor Dingle; Council Members Foote, Jones, Swenson, and Zenner. Also present: City Administrator Walsh, City Attorney Biggerstaff, City Engineer Dawley, Consulting Planner Sparks, and City Clerk Ornquist. Pledge of allegiance said by all.

MINUTES:

Motion by Swenson, second by Zenner to approve the minutes of the April 1, 2019, regular meeting—waive reading of same. Motion carried 5-0.

ITEMS FROM THE PUBLIC:

None

CONSENT AGENDA:

A. Acknowledge receipt of Commission Minutes
   • Planning Commission—April 8, 2019

B. Adopt Resolution No. 1574, a resolution calling for the redemption of the outstanding general obligation improvement refunding bonds, Series 2009A.

C. Adopt Ordinance No. 746, an ordinance amending Chapter 58 related to small cell wireless facility aesthetics and permitting; and authorize the publication by title and summary.

Motion by Swenson, second by Foote to approve the consent agenda items listed above. Motion carried 5-0.

PUBLIC HEARING—REFINERY’S CUP & VARIANCE REQUEST TO CONSTRUCT AN AIR COOLER STRUCTURE:

Mayor Dingle closed the regular Council Meeting and opened the public hearing at 7:02 p.m. The reading of the Public Hearing Notice was waived.

Consulting Planner Sparks informed the Council that the refinery is requesting a Conditional Use Permit and Variance to allow for a new air cooling tower. The structure is proposed to be 39.5 feet tall and is proposed to be next to the recently installed SDA tanks which were 40 feet tall. The location is interior to the site and there are surrounding facilities of a similar nature. The structure has a fan that uses air to cool the refinery products within the internal pipe system. The applicant states that it makes minimal noise and would not be detected off-site and the equipment is necessary for the operations of the refinery. The Planning Commission recommended approval.

It was noted that no oral or written objections were received.

Being there were no one to give testimony, Mayor Dingle closed the public portion of the hearing and opened for Council discussion.

• Adopt Resolution No. 1575, a resolution approving a Conditional Use Permit and Variance for the St. Paul Park Refining Co., LLC for the installation of an Air Cooling Structure.

Motion by Zenner, second by Swenson to adopt Resolution No. 1575, a resolution approving a Conditional Use Permit and Variance for the St. Paul Park Refining Co., LLC for the installation of an Air Cooling Structure. Motion carried 5-0.
KEVIN WALSH:
A. Adopt Resolution No. 1576, a resolution ordering the annexation of certain real property from Grey Cloud Island Township pursuant to 2008 Stipulation of Settlement and Order.

City Attorney Biggerstaff (Kennedy & Graven) gave a brief overview of Resolution No. 1576, a resolution ordering the annexation of certain real property from Grey Cloud Island Township. Back in 2008 the City and Grey Cloud Island Township entered into a Stipulation of Settlement Agreement, that was part of a larger annexation issue, this agreement is set to run out in 2020. The agreement allowed for the annexation of two “island” properties upon the occurrence of the City ordering a feasibility study that would impact those properties. In February 2019 the City adopted a resolution ordering a feasibility study which was the triggering mechanism. The resolution before the Council tonight declares these properties annexed and the Resolution be sent to the Chief Judge to be filed and finalized pursuant to the Stipulation of Settlement Agreement.

Mayor Dingle informed the public that this item is not a public hearing but would entertain comments from Grey Cloud Island Town Board Chairman Richard Adams on behalf of the Town Board Supervisors in attendance.

Chairman Adams wondered why the Township and property owners were not notified of this action being taken. Secondly, he stated per Resolution No. 1566, regarding Forest Edge Development, it appears there is no contact with the proposed annexed properties. 

The Grey Cloud Island Township respectfully requested that the City Council table Resolution No. 1576 for a period of one month (30 days) to allow Grey Cloud Island Township to examine the engineering drawings for the Forest Edge development to verify the proposed annexation is in accordance with the Stipulation of Settlement Agreement signed by the City on April 24, 2008, the Township on April 28, 2008, and petitioner Nesvig on May 2, 2008. As a signatory of that document he believes this requested action is appropriate.

Mayor Dingle informed Chairman Adams that this action should not have been a surprise since the City and the Township agreed to the Settlement Agreement back in 2008 and asked if they could be more specific of their concern(s).

Chairman Adams stated that the Stipulation Agreement was entered into because of an error in annexation and upon appeal the “island” properties were returned to the Township for the time frame listed in the agreement. He stated that it was their understanding that the trigger for annexation was that water and sewer services east of 3rd Street would have to transfer south of 14th Avenue leading into the open farm field (owned by Nesvig at that time), even though that is not what is in writing. Further clarifying that the intent was that a hole would need to be dug in the Township (or services would travel through the Township) to trigger the agreement, thus the reason to review the engineering designs. Further stating that they are not objecting to this, but rather asking for clarification.

Mayor Dingle questioned the request for a 30-day review Chairman Adams stated that a 30-day review would allow for verification that it meets the terms of the Stipulation Agreement.

