

2. April 25, 2022 City Council Meeting Minutes

Councilmember Knutson moved to approve the April 25, 2022 City Council Meeting Minutes as submitted.

Seconded by Councilmember Juenemann Ayes – All

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

City Clean-Up

Councilmember Juenemann reminded residents of the annual spring clean-up at Aldrich Arena, Saturday May 21, from 8 a.m. – 1:00 p.m. Many vendors will be on hand for collection (hazardous waste and shredding will not be available).

Catalytic Converter Thefts

Mayor Abrams shared that Maplewood is number one in the metro area for thefts. Mayor Abrams reached out to our legislators to inquire about pending legislation and was advised there are current proposals to increase penalties and fund prevention. Public Safety Director Bierdeman provided information in Maplewood's approach to prevention.

3. Swearing-In Ceremony – Police Sergeants Joseph Demulling, Derek Fritze, Rachel Murray and Brian Tazell

Public Safety Director Bierdeman addressed the council and introduced Sergeant Fritze, Sergeant Demulling, Sergeant Murray, and Sergeant Tazell. Each Sergeant addressed the council and City Clerk Sindt administered the oath before the pinning of their badge.

No action required.

4. Strategic Plan Update for First Quarter 2022

Administrative Services & Performance Measurement Coordinator Knutson gave the presentation.

Councilmember Juenemann moved to accept the Strategic Plan Report for First Quarter of 2022.

Seconded by Councilmember Cave Ayes – All

The motion passed.

5. Resolution of Appreciation for HEDC Commissioner Darryl Henchen

Community Development Director Thomson gave the staff report.

Councilmember Juenemann moved to adopt the Resolution of Appreciation for Darryl Henchen.

Resolution 22-05-2078 RESOLUTION OF APPRECIATION

WHEREAS, Darryl Henchen has been a member of the Maplewood Housing and Economic Development Commission for three years, serving from March 2019 to April 2022; and

WHEREAS, the Housing and Economic Development Commission and the City Council appreciate his experience, insights, and good judgment; and

WHEREAS, Mr. Henchen has freely given of his time and energy, without compensation, for the betterment of the City of Maplewood; and

WHEREAS, Mr. Henchen has shown dedication to his duties and has consistently contributed his leadership and efforts for the benefits of the City;

NOW, THEREFORE, IT IS HEREBY RESOLVED for and on behalf of the City of Maplewood, Minnesota, and its citizens that Darryl Henchen is hereby extended our gratitude and appreciation for his dedicated service

Seconded by Councilmember Knutson Ayes – All

The motion passed.

6. Parks & Recreation Commission Annual Report

Terri Mallet, Parks & Recreation Commission Chair, gave the report.

Councilmember Juenemann moved to approve the 2021 Parks and Recreation Commission Annual Report.

Seconded by Councilmember Cave Ayes – All

The motion passed.

7. Environmental & Natural Resources Commission Annual Report

Rebecca Bryan, Environmental & Natural Resources Commission Vice-Chair, gave the report.

Councilmember Juenemann moved to approve the 2021 Environmental and Natural Resources Commission Annual Report.

Seconded by Councilmember Villavicencio

Ayes – All

The motion passed.

8. Update on Emma’s Place

Public Safety Director Bierdeman introduced the topic. Lieutenant Dugas and Detective Bergeron gave the presentation and answered questions of council. City Attorney Ketchum provided further information.

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 G8 was highlighted.

Councilmember Cave moved to approve agenda items G1-G8.

Seconded by Councilmember Knutson

Ayes – All

The motion passed.

1. Approval of Claims

Councilmember Cave moved to approve the approval of claims.

ACCOUNTS PAYABLE:

\$	685,746.46	Checks # 108901 thru # 108919 dated 04/26/22
\$	524,578.05	Checks # 108920 thru # 108946 dated 05/03/22
\$	1,319,415.97	Disbursements via debits to checking account dated 04/18/22 thru 05/01/22
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\$	2,529,740.48	Total Accounts Payable

PAYROLL

\$	701,863.89	Payroll Checks and Direct Deposits dated 04/29/22
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\$	701,863.89	Total Payroll
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\$	3,231,604.37	GRAND TOTAL

Seconded by Councilmember Knutson Ayes – All

The motion passed.

