

CITY OF ST. PAUL PARK
REGULAR COUNCIL MEETING
DATE: March 20, 2023

Meeting called to order at 6:30 p.m. Present: Mayor Dingle; Council Member Jones, Haggerty, Swenson, and Zenner. Also present: City Administrator Walsh. Pledge of allegiance said by all.

MINUTES:

Approval of the minutes of the February 21, 2023, Regular Council Meeting—waive reading of same.

Motion by Jones, second by Haggerty to approve the minutes of the February 21, 2023, regular council meeting—waive reading of same. Motion carried 4-0-1. Swenson abstained.

ISSUE OATH OF OFFICE: Firefighter Calvin Bowes. Mayor Dingle congratulated him and welcomed him to St. Paul Park.

ITEMS FROM THE PUBLIC:

There were no new items.

CONSENT AGENDA:

- A. Acknowledge receipt of Commission Minutes
 - Planning Commission—March 13, 2023
- B. Approve 2023-2025 Police Contract with LELS.
- C. Approve temporary gambling permit and liquor license for St. Thomas Aquinas Mardi Gras event on April 23, 2023.
- D. Adopt Resolution No. 1691, a resolution entering into a grant agreement with the Met Council for the improvement of publicly owned infrastructure (I/I Municipal Grant Program).
- E. Approve purchase of a dump trailer for public works and amend budget as necessary.

Councilmember Jones questioned what the Met Council I/I grant program was. City Administrator Walsh explained it is a reimbursement for inflow and infiltration improvements to the sanitary sewer system. He concluded this work was completed in 2021 and 2022.

Councilmember Swenson inquired if this was a budget relief item. City Administrator Walsh explained it was an enterprise fund so the money will just go back to the sewer fund.

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

Mayor Dingle closed the regular council meeting and opened the Public Hearing

PUBLIC HEARING—STEVEN’S RIDGE PAVEMENT IMPROVEMEN PROJECT:

- Adopt Resolution No. 1692, a resolution adopting the Assessment Roll for the Stevens Ridge Pavement Improvement Project.
- Adopt Resolution No. 1693, a resolution accepting bid and awarding contract to Northwest Asphalt.

City Engineer Morgan Dawley presented the Stevens Ridge Pavement project via zoom.

City Engineer Dawley stated the public hearing was specifically for the purpose of the special assessments for the Steven’s Ridge Pavement Project. He stated this it was one of the largest projects the city has completed. Some of the street project will consist of bituminous mill & overlay, while other parts of the project will be bituminous reclamation, which is a larger process. In addition, new curbs and gutter, storm sewer

improvements, sanitary sewer improvements, and watermain improvements are also included throughout the various areas of Steven's Ridge.

A driveway replacement was also proposed for the city well house which would be paid for by the city.

The cost of the Steven's Ridge project is set to be \$2,821,032.95 which will be funded through a combination of assessments and city funds.

City Engineer Dawley explained that the assessment process follows the Minnesota State Statute Chapter 429 Public Improvements. He explained how the property owners' portion of the assessments are calculated for the project. He also explained step by step regarding the process which homeowners can apply for a deferment of their assessments.

Cody Zielinski – 1477 Summit Avenue, St. Paul Park, MN 55107 – Mr. Zielinski's noted that he had a background in real estate. He was interested in how the improvements to the streets would increase his property value. He stated that as a homeowner in the city his expectations of the streets were to be maintained. He stated this should be done regularly and he hadn't seen that happening throughout the city. He is concerned that if the city is not taking precautions to maintain the streets erosion would happen.

Mr. Zielinski noted the appraisal study that was done on the impacted properties and asked if he could receive a copy. He also wanted to know how the city got to the assessment number and the total cost of the project. Mr. Zielinski was also questioning his assessment of nearly \$7,000. He informed the council that he had 90.67 feet of frontage road on his property. He stated he had been in his home for about 7-8 years; the home was built in 1992. He has not had any issues regarding flooding, drainage, or potholes. He questioned why he was going to be responsible to pay almost \$7,000 for issues that were in a different part of Summit Avenue. Mr. Zielinski asked for an explanation as to the tangible benefit and added value to his home he would receive for the street improvements.