City Administrator Walsh informed the Council that City Staff and the City Attorney have reviewed the agreement and believe that the terms have been met with the ordering of the feasibility study that would impact the subject properties with the installation of water and sewer on 14th Avenue.
City Attorney Biggerstaff stated that the language the agreement used is the ordering of a feasibility study that would “impact” the subject area. After review of the Stipulation Agreement and supporting documents it is their interpretation that ordering a feasibility study that would “impact” that area is what would trigger and set off the chain of events that would finalize the annexation.

Council Member Swenson asked City Engineer Dawley what the impact would be if the feasibility study was delayed 30 days. Mr. Dawley informed him that the feasibility study has already been “ordered”, the action in which triggered the annexation. Noting that the feasibility study is currently in progress.

Council Member Jones wanted to know if a 30-day delay would impact any favorable bids or the timing of the project. City Administrator Walsh clarified that this is two separate issues. It doesn’t hold the City back from the development of Forest Edge. Then reiterated that the Stipulation Agreement states the ordering of a feasibility study that impacts the subject property, which was done. Thus the Resolution before the Council tonight ordering the annexation of subject property.

Council Members Jones and Swenson are in favor of a 30-day review if it doesn’t have a negative impact on bids and interfere with the development of Forest Edge.

Mayor Dingle stated that the City is within its legal right to move forward with the Settlement Agreement. She is concerned that Grey Cloud Island Township may try to stop this process of annexation and the City ends up in court, even though there is a Settlement Agreement in place; if the Township wishes to appeal the City’s decision they certainly can do so with the Chief Judge.

Motion by Mayor Dingle, second by Zenner to adopt Resolution No. 1576, a resolution ordering the annexation of certain real property from Grey Cloud Island Township pursuant to 2008 Stipulation of Settlement and Order.

The Township stated earlier that they are looking for clarification, Council Member Foote asked Chairman Adams as to whom or source this clarification would come. Chairman Adams stated that they would like to see the engineering drawings to determine if it affects the property within the terms of the Settlement Agreement. Chairman Adams confirmed with Council Member Foote that this has not been done to their satisfaction and that they only heard about it on Friday. Stating that they were never informed that this was happening until they received a copy of the agenda that was sent to the Township.

Mayor Dingle informed Chairman Adams that they would have received notification that there was a feasibility study ordered back in February because they receive copies of the City’s agenda regularly.

Council Member Jones informed Chairman Adams that if there was an error or doesn’t meet legal requirements and their fears were founded, then this Resolution wouldn’t stand anyway. Chairman Adams responded stating that they are not seeking legal action; (noting that there is only a year and seven months left on the deal) the issue is whether it is appropriate.

Attorney Biggerstaff stated that there are two items that may address the Township’s concerns: First, one of the requirements is for the Judge to review the Resolution to make sure it meets all criteria of the Stipulation Settlement Agreement. Second, one of the criteria of the Stipulation Agreement states
that if the Town, any person, corporation, anybody you can imagine, should challenge this process in anyway, the City in its sole discretion could determine to drop it, do something else, to continue, or to do what you will.

Attorney Biggerstaff stated that there is some flexibility on the Council’s part built into the process if the Township wishes to review it in the next 30 days. Noting that even if the City moves forward with this, all it does is send the Resolution to the State. The Township would still need to do their work to be satisfied and if they see something, they are within their right to raise an issue or take action. And the City Council could react to that issue, rather than wait and see.

**Motion carried 5-0.**

### B. 2019 Street & Utility Improvement Project

City Engineer Dawley informed the Council the Resolution before them is to consider the award of the contract for the 2019 Street and Utility Improvement Project to the apparent low bidder, Peterson Companies. The proposed improvements include 9th Avenue between 2nd Street and Summit Avenue, the alley between Holley Avenue and Ashland Avenue from 13th Avenue to Pullman Avenue. The bids were opened, tabulated, and funding information created. The next step is to hold the Assessment Hearing set for May 6, 2019. Consistent with past projects staff was comfortable with awarding the contract before the assessment public hearing is held. It was noted that the contractor would like to start as soon as possible and would not begin prior to May 6th. This allows for contracts to be prepared, bonds, and other preparatory work to maximize the construction season. Three bids were received, Peterson Companies with the low bid of $2,214,221.94.

- **Adopt Resolution No. 1577, a resolution accepting bid and awarding contract to Peterson Companies, Inc., of Chisago City, Minnesota.**

**Motion by Swenson, second by Foote to adopt Resolution No. 1577, a resolution accepting bid and awarding contract to Peterson Companies, Inc., of Chisago City, Minnesota. Motion carried 5-0.**

### C. Adopt Resolution No. 1578, a resolution expressing acceptance of and appreciation for the donations to the City (1st Quarter 2019).

City Administrator Walsh read the list of donors for the 1st Quarter as follows: Duffy’s Auto Service, Kennedy & Graven, Old National Bank, MidWestOne, St. Paul Park Newport Lions Club, SuperMom’s Bakery, Hy-Vee, Carbone’s Pizzeria, Ace Hardware, Park Grove Bowl, Planet Fitness, Pizza Hut, Mister Car Wash, Char Hemmingson, Dan Dingle, Sharon Ornquist, Lori Would, United Martial Arts, Micah Bender, Andy Cison, and Chelsie Bowker.

