

2. February 22, 2021 City Council Meeting Minutes

Councilmember Juenemann moved to approve the February 22, 2021 City Council Meeting Minutes as submitted.

Seconded by Councilmember Cave

Ayes – All, via roll call

The motion passed.

F. APPOINTMENTS AND PRESENTATIONS

1. Administrative Presentations

a. Council Calendar Update

City Manager Coleman gave an update to the council calendar and reviewed other topics of concern or interest requested by councilmembers.

2. Council Presentations

Climate Adaptation Plan Workshop

Councilmember Juenemann invited interested residents to participate in the upcoming Maplewood Adaptation Plan Workshop which will be held March 16, 2021.

3. 2020 Rice Larpenteur Alliance Annual Report

This item was moved before J1.

- G. CONSENT AGENDA** – *Items on the Consent Agenda are considered routine and non-controversial and are approved by one motion of the council. If a councilmember requests additional information or wants to make a comment regarding an item, the vote should be held until the questions or comments are made then the single vote should be taken. If a councilmember objects to an item it should be removed and acted upon as a separate item.*

Agenda item G8 was moved to follow the F3 presentation.

Agenda item G7 was highlighted.

Councilmember Juenemann moved to approve agenda items G1-G7, G9-11.

Seconded by Councilmember Knutson

Ayes – All, via roll call

The motion passed.

1. Approval of Claims

ACCOUNTS PAYABLE:

\$ 471,703.69 Checks #107138 thru #107168
dated 02/23/21

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WHEREAS, the State of Minnesota is not on track to meet its goal of an 80% carbon reduction by 2050; and

WHEREAS, the City of Maplewood is not on track to meet its 2040 Comprehensive Plan energy goal of an 80% carbon reduction by 2050; and

WHEREAS, high-efficiency construction presents opportunities for workers in manufacturing, construction, and service sectors, and it is essential that workers play a role in helping drive innovation towards a clean energy economy while creating and maintaining family- sustaining jobs; and

WHEREAS, the City of Maplewood is interested in improving health using environmentally conscious efforts; and

WHEREAS, the City of Maplewood is interested in supporting economic development through climate action; and

WHEREAS, the City of Maplewood is already experiencing the impacts of a changing climate; and

WHEREAS, highly efficient buildings enhance financial and environmental resilience for building owners and tenants; and

WHEREAS, the City of Maplewood supports an equitable and just transition to a low- carbon society; and

WHEREAS, the "Improving building energy efficiency in commercial and multi-family construction" report by the State of Minnesota recommends that the current statewide commercial energy code be advanced and accelerated such that it achieves net zero carbon/energy by 2036.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Maplewood, Minnesota that the City formally adopts a policy to support state legislation leading to higher performing commercial buildings through advanced energy performance standards.

Seconded by Councilmember Knutson

Ayes – All, via roll call

The motion passed.

8. Cooperative Funding Agreement for the Rice Larpenteur Alliance

Agenda item G8 was moved for a separate vote after F3 Rice Larpenteur Annual Report.

9. Bituminous Material Purchases for 2021 Season

Councilmember Juenemann moved to authorize the Street Superintendent to purchase bituminous materials in an amount up to \$80,000 for the 2021 street maintenance season.

Seconded by Councilmember Knutson

Ayes – All, via roll call

The motion passed.

10. Ramsey County Public Works to Perform 2021 Street Striping

Councilmember Juenemann moved to authorize Ramsey County Public Works to perform City pavement striping needs, in an amount estimated at \$25,000.

Seconded by Councilmember Knutson

Ayes – All, via roll call

The motion passed.

11. Maplewood Building 1902 HVAC Upgrade Project, City Project 19-18
a. Resolution Directing Modification of Existing Construction Contract, Change Order No. 1 and No. 2.
b. Resolution Directing Final Payment and Acceptance of Project

Councilmember Juenemann moved to approve the resolution directing modification of existing construction contract, Change Order No.1 and No. 2, City Project 19-18.

Resolution 21-03-1922

DIRECTING MODIFICATION OF EXISTING CONSTRUCTION CONTRACT, PROJECT 19-18, CHANGE ORDER NO.1 and CHANGE ORDER NO. 2

WHEREAS, the City Council of Maplewood, Minnesota has heretofore ordered the Maplewood 1902 Building HVAC Upgrade Project, 19-18, and has let a construction contract, and

WHEREAS, it is now necessary and expedient that said contract be modified and designated as Maplewood 1902 Building HVAC Upgrade project, 19-18, Change Order No. 1 and Change Order No. 2.