City Engineer Dawley explained to Mr. Zielinski that cities follow state statute in determining the street improvement process. Although assessments can be determined in various ways, St. Paul Park uses the front footed methodology and percentages for different property types like residential verses commercial. Residential improvements are calculated as a 33% percent rate for the property owners. Commercial is calculated as a 40% calculation. Mr. Dawley also indicated this has been a consistent part of the funding process for city street improvements as well as utility improvements since about 2002.

City Engineer Dawley went on to explain that the project started last summer with a feasibility report which was presented to the council and at that point there were preliminary assessments estimated. The next step was a public improvement hearing which was held in October of 2022. The assessments were re-calculated once the bids came in and a contractor was selected. Currently, the city has the actual assessments set per the chosen contractor's bid. And again, this is one of the times letters were sent to the impacted residents in the public improvement project area.

City Engineer Dawley then informed Mr. Zielinski that he could obtain a copy of the special benefit study at city hall. The appraisal study was done by BRKW. City Engineer Dawley explained the appraisers are looking at the increased value based on public improvements. He explained that the appraisers were given specific information about this project, which they then look at random properties throughout the improvement area. When the study was completed, the appraisal company offered an opinion of the special benefit which was based on the information they used to determine the benefit of increased property value. City Engineer Dawley indicated that cities are not required by state statute to complete a benefit appraisal, but they can be helpful if a property owner decides to appeal their assessment. He also indicated that it was a great way to look closer at an appropriate assessment and/or a maximum assessment for the improvement project.

Mayor Dingle explained to Mr. Zielinski that years ago residents had to pay 100% of assessments when street projects were completed in St. Paul Park. She also explained this happened to her when she bought her first home, so she understands his frustrations. Mayor Dingle explained that the streets were going to deteriorate over time and as homeowners must take responsibility. Mayor Dingle indicated that the street Mr. Zielinski is living on was well over 30 years old and was starting to break down. Mayor

Dingle explained to Mr. Zielinski he had the right to appeal if he thought his assessment was not fair.

City Engineer Dawley informed the council and Mr. Zielinski that this neighborhood was originally constructed in 1992 and nothing has been done to the street since except for general maintenance and at least two sealcoat projects which is covered in the general fund streets budget. Councilmember Jones stated sealcoating is part of maintenance. Mr. Zielinski indicated when there was flooding in the area that black silt fencing should be put in to stop the flooding on the streets. Mayor Dingle thanked him for coming and sharing his concerns.

Vivian Johnson – 1423 Laurel Avenue, St. Paul Park, MN 55107 – The Johnson's didn't understand the process and questioned the amount they would be paying for the assessments. Mayor Dingle explained the process that cities go through for improvement projects on infrastructure that requires assessments to homeowners. She indicated the process is so much better and more cost effective for homeowners than before when homeowners paid 100%, now the cost to a homeowner is 33%. She thanked Mr. & Mrs. Johnson for taking the time to come and learn and ask questions about the project and the process.

Mayor Dingle closed the Public Hearing and reopened the regular council meeting.

Motion by Dingle, second by Swenson to approve the resolution on the assessment roll for the Stevens Ridge Pavement Improvement Project. Motion carried 5-0.

Motion by Swenson, second by Zenner to approve the resolution for accepting bid and awarding contract to Northwest Asphalt. Motion carried 5-0.

Mayor Dingle closed the regular council meeting and opened the Public Hearing.

PUBLIC HEARING—DUFFY'S, 701 BROADWAY AVENUE PUD:

- Authorize staff to prepare documents for approval.