2. Financial Report for the Month Ended March 31, 2022

No action required.

3. Approval of Transfers to Close Funds

Councilmember Cave moved to approve the transfers dated December 31, 2021 and May 9, 2022 and authorize the Finance Director to make the necessary accounting entries.

Seconded by Councilmember Knutson Ayes – All

The motion passed.

4. Approval of Budget Adjustments

Councilmember Cave moved to approve the ARPA budget adjustments dated December 31, 2021 and January 1, 2022.

Seconded by Councilmember Knutson Ayes – All

The motion passed.

5. Resolution to Conduct Off-Site Gambling for the White Bear Avenue Business Association at the Ramsey County Fair

Councilmember Cave moved to approve the Resolution to Conduct Off-Site Gambling for the White Bear Avenue Business Association from Thursday, July 14, 2022 through Sunday, July 17, 2022 during the Ramsey County Fair.

Resolution 22-05-2079

**CITY APPROVAL TO CONDUCT OFF-SITE GABLING WITHIN CITY LIMITS
WHITE BEAR AVENUE BUSINESS ASSOCIATION**

WHEREAS, White Bear Avenue Business Association has submitted an Application to Conduct Off-Site Gambling at the Ramsey County Fair Grounds, 2020 White Bear Avenue in Maplewood, MN 55109; and

WHEREAS, the off-site gambling will take place during the Ramsey County Fair on Thursday, July 14, 2022 through Sunday, July 17, 2022.

BE IT HEREBY RESOLVED, by the City Council of Maplewood, Minnesota, that Application to Conduct Off-Site Gambling is approved for White Bear Avenue Business Association during the date stated above.

FURTHERMORE, that the Maplewood City Council requests that the Gambling Control Board approve said permit application as being in compliance with Minnesota Statute

§349.213.

NOW, THEREFORE, be it further resolved that this Resolution by the City Council of Maplewood, Minnesota, be forwarded to the Gambling Control Board for their approval.

Seconded by Councilmember Knutson

Ayes – All

The motion passed.

6. Resolution Directing Modification of Existing Construction Contract, Change Order, No. 29, 42, 43, 44 and No. 45, North Fire Station Construction Project

Councilmember Cave moved to approve the resolution Directing Modification of the Existing Construction Contract, Change Order No. 29, 42, 43, 44 and Change Order No. 45, North Fire Station Construction Project and authorize the Mayor and City Manager to sign Change Order No. 29, 42, 43, 44 and Change Order No. 45.

Resolution 22-05-2080

**DIRECTING MODIFICATION OF EXISTING CONSTRUCTION CONTRACT,
NORTH FIRE STATION CONSTRUCTION PROJECT, CHANGE ORDER
NO. 29, 42, 43, 44, AND CHANGE ORDER NO. 45**

WHEREAS, the City Council of Maplewood, Minnesota has heretofore ordered the construction of the North Fire Station, and has approved construction contracts related to the project.

WHEREAS, it is now necessary and expedient that said contract be modified and designated as North Fire Station Construction Project, Change Order No. 29, 42, 43, 44 and Change Order No. 45.

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

1. The Mayor, City Manager, and Fire and EMS Chief are hereby authorized and directed to modify the existing contract by executing said Change Order No. 29 which will increase the project amount by \$17,299.

The revised contract amount for Work Scope 23-A, General Sheet Metal Company, LLC., is \$1,035,968.

2. The Mayor, City Manager, and Fire and EMS Chief are hereby authorized and directed to modify the existing contract by executing said Change Order No. 42 which will increase the project amount by \$17,184.98.

The revised contract amount for Work Scope 23-A, General Sheet Metal Company, LLC., is \$1,053,152.98.

3. The Mayor, City Manager, and Fire and EMS Chief are hereby authorized and directed to modify the existing contract by executing said Change Order No. 43 which will increase the project amount by \$8,261.

b. 2022 Collective Bargaining Agreement with AFSCME

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

Mayor Abrams moved to close the meeting and go into a closed session to consider labor negotiations strategies and review of labor negotiations proposals, Pursuant to Minn. Stat. Section 13D.03, Subd. 1(b).

Seconded by Councilmember Juenemann Ayes – All

The motion passed.

