



Approved: October 28, 2019

**CITY OF ARDEN HILLS, MINNESOTA
REGULAR CITY COUNCIL MEETING
SEPTEMBER 23, 2019
7:00 P.M. - ARDEN HILLS CITY COUNCIL CHAMBERS**

CALL TO ORDER/ROLL CALL

Pursuant to due call and notice thereof, Mayor David Grant called to order the regular City Council meeting at 7:00 p.m.

Present: Mayor David Grant, Councilmembers Brenda Holden, Fran Holmes, Dave McClung and Steve Scott

Absent: None

Also present: City Administrator Dave Perrault; Interim Public Works Director/City Engineer Todd Blomstrom; Finance Director Gayle Bauman; Community Development Manager/City Planner Mike Mroska; City Attorney Joel Jannik; and City Clerk Julie Hanson

PLEDGE OF ALLEGIANCE

1. APPROVAL OF AGENDA

Mayor Grant requested Item 4A be postponed until Senator Jason Isaacson arrives at the meeting.

Councilmember Holmes requested Items 7H and 7J be pulled from the Consent Agenda for further discussion as Items 8A and 8B.

MOTION: **Councilmember Holden moved and Councilmember Holmes seconded a motion to approve the meeting agenda as amended. The motion carried unanimously (5-0).**

2. PUBLIC INQUIRIES/INFORMATIONAL

Jim Quitter, 4615 Prior Avenue North, thanked the Council and staff for resolving the City newsletter issue. He noted he received his first newsletter last week. He then commented on his polling location for Precinct 3, which occurs at the Ramsey County Public Works Facility. He

stated he believed this was a very unfriendly location given the poor access to the building. He encouraged the Council to consider relocating this polling location.

Mayor Grant directed staff to review his concerns with the County.

Steve Gericke, 1840 County Road E, thanked the Council for addressing the junk on the property adjacent to his property. He also noted concerns with the Ramsey County Sheriff and access to Presbyterian Homes.

Gregg Larson, 3377 North Snelling Avenue, noted that the City could not produce a record or minutes regarding changing language in the public inquiry section of the Council agenda. Mr. Larson further commented on the investments thus far in the TCAAP project and that the City is now in litigation with Ramsey County.

Mayor Grant recessed the Council meeting at this time. The City Council meeting was recessed at 7:14 p.m.

Mayor Grant reconvened the City Council meeting at 7:19 p.m.

3. RESPONSE TO PUBLIC INQUIRIES

None.

5. STAFF COMMENTS

A. Rice Creek Commons (TCAAP) and Joint Development Authority (JDA) Update

City Administrator Perrault provided an update on TCAAP stating litigation with Ramsey County was ongoing.

B. Transportation Update

Interim Public Works Director/City Engineer Blomstrom updated the Council on the Colleen Avenue drainage improvement project.

Interim Public Works Director/City Engineer Blomstrom discussed the work being completed on Indian Oaks and Indian Trail within the 2018 PMP project. It was noted final paving work was being completed.

Interim Public Works Director/City Engineer Blomstrom explained final work was being completed at Royal Hills Park and on Cummings Tennis Courts.

Councilmember Holmes requested staff provide the Council with an update on the proposed closure of Hamline Avenue at Snelling Avenue at a future meeting.

Councilmember Holden suggested MnDOT attend a future worksession meeting to discuss this intersection in further detail with the Council.

6. APPROVAL OF MINUTES

- A. August 12, 2019, Special City Council Work Session
- B. August 19, 2019, City Council Work Session
- C. August 26, 2019, Special City Council Executive Session (Closed)
- D. August 26, 2019, Regular City Council

MOTION: Councilmember Holmes moved and Councilmember McClung seconded a motion to approve the August 12, 2019, Special City Council Work Session meeting minutes, August 19, 2019, City Council Work Session meeting minutes, August 26, 2019, Special City Council Executive Session (Closed) meeting minutes; and August 26, 2019, Regular City Council meeting minutes as presented. The motion carried unanimously (5-0).