City Planner Sparks noted that this agenda item was an application for a Planned Unit Development (PUD) & lot combination for the expansion of Duffy's site on Broadway. The applicant owns the property at 701 Broadway and 717 Broadway. The applicant planned on combining the two lots and removing the house which currently sits on one of the lots. The size of the proposed new building would be approximately 8500 square feet and would go from four service bays to nine service bays. This plan included 1300 square feet of retail space and a 560 square foot waiting room as well as 500 square feet of office space.

Consultant Sparks stated that the land south across from the alley at 516 Summit is zoned differently to meet the zoning requirements for MX-2A. This was designated for the Transit Mixed Use area. It required a PUD because a gas station and repair shop are not permitted in the MX- 2A. He stated you could add a custom PUD to the zoning district for this property specifically. City Planner Sparks added that the car wash was allowed in the B3 district. Sparks also noted that the applicant requested a partial vacation of the alley. Staff did not believe the applicant needed to the alley vacated as part of the plan.

City Planner Sparks indicated the county had requested the alley be closed off at the existing location and the access point to be moved north towards the car wash lot. This would align the alley to an access point across the street. If the alley were to be closed off and made private, it could potentially have an impact with snow removal and emergency vehicles getting down the alley. The alley project would include a storm drain and would be concrete like the rest of the property site. The city would have an agreement with Duffy's that the alley would remain public property.

City Planner Sparks noted that five-foot setbacks need to be met for all property lines. There was a slight adjustment to the parking plan to make sure they met the minimum parking requirements per code. Planner Sparks requested confirmation as to the building materials the applicant is proposing. He also received several comments from the planning commission. The planning commission wanted to make sure the PUD was consistent with the Comprehensive Plan; the second item of concern was to make sure there was some general benefit and flexibility to the standards for the public.

Patrick Downs, 1412 Lincoln Avenue, St. Paul Park, MN. 55071- Mr. Downs stated that he was a member of the planning commission. He opined that the big picture concerns were that he found the standards are different for different applicants. Mr. Downs stated another applicant had a variance on the agenda and it was tabled due to not having a survey. Mr. Downs stated that he thought Duffy's had an incomplete application and there were several pieces that were not set.

Mayor Dingle informed Mr. Downs that Duffy's application was not incomplete. There were issues raised at previous meetings and the applicant has addressed those concerns. She stated the 800 Summit variance application was incomplete due to a missing survey which was necessary to move forward. Mayor Dingle explained that the two applications are very different and cannot be compared with one another. Mr. Downs reiterated that he thought that Duffy's application was incomplete as well. Mayor Dingle again indicated that in her view the application was not incomplete. Mayor Dingle stated the original proposed plan was for apartments above the building. She stated there were concerns about parking and having those apartments. Mayor Dingle explained the original application was a concept for a similar plan and the applicant has tried to address the council and planning commission's concerns. Mr. Downs stated that he thought Duffy's PUD was not in line with the Comprehensive Plan. He stated the following areas are a big concern to him:

- ⇒ The transit mixed use district was intended for the downtown area which was an extension to Broadway Avenue and there should be some uniformity to the building.
- ⇒ The commercial development mixed use district shall be similar to the downtown area. He stated there was nothing like Duffy's in the downtown area.
- ⇒ The architectural appearance shall be similar in nature to the historic downtown area. It also states what Washington County and Met Council designation of a potential future Rapid Transit area. The building design includes transparent surfaces. Encouraging landscaping, lighting, and sidewalks.
- ⇒ Commercial, industrial, or highway oriented commercial uses will not be permitted in this area. Mr. Downs stated he understands this was a pre-existing use.

Mayor Dingle stated that Duffy's was an existing business which has greatly been improved. She stated it may not be historical, however it looks much nicer now than what was there before the renovation. Mayor Dingle stated the new owner wanted to expand his business and create more jobs. Mr. Downs indicated it may look nice but does not comply with the current Comprehensive Plan. Mayor Dingle stated the Comprehensive Plan can be amended and other agencies make sure the city remains compliant with the Comprehensive Plan. Council member Jones stated that previously the building was zoned automotive complied with city code. Mr. Downs stated that the city had an ordinance which stated that if you have a nonconforming piece of property, you cannot enlarge it but simply maintain it as it was grandfathered in. Mayor Dingle stated that the city made it nonconforming by creating a vision for the future of St. Paul Park which was what the comprehensive plan does. Mayor Dingle stated as an elected official she would vote to amend the comprehensive plan if that was necessary for this project to move forward. Mayor Dingle thanked Mr. Downs for his statements and concerns.