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

- 1. The Mayor and City Engineer are hereby authorized and directed to modify the existing contract by executing said Change Order No. 1 and Change Order No. 2 which is an increase of \$3,881.00.

The revised contract amount is \$184,781.00.

Seconded by Councilmember Knutson

Ayes – All, via roll call

The motion passed.

Councilmember Juenemann moved to approve the resolution for final payment and acceptance of Maplewood Building 1902 HVAC Upgrades, City Project 19-18.

Resolution 21-03-1923

DIRECTING FINAL PAYMENT AND ACCEPTANCE OF PROJECT MAPLEWOOD

BUILDING 1902 HVAC UPGRADES PROJECT, CITY PROJECT 19-18

WHEREAS, the City Council of Maplewood, Minnesota has heretofore ordered the Maplewood Building 1902 HVAC Upgrades, City Project 19-18, and has let a construction contract, and

WHEREAS, the City Engineer for the City of Maplewood has determined that the Maplewood Building 1902 HVAC Upgrades, City Project 19-18, is complete and recommends acceptance of the project.

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

City Project 19-18 is complete and maintenance of the improvements are accepted by the City; the final construction cost is \$184,781.00. Final payment to NAC Mechanical & Electrical Service, Inc. and release of any retainage or escrow is hereby authorized.

Seconded by Councilmember Knutson

Ayes – All, via roll call

The motion passed.

- H. PUBLIC HEARINGS** – *If you are here for a Public Hearing please familiarize yourself with the Rules of Civility printed on the back of the agenda. Sign in with the City Clerk before addressing the council. At the podium please state your name and address clearly for the record. All comments/questions shall be posed to the Mayor and Council. The Mayor will then direct staff, as appropriate, to answer questions or respond to comments.*

1. **Montana-Nebraska Area Pavement Rehabilitation, City Project 20-08**
 - a. **Public Hearing 7:00 pm**
 - b. **Resolution Ordering Improvement after Public Hearing (4 Votes)**

Public Works Director Love gave the staff report.

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

Brian Lundquist
Neil Hunter
Dora Zocko

Mayor Abrams closed the public hearing.

Councilmember Juenemann moved to approve the Resolution Ordering the Improvement for the Montana-Nebraska Area Pavement Rehabilitation, City Project 20-08 (Four affirmative votes are required to approve this resolution).

Resolution 21-03-1924
RESOLUTION ORDERING IMPROVEMENT

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WHEREAS, pursuant to a resolution of the City Council adopted January 25th, 2021, a date for a Council hearing was set on the proposed street improvements for the Montana- Nebraska Area Pavement Rehabilitation, City Project 20-08; and

WHEREAS, a notice was mailed ten days in advance to residents and a notice of the hearing was published, and the hearing was duly held on March 8th, 2021; and the Council has heard all persons desiring to be heard on the matter and has fully considered the same;

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

1 That it is necessary, cost-effective and feasible, as detailed in the Feasibility Report, that the City of Maplewood make improvements to the Montana-Nebraska Area Pavement Rehabilitation, City Project 20-08.

2 Such improvements ordered as proposed in the Council resolution adopted on the 8th day of March, 2021.

3 The City Engineer, or his designee, is the designated engineer for this improvement project and is hereby directed to prepare final plans and specifications as previously directed by the City Council at the January 25th, 2021 council meeting.

4 The Finance Director was authorized to make the financial transfers necessary for the preparation of plans and specifications at the January 25th, 2021 council meeting. A budget of \$2,328,400 was established at that time. The proposed financing plan shall be implemented and is as follows:

Proposed Financing Plan		
Funding Source	Total Amount	% of Total
Street Revitalization Fund	\$886,643	38%
Special Benefit Assessments	\$921,657	40%
Sanitary Sewer Fund	\$119,100	5%
Environmental Utility Fund	\$310,900	13%
W.A.C. Fund	\$90,100	4%
Total Estimated Project Funding:	\$2,328,400	100%

Seconded by Councilmember Cave

Ayes – All, via roll call

The motion passed.

2. **Southcrest-Ferndale Area Pavement Rehabilitation, City Project 20-09**
 - a. **Public Hearing 7:00 pm**
 - b. **Resolution Ordering Improvement after Public Hearing (4 Votes)**

Public Works Director Love gave the staff report.

