



**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.

Mayor Abrams spoke of returning to in-person meetings beginning March 28, 2022 presuming Covid numbers remain under guidelines.

Mayor Abrams moved to set a Special Meeting on Monday, March 7, 2022 at 5:30 p.m. to discuss options for the Ponds Golf Course.

Seconded by Councilmember Cave

Ayes – All, via roll call

The motion passed

**2. Council Presentations**

None

**3. 2021 Rice Larpenteur Alliance Annual Report**

Assistant Community Development Director Martin introduced the item. Kim O'Brien, Rice Larpenteur Alliance Executive Director, gave the presentation.

No Action Required.

**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 G4 was highlighted.

Councilmember Juenemann moved to approve agenda items G1-G6.

Seconded by Councilmember Cave

Ayes – All, via roll call

The motion passed.

**1. Approval of Claims**

Councilmember Juenemann moved to approve the approval of claims.

ACCOUNTS PAYABLE:

\$ 298,950.33 Checks # 108589 thru # 108619  
dated 02/15/22

\$ 760,091.10 Checks # 108620 thru # 108641  
dated 02/22/22



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 Police Department, are hereby approved. A Copy of the Joint Powers Agreement is attached to this Resolution and made a part of it.
2. That the Public Safety Director, Brian Bierdeman, 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.
3. That Marylee Abrams, the Mayor for the City of Maplewood, and Andrea Sindt, the City Clerk, are authorized to sign the State of Minnesota Joint Powers Agreements.

Seconded by Councilmember Cave

Ayes – All, via roll call

The motion passed.

#### **5. 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 Cave

Ayes – All, via roll call

The motion passed.

#### **6. Purchase of Park Maintenance Tractor**

Councilmember Juenemann moved to approve the purchase of a Park Maintenance tractor and direct the Mayor and City Manager to enter into a contract with Midwest Machinery Company for the purchase under Sourcewell Contract #031121-DAC in the amount of \$66,467.87.

Seconded by Councilmember Cave

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. McMenemy Street Improvements, City Project 21-02**

**a. Public Hearing 7:00 pm**

**b. Resolution Ordering Improvement after Public Hearing (4 votes)**

**c. Use of Bolton and Menk, Inc. for Professional Design Services**

Public Works Director Love introduced the item. Assistant City Engineer Jarosch gave the staff report and presentation.

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

Sonnie Elliott – 340 Summer Lane  
Sue Arnold – 1736 McMenemy Street  
Mark Waegener – 1739 McMenemy Street

Mayor Abrams closed the public hearing.

Assistant City Engineer Jarosch answered questions of residents and council.

Councilmember Juenemann moved to approve the Resolution Ordering the Improvement for the McMenemy Street Improvements, City Project 21-02 (Four affirmative votes are required to approve this resolution).

Resolution 22-02-2050  
ORDERING IMPROVEMENT

WHEREAS, pursuant to a resolution of the City Council adopted February 14<sup>th</sup>, 2022, a date for a council hearing was set on the proposed street improvements for the McMenemy Street Improvements, City Project 21-02; 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 February 28<sup>th</sup>, 2022; 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 McMenemy Street Improvements, City Project 21-02.
2. Such improvements ordered as proposed in the Council resolution adopted on the 28<sup>h</sup> day of February, 2022.
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 February 14<sup>th</sup>, 2022 council meeting.
4. The Finance Director was authorized to make the financial transfers necessary for the preparation of plans and specifications at the February 14<sup>th</sup>, 2022 council meeting. A budget of \$5,448,000 was established at that time. The proposed financing plan shall be implemented and is as follows:

<b>Estimated Project Cost Recovery</b>		
<b>Funding Source</b>	<b>Total Amount</b>	<b>% of Total</b>
Environmental Utility Fund	\$1,059,100	19%
G.O. Bonds Improvement	\$1,156,600	21%
Sanitary Sewer Fund	\$54,200	1%
Special Benefit Assessment	\$630,300	12%
St. Paul Regional Water	\$1,104,800	20%
W.A.C. Fund	\$193,000	4%
Local Road Improvement Grant	\$1,250,000	23%
<b>Total Estimated Project Funding:</b>	<b>\$5,448,000</b>	<b>100%</b>

Seconded by Councilmember Cave

Ayes – All, via roll call

The motion passed.

Councilmember Juenemann moved to authorize the use of Bolton and Menk, Inc. for professional design services and further authorize the Mayor and City Manager to sign the attached work order with Bolton and Menk, Inc.

Seconded by Councilmember Cave

Ayes – All, via roll call

The Motion Passed.