Council Zenner inquired about the parking spaces of twenty cars, whether that also includes the seven bays. He was also concerned if there would be indoor storage available for cars to be inside.

Jay Moser – 8974 Pleasant Avenue, St. Paul Park, MN 55071 – he stated his vision for the shop was to be able to have cars indoors to provide an aesthetically pleasing shop. He explained this was part of the reason he wanted the big car wash so it can also be used as storage. His intent was to have nothing left outside besides vehicles.

Michael Mularoni – Co-Architecture and Construction Manager – indicated there would be room for at least eighteen cars that would be inside the bay area at night. There are three storage areas for miscellaneous items to be stored. This is so that everything would be able to be inside the building. There was another garage storage area where the car wash is located.

Mayor Dingle closed the Public Hearing and reopened the regular council meeting.

- **Motion by Haggerty, second by Swenson to authorize staff to prepare documents for approval. Motion carried 5-0.**

City Planner Sparks noted that by the council passing the PUD ordinance that this property would no longer be non-confirming and that this use in this particular context with the current zoning and PUD would be generally consistent with the Comprehensive Plan. Council member Jones noted that the city has done this in the past and this was the reason for PUD's.

PUBLIC HEARING—800 SUMMIT AVENUE VARIANCE:

- Table item to April 17, 2023

City Planner Sparks stated that the applicant is building a new garage generally in the same area. The current garage was close to the alley which would require a variance and a survey. The applicant had a survey recently completed; however, it was not available at the time of the planning commission meeting, so the commission tabled the item until the next meeting on April 17th.

Mayor Dingle closed the regular meeting and opened the Public Hearing.

There were no questions or comments made.

Mayor Dingle closed the Public Hearing and reopened the regular council meeting.

Motion by Swenson, second by Jones to table the item until April 17, 2023. Motion carried 5-0.

REPORTS:

- Council Member Jeff Swenson
 - Public Works Commission
 - ⇒ March 7 meeting, Public Works Supervisor gave an update on new equipment.
 - ⇒ Summer road projects
 - ⇒ April 1 you can park on the streets
 - ⇒ Reviewed a commission application for a possible new commission member
- Council Member Jones
 - Public Safety Commission
 - ⇒ The last meeting was cancelled.
 - ⇒ Next meeting June 1
- Council Member Haggerty
 - Planning Commission
 - ⇒ Review a possible new commission member
 - ⇒ Next meeting April 10
 - ⇒ 2 more members needed
- Mayor Dingle
 - Parks & Recreation Commission
 - ⇒ The next meeting is April 13
 - ⇒ 4 more members needed
- Council Member Zenner
 - Heritage Days
 - ⇒ Met March 13
 - ⇒ Discussed last years event, what went well and what didn't
 - ⇒ Change date back to 3rd weekend in August
 - ⇒ Next meeting Monday, March 27 at 6PM at Greg's Tax on Broadway
- Mayor Dingle
 - Administration
 - ⇒ April is Volunteer Appreciation Month

- ⇒ Contact City Hall for a Outstanding Volunteer Nomination Form, complete the form of a deserving Volunteer in St Paul Park. Deadline is March 31.
- ⇒ Volunteer Dinner – Save the date Wednesday, April 26. Invitations sent out.

BILLS FOR APPROVAL: \$ 261,697.40

Motion by Jones, second by Zenner to approve the bills in the amount of \$261,697.40. Motion carried 5-0.

COUNCIL COMMENTS AND REQUESTS:

There were no comments or requests made by council.

Meeting adjourned 7:40



Julie Pelton
City Clerk

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