Mayor Abrams closed the meeting at 8:39 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 City Attorney Ketchum.

Mayor Abrams called the meeting back to order at 8:50 p.m.

Mayor Abrams moved to deny the 2022 Collective Bargaining Agreement between the City of Maplewood and AFSCME.

Seconded by Councilmember Knutson Ayes – All

The motion passed.

J. NEW BUSINESS

- 1. Maplewood Assisted Living, 1744 County Road D East**
 - a. Conditional Use Permit Resolution for a PUD Amendment**
 - b. Design Review Resolution**

Community Development Director Thomson gave the staff report. Ken Rivera, with Rivera Architects, addressed council and answered questions. Geoff Benedict, on behalf of Vanguard Construction Company, addressed council and provided further information.

Councilmember Knutson moved to approve a conditional use permit resolution for a PUD amendment for the property located at 1744 County Road D East, subject to certain conditions of approval.

Resolution 22-05-2081

CONDITIONAL USE PERMIT RESOLUTION FOR A PUD AMENDMENT

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

Section 1. Background.

- 1.01 MX Real Estate, LLC has requested approval of an amendment to an existing Conditional Use Permit that governs the Planned Unit Development (PUD) for the property.

1.02 The property is located at 1744 County Road D east and is legally described as:
Lot 3, Block 2, Legacy Village of Maplewood, Ramsey County
PIN: 032922110005

1.03 City Ordinance Section 44 – 1092 (6) requires a Conditional Use Permit for
Planned Unit Developments

Section 2. Standards.

2.01 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 request.

1. On March 15, 2022, 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 May 9, 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. The use is allowed as long as the provisions of the BC zoning district and conditions outlined here are met.
2. The building(s) on the site shall be set back as shown on the site plan approved by the city council, approximately 32.9 feet, from the north lot line.
3. A comprehensive sign plan is approved. The applicant shall submit a sign permit to be reviewed and approved by staff. One criterion to be established, however, is that pylon signs shall not be allowed. Monument signs may be allowed, but shall not exceed 12 feet in height. The base of the monument sign must be landscaped.
4. The architectural character and exterior building materials must be in keeping with the adjacent townhomes and other buildings if present.
5. Access to the site shall be from the side streets.
6. All ground-mounted and roof-mounted mechanical equipment shall be screened according to the ordinance.
7. Overstory trees must be planted along the south side of the extension of Street B (Village Trail) at an average of 30 feet - 40 feet on center.
8. Adequate separation, buffering, and screening must be provided for the multi-family residential units from the front doors, parking areas, loading areas, and mechanical equipment of this building.
9. Parking stalls with a width of 9.5 feet are permitted for this site.
10. A parking waiver of 12 stalls is permitted. Applicant must maintain at least 28 parking stalls on site.

11. All construction shall follow the approved plans, date-stamped April 4, 2022. The director of community development may approve minor changes.
12. The proposed construction must be substantially started within one year of council approval or the permit shall become null and void.
13. The city council shall review this permit in one year.
14. The applicant shall meet the conditions outlined in the design review resolution.

Seconded by Mayor Abrams

Ayes – Mayor Abrams
 Councilmember Cave
 Councilmember Knutson
 Councilmember Villavicencio
 Nay – Councilmember Juenemann

The motion passed.

Councilmember Knutson moved to approve a design review resolution for the construction of an assisted living facility located at 1744 County Road D East, subject to certain conditions of approval.

Resolution 22-05-2082
 DESIGN REVIEW RESOLUTION

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

Section 1. Background.

1.03 MX Real Estate, LLC has requested design review approval to construct an assisted living facility on the property.

1.04 The property is located at 1744 County Road D East and is legally described as: Lot 3, Block 2, Legacy Village of Maplewood, Ramsey County
 PIN: 032922110005

1.05 On March 15, 2022, the community design review board reviewed this request. The board tabled this request to April 19, 2022, and requested additional information from the applicant.

1.06 On April 19, 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 was incorporated by reference into this resolution. The community design review board voted unanimously to approve the request.

Section 2. Standards.

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 are in keeping with the character of the surrounding neighborhood and are 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. Findings.