**I. UNFINISHED BUSINESS**

None

**J. NEW BUSINESS**

**1. Penalties for 2021 Alcohol Compliance Failures**

City Clerk Sindt gave the staff report. Dao Hoang, owner of Bleachers Bar & Grill addressed the council to give information on the compliance failure. Justin Olson, general manager of Buffalo Wild Wings addressed the council to give information on the compliance failure. Anwar Bhimani, owner Hillside Liquor and employee, Reddy Randhir addressed the council to give information on the compliance failure. Biniam Tekola, owner of Sarrack’s Wine & Spirits addressed the council to give information on the compliance failure. Touyer Moua, manager of Unsiou Restaurant & Banquet addressed the council to give information on the compliance failure.

Councilmember Juenemann moved to approve the compliance failure penalties as proposed by staff.

Seconded by Councilmember Villavicencio

Ayes – All, via roll call

The motion passed.

**2. McCarrons Water Treatment Plant Improvement Project, 1900 Rice Street North**

**a. Conditional Use Permit Amendment Resolution**

**b. Design Review Resolution**

Assistant Community Development Director Martin gave the presentation. Patrick Shea, General Manager at St Paul Regional Water Services, addressed the council and provided information. Will Menkhaus, project manager with St Paul Regional Water Services, gave further comments.

Mayor Abrams moved to approve the resolution for a conditional use permit amendment permitting Saint Paul Regional Water Services to construct improvements to its McCarrons Water Treatment Plant at 1900 Rice Street North.

Resolution 22-02-2051  
CONDITIONAL USE PERMIT AMENDMENT RESOLUTION

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

Section 1. Background.

- 1.01 Saint Paul Regional Water Services has requested approval of a conditional use permit amendment.
- 1.02 The property is located at 1900 Rice Street North. The legal descriptions for the properties comprising the Saint Paul Regional Water Services' McCarrons Water Treatment Plant can be found in attachment 12 of this report.

Section 2. Standards.

- 2.01 City Ordinance Section 44-1092(1) requires a Conditional Use Permit for public and private utilities, public service or public building uses.
- 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 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.

### 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 amendment request.

1. On February 15, 2022, the planning commission held a public hearing. The 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 February 28, 2022 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. Adherence to the site plan date-stamped January 28, 2022. The director of community development may approve minor changes.
2. The proposed construction 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.
3. The city council shall review this permit in one year.
4. Design review must be approved by the Community Design Review Board prior to issuance of a building permit.

5. Prior to any permits being issued for this project, the applicant shall submit a Construction Management Plan for approval by the City's Public Works Director. This plan should include, at a minimum, the following items:
  - a. SPRW Project Contact info for residents to call/email with questions and complaints.
  - b. Hours and days of construction activity.
  - c. Outline of project communication to the adjacent neighborhood, which includes:
    1. Quarterly newsletter
    2. Weekly email updates
    3. Up-to-date project website
  - d. Construction traffic routing.
    1. Including prohibiting construction traffic east of the site along Roselawn Avenue.
  - e. Outline of how demolition and excavated material will be handled and stored.
  - f. A dust mitigation plan.
6. Applicant shall construct and maintain for the duration of the construction project a temporary 10-foot screening fence for Area 1, a temporary 15-foot berm for Area 2 and the planting of at least 40 new trees, with the preservation of existing trees within 30 feet of the residential property line, in Area 3. Areas 1, 2 and 3 are designated by the applicant's submittal on February 15, 2022. At the completion of the project, the applicant shall landscape all three areas as approved in the landscape plan.
7. Approval of this resolution shall terminate the previous conditional use permit resolutions approved on December 15, 1988, June 10, 1996, August 11, 1997, December 10, 2001, June 23, 2003 and April 23, 2018.

Seconded by Councilmember Knutson

Ayes – All, via roll call

The motion passed.

Councilmember Villavicencio moved to approve a design review resolution allowing Saint Paul Regional Water Services to construct improvements to its McCarrons Water Treatment Plant at 1900 Rice Street North.

Resolution 22-02-2052  
DESIGN REVIEW RESOLUTION

February 28, 2022  
City Council Meeting Minutes

Be it resolved by the City Council of the City of Maplewood, Minnesota, as follows:

Section 1. Background.

- 1.01 Saint Paul Regional Water Services has requested approval of site and design plans.
- 1.02 The property located is at 1900 Rice Street North. The legal descriptions for the properties comprising the Saint Paul Regional Water Services' McCarrons Water Treatment Plant can be found in attachment 12 of this report.
- 1.03 On February 15, 2022, the community design review board reviewed this request. The applicant was provided the opportunity to present information to the community design review board. The community design review board considered all of the comments received and the staff report, which are incorporated by reference into this resolution.

Section 2. Site and Building Plan Standards and Findings.