Mayor Abrams opened public hearing. The following people spoke:

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Dan Bruns

Mayor Abrams closed the public hearing.

Councilmember Juenemann moved to approve the resolution ordering the improvement for the Southcrest-Ferndale Area Pavement Rehabilitation, City Project 20-09 (Four affirmative votes are required to approve this resolution).

Resolution 21-03-1925
RESOLUTION ORDERING IMPROVEMENT

WHEREAS, pursuant to a resolution of the City Council adopted January 25th, 2021, a date for a council hearing was set on the proposed street improvements for the Southcrest- Ferndale Area Pavement Rehabilitation, City Project 20-09; and

WHEREAS, a notice was mailed ten days in advance to residents and a notice of the hearing was published, and the hearing was duly held on March 8th, 2021; and the council has heard all persons desiring to be heard on the matter and has fully considered the same;

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

1 That it is necessary, cost-effective and feasible, as detailed in the Feasibility Report, that the City of Maplewood make improvements to the Southcrest-Ferndale Area Pavement Rehabilitation, City Project 20-09.

2 Such improvements ordered as proposed in the Council resolution adopted on the 8th day of March, 2021.

3 The City Engineer, or his designee, is the designated engineer for this improvement project and is hereby directed to prepare final plans and specifications as previously directed by the City Council at the January 25th, 2021 council meeting.

4 The Finance Director was authorized to make the financial transfers necessary for the preparation of plans and specifications at the January 25th, 2021 council meeting. A budget of \$2,072,200 was established at that time. The proposed financing plan shall be implemented and is as follows:

Proposed Financing Plan		
Funding Source	Total Amount	% of Total
Street Revitalization Fund	\$1,005,450	49%
Special Benefit Assessments	\$727,950	35%
Sanitary Sewer Fund	\$106,000	5%
Environmental Utility Fund	\$154,000	7%
W.A.C. Fund	\$78,800	4%
Total Estimated Project Funding:	\$2,072,200	100%

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Seconded by Councilmember Knutson

Ayes – All, via roll call

The motion passed.

I. UNFINISHED BUSINESS

None

J. NEW BUSINESS

Agenda Item F3 was moved before J1.

F3. 2020 Rice Larpenteur Alliance Annual Report

Kim O'Brien, with St Paul Area Chamber of Commerce and the Rice Larpenteur Alliance Executive Director gave the presentation.

Agenda item G8 was moved for a separate vote after F3 Rice Larpenteur Annual Report.

G8. Cooperative Funding Agreement for the Rice Larpenteur Alliance

Councilmember Juenemann moved to approve the Cooperative Funding Agreement for Rice Street and Larpenteur Avenue Gateway Alliance Consulting Services.

Seconded by Councilmember Knutson

Ayes – All, via roll call

The motion passed.

1. Conditional Use Permit Resolution, White Bear Meadery, 1320 County Road D Circle East

Community Development Director Thomson gave the staff report.

Councilmember Knutson moved to approve the resolution approving a conditional use permit for the property located at 1320 County Road D Circle East, allowing a meadery to operate on the property, subject to certain conditions of approval.

Resolution 21-03-1926
CONDITIONAL USE PERMIT RESOLUTION

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

Section 1. Background.

1.01 Joshua Eckton, on behalf of the White Bear Meadery, has requested approval of a conditional use permit to operate a meadery on the property.

1.02 The property is located at 1320 County Road D Circle East and is legally described as:

That part of the Northwest quarter of Section 3, Township 29, Range 22 which lies N01th and West of the Saint Paul and White Bear State Highway and North of a line described as follows: Beginning at a point in the West line of said Section 3 which point is 183 .55 feet South of the Northwest corner of said Section 3; thence Southeasterly in a straight line 406.11 feet to a point in the center line of Saint Paul and Duluth Highway No. 61, which point is 323.36 feet Southwesterly from the point of intersection of said center line of said highway with the North line of said Section 3, Ramsey County, Minnesota.

PIN: 03-29-22-22-0024

Section 2 Standards.

- 2.01 City Ordinance Section 44-637(a) (1) by Section 44-512 (2) (3) requires a Conditional Use Permit for beverage processing and distribution, a place of amusement, recreation or assembly.
- 2.02 General Conditional Use Permit Standards. City Ordinance Section 44-1097(a) states that the City Council must base approval of a Conditional Use Permit on the following nine standards for approval.
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 not exceed the design standards of any affected street.
 6. The use would be served by adequate public facilities and services, including lice 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.

Section 3. Findings.