3.01 The proposal meets the specific findings for design review approval.

Section 4. City Council

4.01 The City Council hereby approves the resolution. Approval is based on the findings outlined in section 3 of this resolution. Subject to staff approval, the site must be developed and maintained in substantial conformance with the site and design plans date-stamped April 4, 2022. Approval is subject to the following conditions:

1. Repeat this review again in two years, if the city has not issued a building permit.
2. The applicant shall meet the requirements set forth in the report by the Assistant City Engineer, Jon Jarosch, dated March 2, 2022.
3. Additional trees and shrubs shall be planted on the site. The applicant shall meet the requirements set forth in the report by the Environmental Planner, Shann Finwall, and the Natural Resources Coordinator, Carole Gernes, dated March 2, 2022. Before issuance of a grading permit or building permit the applicant must submit a revised landscape plan showing the following:
 - a. Trees: Addition of five trees for a total of 25 trees. The Legacy Village tree replacement required at least 10 trees per acre ($2.04 \times 10 = 20$) PLUS overstory trees planted along the streets at an average of 30 to

40 feet on center. City staff estimated approximately 1,000 linear feet of street frontage, requiring approximately 25 overstory trees along the streets. You are proposing 20 trees. The applicant should add five trees in the front yard. These trees could be smaller ornamental trees.

b. Update the landscape drawing and legend as follows:

- Number of trees on the drawing meets the number of trees in the legend. Currently, the drawing shows 21 trees, and the legend calls for 20 trees.
 - Landscape images for each differentiating tree and shrub species on the legend and their planting location on the drawing. Note: This will help the city review a previous comment regarding not planting long rows of one tree species. This is especially important now that the plan calls for red oak, which is susceptible to oak wilt disease. Oaks will fuse roots from oak to oak under the soil. This is one route in which oak wilt spreads, so oaks should not be planted next to each other. Prevention is the best method to stop the spread of tree diseases.
 - Infiltration Basins: Final details can be submitted after the watershed district's review. Keep in mind that the city's infiltration basin landscaping requirements might be more substantial than that of the watershed district for stormwater management.
4. Two (2) stop signs shall be installed on the property, at each exit of the parking lot.
 5. The applicant shall install a sidewalk along the south, east and west rights-of-way.
 6. All requirements of the Fire Code and Building Code must be achieved.
 7. The applicant shall obtain a license for the facility from the Minnesota Department of Health. A copy of the license must be provided to the city.
 8. All mechanical equipment and trash receptacles shall be screened from view of all nearby residential properties, per city ordinance standards.
 9. The applicant shall restore any public right-of-way, adjacent property or property irons disturbed by the construction.
 10. 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.
 11. 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.
12. 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.
13. All work shall follow the approved plans. City staff may approve minor changes.

Seconded by Mayor Abrams

Ayes – All

The motion passed.

K. AWARD OF BIDS

- 1. **McMenemy Street Improvements, City Project 21-02**
 - a. **Resolution Receiving Bids and Awarding Construction Contract**
 - b. **Resolution for No Parking on McMenemy Street between County Road B and Larpenteur Avenue**
 - c. **Use of Bolton and Menk, Inc. for Professional Services**

Public Works Director Love gave the staff report.

Councilmember Juenemann moved to approve the resolution receiving bids and awarding a construction contract for the McMenemy Street Improvements, City Project 21-02 to T.A.Schifsky and Sons, Inc. for the base bid only.

Resolution 22-05-2083

RECEIVING BIDS AND AWARDING CONSTRUCTION CONTRACT

WHEREAS, pursuant to resolution passed by the City Council on March 14, 2022, approving plans and specifications and advertising for bids for the McMenemy Street Improvements, City Project 21-02, and

WHEREAS, the plans and specifications were advertised for bids pursuant to Minnesota Statutes, Chapter 429, and

WHEREAS, bids were received and opened on April 28, 2022 at 10:00 A.M.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MAPLEWOOD, that no on-street parking will be allowed on McMenemy Street between County Road B and Larpenteur Avenue, except along the west-side of McMenemy Street lying between Larpenteur Avenue and a point 275 feet north of Larpenteur Avenue.

Seconded by Councilmember Villavicencio Ayes – All

The motion passed.

Councilmember Knutson 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 Juenemann Ayes – All

The motion passed.

L. ADJOURNMENT

Mayor Abrams adjourned the meeting at 9:14 p.m.