- 2.01 City ordinance Section 2-290(b) requires that the community design review board make the following findings to approve plans:
  - 1. That the design and location of the proposed development and its relationship to neighboring, existing or proposed developments and traffic is such that it will not impair the desirability of investment or occupation in the neighborhood; that it will not unreasonably interfere with the use and enjoyment of neighboring, existing or proposed developments; and that it will not create traffic hazards or congestion.
  - 2. That the design and location of the proposed development is in keeping with the character of the surrounding neighborhood and is not detrimental to the harmonious, orderly and attractive development contemplated by this article and the city's comprehensive municipal plan.
  - 3. That the design and location of the proposed development would provide a desirable environment for its occupants, as well as for its neighbors, and that it is aesthetically of good composition, materials, textures and colors.

Section 3. City Council Action.

- 3.01 The above-described site and designs plans are hereby approved based on the findings outlined in Section 2 of this resolution. Subject to staff approval, the site must be developed and maintained in substantial conformance with the site plan and design plans date-stamped January 28, 2022. Approval is subject to the applicant doing the following:
  - 1. Repeat this review in two years if the city has not issued a building permit for this project.
  - 2. All requirements of the fire marshal and building official must be met.

3. Meet all requirements in the engineering report, dated February 4, 2022.
4. Meet all requirements in the environmental report, dated February 8, 2022.
5. The applicant shall obtain all required permits from the Capital Region Watershed District.
6. All rooftop equipment shall be screened.
7. Signage for this site is not approved. All signs require permits.
8. Prior to the issuance of a building permit, the applicant shall submit for staff approval the following items:
  - a. A screening plan that incorporates a temporary 10-foot screening fence for Area 1, a temporary 15-foot berm for Area 2 and the planting of at least 40 new trees, with the preservation of existing trees within 30 feet of the residential property line, in Area 3. Areas 1, 2 and 3 are designated by the applicant's submittal on February 15, 2022.
  - b. A soils storage plan. Any storage of soil outside of the project area will require separate City approval.
  - c. The applicant shall submit a Construction Management Plan for approval by the City's Public Works Director.
  - d. Payment to the city's tree fund to meet the requirements of the city's tree replacement code.
  - e. The applicant shall provide the city with a cash escrow or an irrevocable letter of credit for all required exterior improvements. The amount shall be 150 percent of the cost of the work.
9. The applicant shall complete the following before occupying the building:
  - a. Replace any property irons removed because of this construction.
  - b. Provide continuous concrete curb and gutter around the parking lot and driveways.
  - c. Install all required landscaping and an in-ground lawn irrigation system for all landscaped areas.
  - d. Install all required outdoor lighting.
10. If any required work is not done, the city may allow temporary occupancy if:
  - a. The city determines that the work is not essential to the public health, safety or welfare.

- b. The above-required letter of credit or cash escrow is held by the City of Maplewood for all required exterior improvements. The owner or contractor shall complete any unfinished exterior improvements by June 1 of the following year if occupancy of the building is in the fall or winter or within six weeks of occupancy of the building if occupancy is in the spring or summer.

11. All work shall follow the approved plans. The director of community development may approve minor changes

Seconded by Councilmember Juenemann

Ayes – All, via roll call

The motion passed.

**3. Intent to Close Meeting (Minn. Stat. Section 13D.05 subd. 3(c)) to Discuss the Sale of City-Owned Properties at 1375 Frost Avenue and 1900 Clarence Street**

Assistant Community Development Director Martin gave the staff report.

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

Seconded by Councilmember Juenemann

Ayes – All, via roll call

The motion passed.

Mayor Abrams closed the meeting at 9:34 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 Darrow, City Attorney Batty, Assistant Community Development Director Martin, Public Safety Director Bierdeman, and IT Director Fowlds.

Mayor Abrams called the meeting back to order at 9:54 p.m.

**4. Intent to Close Meeting (Minn. Stat. Section 13D.03) to Discuss Labor Contract Updates**

Assistant City Manager/HR Director Darrow gave the staff report.

Councilmember Juenemann moved to close the meeting and go into a closed session to discuss strategies, review offers received from the bargaining units, analyze fiscal considerations, and to develop negotiation positions for the City's seven collective bargaining units, pursuant to Minnesota Statutes Section 13D.03, Subd. (b).

Seconded by Councilmember Cave

Ayes – All, via roll call

The motion passed.

Mayor Abrams closed the meeting at 9:56 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 Darrow, and IT Director Fowlds.

Mayor Abrams called the meeting back to order at 10:07 p.m.

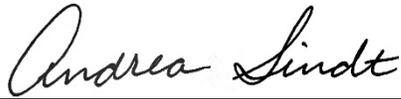
**5. AWARD OF BIDS**

None

**6. ADJOURNMENT**

Each councilmember shared thoughts on current events.

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



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Andrea Sindt, City Clerk