Mayor Dingle noted that many of the donations benefitted the Parks & Recreation Commission, Summer Recreation Program and the Volunteer Appreciation Dinner and thanked all those who donated.

**Motion by Jones, second by Swenson to adopt Resolution No. 1578, a resolution expressing acceptance of and appreciation for the donations to the City (1st Quarter 2019). Motion carried 5-0.**

### D. Adopt Ordinance No. 745, an ordinance amending Chapters 58 and 42 relating to buildings, structures, or encroachments in right-of-way and authorize the publication by title and summary.

Consulting Planner Sparks informed the Council that this ordinance addresses long standing structures in the public right of way which is typically allowed by a license agreement. The proposed ordinance provides guidance related to
creating a license agreement that would allow the encroachment to continue, set terms for removal, and fees to cover the cost of the agreement.

The Code allows the City Administrator to approve minor requests. It also allows the property to appeal the decision to the City Council.

City Administrator Walsh informed Mayor Dingle that he is unsure as to how many encroachments exist. The current situation is where a buyer purchasing a home obtained a survey which indicated the garage was partially built on city right-of-way. This is a tool for the City to grant a license for the garage encroachment that was built over 50 years ago. It also requires the Licensee to list the City as an additional insured on their homeowner’s policy. It made the buyer more comfortable to go forward with the purchase knowing that they had an agreement with the City.

Consulting Planner Sparks added that stipulations can be added to the license to address the relocation of the structure if it was destroyed.

**Motion by Swenson, second by Jones to adopt Ordinance No. 745, an ordinance amending Chapters 58 and 42 relating to buildings, structures, or encroachments in right-of-way; and authorize the publication by title and summary. Motion carried 5-0.**

**REPORTS:**

A. Council Member Jeff Swenson

- Public Works Commission
  - Next meeting to be held June 4, 2019 at 7 p.m.
  - Compost will be opening Saturday, April 20 from 8 a.m. to 4 p.m. It will be closed on Easter Sunday. Operating hours are Saturdays 8 a.m. - 4 p.m., Sundays 10 a.m. – 3 p.m. through May.

B. Council Member Jones

- Public Safety Commission
  - Next meeting to be held June 6, 2019 at 7 p.m.
  - Police Department Open House set for May 11 from 11 a.m. to 3 p.m. All are welcome. There will be free food, exhibits, tours, and kid activities.

C. Mayor Dingle

- Planning Commission
  - Commission met on April 8 and held the public hearing for the refinery’s CUP request and recommended approval.
  - Commission discussed short term rentals. After much discussion they agreed that the issue needed to be brought up at a Council Meeting along with Police Chief Danberg’s input.
  - Next meeting to be held May 13, 2019 at 7 p.m.

D. Council Member Zenner

- Parks & Recreation Commission
  - Fundraising Event at Carbone’s Pizzeria today until 10 p.m. 20% of the proceeds will benefit the Parks & Recreation Commission. (Does not apply to deliveries).
  - Pollinator Friendly Patch Update. Volunteers needed for planting day on May 18, 2019 in the morning. The fire department will be burning the hill two weeks prior.
  - Weed Pulling Day at Riverside Park set for May 9th beginning at 6 p.m. Volunteers needed; registration recommended.
⇒ Lions Levee Park is closed until further notice.
⇒ Next meeting has been rescheduled for May 2, 2019 at 7 p.m. due to the weed pulling event on May 9, 2019.

E. Council Member Foote

- Heritage Days Committee
  ⇒ Council Members Foote and Zenner attended the Heritage Days Committee meeting last month. The naming of the Grand Marshal is pending. Total Mechanical has been named this year’s Business of the Year.
  ⇒ Next meeting to be held Monday, April 22, 2019.

F. Mayor Dingle

- Administration
  ⇒ Open Book Meetings—there are two remaining open book meetings for residents who wish to discuss their property classification or valuation with the Assessor. April 18 at Woodbury City Hall and April 24 at Washington County Government Center.
  ⇒ Volunteer Dinner was held on April 10, 2019 at Tinucci’s Restaurant. This was a great opportunity to thank all our volunteers. John Wright Sr, was named this year’s Volunteer of the Year.
  ⇒ Volunteer Opportunities available are Police Reserves, Adopt Axelrod Park, and Parks & Recreation Commission Member.
  ⇒ Stone Soup is hosting their annual Soup-er Bowl on May 4 from 9:30 – 4:30 p.m. Call 651-666-8408 with questions.
  ⇒ Fire Department Easter Ham and Turkey Raffle is set for Friday, April 19 from 4 – 8 p.m. at Park Place.
  ⇒ Washington County Disabled American Vets (DAV) provides rides to St. Paul Park veterans. Call 612-467-2786 for details.

BILLS FOR APPROVAL: $337,941.42

Motion by Jones, second by Zenner to approve the bills in the amount of $337,941.42. Motion carried 5-0.

COUNCIL COMMENTS AND REQUESTS:

None

Meeting adjourned 7:38 p.m.

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Sharon Ornquist
City Clerk