3.01 The proposal meets the specific conditional use permit standards.

Section 4. City Review Process

4.01 The City conducted the following review when considering this conditional use permit request.

1. On February 16, 2021, the planning commission held a public hearing. City staff published a hearing notice in the Pioneer Press 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 recommended that the city council approve this resolution.
2. On March 8, 2021, the city council discussed this resolution. They considered reports and recommendations from the planning commission and city staff.

Section 5. City Council

5.01 The city council hereby approves the resolution. Approval is based on the findings outlined in section 3 of this resolution. Approval is subject to the following conditions:

1. The applicant shall submit a final seating chart and a parking plan to City staff. All of the parking related to the business shall be confined to the site and is prohibited on City streets or neighboring properties.
2. Any site or building modifications are subject to the City's design review process.
3. All local and state regulations governing the operation of the use shall be adhered to at all times.
4. Signs shall follow the City's sign ordinance. Signs shall not be installed unless the applicant first obtains a sign permit.
5. Any and all trash receptacles shall be contained within an enclosed structure. Design of a new structure shall be subject to the City's design review process.
6. The proposed use must be substantially started within one year of council approval or the permit shall become null and void. The council may extend this deadline for one year. The City Council shall review this permit in one year.

7. The applicant shall comply with all requirements of the building official, fire chief and City engineer.
- 8 The fire protection systems and exit ways must be inspected and approved prior to the issuance of a certificate of occupancy.
- 9 Depending upon the extent of any exterior site improvements, the applicant shall obtain a driveway permit and grading/erosion control permit from the City engineer.
- 10 The applicant shall obtain a SAC determination from the Metropolitan Council prior to any permits being issued for the property.
- 11 The applicant shall submit an application to the City's environmental health official for an annual food permit and plan review prior to operation.
- 12 The applicant shall obtain and provide a copy of the approved winery license prior to operation.
- 13 The business hours of operation are limited to the state winery license allowance.
- 14 All deliveries shall occur between the hours of 7:00 am – 8:00 pm.
15. The applicant shall install a stop sign at the driveway exit from the property.

Seconded by Councilmember Juenemann

Ayes – All, via roll call

The motion passed.

2. Intent to Close Meeting (Minn. Stat. §13D.05 subd. 3(c)) to Discuss Sale of Properties

- a. 2501 Londin Lane East
- b. 1375 Frost Avenue East and 1900 Clarence Street North
- c. 1160 Frost Avenue East

Community Development Director Thomson gave the staff report.

Mayor Abrams moved to close the meeting and go into closed session to consider purchase offers or counteroffers for the property located at 2501 Londin Lane East, then separately to consider purchase offers or counteroffers for properties at 1375 Frost Avenue East and 1900 Clarence Street North, and then separately to consider purchase offers or counteroffers for the property located at 1160 Frost Avenue East, pursuant to Minnesota Statutes Section 13D.05 subd. 3(c).

Seconded by Councilmember Knutson

Ayes – All, via roll call

The motion passed

Mayor Abrams closed the meeting at 8:51 p.m.

Present at the closed session: Mayor Abrams, Councilmember Juenemann, Councilmember Knutson, Councilmember Villavicencio, Councilmember Cave, City Manager Coleman, Assistant City Manager/HR Director Sable, City Attorney Batty, Community Development Director Thomson, and IT Director Fowlds.

Mayor Abrams called the meeting back to order at 10:27 p.m.

3. Closed Session Pursuant to Minn. Stat., Section 13D.05, subd. 3(b) for Attorney-Client Privileged Discussion Regarding Threatened Litigation, 2471 Forest Street

Councilmember Juenemann moved to close the regular meeting and go into closed session to discuss threatened litigation related to 2471 Forest Street, pursuant to Minnesota Statutes Section 13D.05, subd. 3b.

Seconded by Councilmember Knutson

Ayes – All, via roll call

The motion passed

Mayor Abrams closed the meeting at 10:29 p.m.

Present at the closed session: Mayor Abrams, Councilmember Juenemann, Councilmember Knutson, Councilmember Villavicencio, Councilmember Cave, City Manager Coleman, Assistant City Manager/HR Director Sable, City Attorney Batty, Public Works Director Love, Finance Director Paulseth, and IT Director Fowlds.

Mayor Abrams called the meeting back to order at 10:43 p.m.

K. AWARD OF BIDS

None

L. ADJOURNMENT

Mayor Abrams adjourned the meeting at 10:43 p.m.