7. CONSENT CALENDAR

- A. Motion to Approve Consent Agenda Item - Claims and Payroll
- B. Motion to Approve Conveyance of City's Interest in 1999 Easement Machine to City of White Bear Lake
- C. Motion to Approve Agreement Terminating Century Link Franchise Agreement
- D. Motion to Approve Appointment of Public Works Maintenance Worker
- E. Motion to Approve North Suburban Access Corporation Professional and Technical Services Agreement
- F. Motion to Authorize Posting for Public Works Office Support Specialist
- G. Motion to Approve Resolution 2019-032 Appointing Jill Anderson and Marie Hinton to the PTRC
- ~~H. Motion to Approve WSB Scope and Cost Estimate for Lake Valentine Roadway Improvement Recommendation Study~~
- I. Motion to Approve Mounds View High School Development Agreement
- ~~J. Motion to Approve Public Notification Process for Planning Land Use Application Policy~~
- K. Motion to Approve Payment No. 9 and Change Order No. 7 – Northwest Asphalt, Inc. – 2018 Street and Utility Improvement Project
- L. Motion to Approve Payment No. 5 (Final) – Sunram Construction, Inc. – Johanna Marsh Park Improvements
- M. Motion to Approve Change Order No. 1 – Pember Companies – Colleen Avenue Storm Drainage Improvements
- N. Motion to Approve Change Order Nos. 1, 2, 3 and 4 – Trunk Highway 10 Watermain Improvements Project
- O. Motion to Approve Proposal for Geotechnical Services – Northern Technologies, LLC – Old Snelling Avenue and County Road E Improvement Project
- P. Motion to Approve Payment No. 3 and Change Order No. 2 – VEIT & Company – Old Snelling Bridge Replacement Project
- Q. Motion to Approve Resolution 2019-031, Approving a Grant Agreement with the Met Council for Sanitary Sewer Lining Project

MOTION: Councilmember Holden moved and Councilmember Holmes seconded a motion to approve the Consent Calendar as amended removing Items 7H and 7J and to authorize execution of all necessary documents contained therein. The motion carried unanimously (5-0).

8. PULLED CONSENT ITEMS

A. Motion to Approve WSB Scope and Cost Estimate for Lake Valentine Roadway Improvement Recommendation Study

Councilmember Holmes believed the proposal was not as comprehensive as it should be for the work to be completed. She supported data being collected for the school speed zone and traffic numbers, but recommended more focus be placed on how pedestrian traffic will impact this area. She recommended the Council hold a meeting with staff and the engineers prior to the study being completed.

Community Development Manager/City Planner Mroska explained staff has been working closely with the school district. He noted staff would be meeting onsite with school staff on Tuesday, September 24 to discuss evening traffic, lighting and pedestrian concerns. He indicated staff has also been working closely with WSB on this proposal.

Interim Public Works Director/City Engineer Blomstrom explained WSB was aware of the pedestrian concerns for this project. He agreed this may not be reflected in the words within the proposal scope for services but noted WSB was extremely aware of the need to coordinate pedestrian safety. He explained WSB could be involved in additional engagement meetings if this was the desire of the Council, but noted Shawn Delmore, the lead engineer, has been in communication with the school.

Councilmember Holmes stated she would like to see a meeting held between WSB, staff and the City Council to review potential concepts prior to this item moving forward. She understood the bridge idea was not popular, but she believed this was the safest solution. She explained she would like to see this option further vetted. She expressed concern with the fact the proposal did not better explain how the pedestrian issues would be addressed.

Councilmember Holden commented the Council had vetted a bridge concept with school representatives and there were concerns with the overall cost and expense for future maintenance.

Community Development Manager/City Planner Mroska reported this was the case noting the grade of the road would also make a pedestrian bridge extremely difficult to install. He stated a light or hawk system would be considered through the proposed study. He indicated the study would provide the City with 20-year projections on traffic volumes.

Interim Public Works Director/City Engineer Blomstrom commented the City could request an additional meeting with WSB between the data collection period and the concept development stage.

Councilmember Holmes stated she did not believe a 2040 traffic study was necessary. She wanted to see the traffic concerns present today had to be addressed here and now. She believed only a 10-year traffic study should be completed.

Interim Public Works Director/City Engineer Blomstrom anticipated the traffic growth rate would not be significant. He commented this would not add a huge amount of work on to the scope of services for the consultant.

Councilmember Holmes reported she would like to see the Council hold a meeting with the WSB consultants after data collection was complete in order to discuss preliminary concepts. She supported a public meeting being held as well.

Mayor Grant indicated he could support another meeting being held.

MOTION: **Councilmember McClung moved and Mayor Grant seconded a motion to approve a Professional Services Agreement with WSB for the preparation and completion of the Lake Valentine Roadway Improvement Recommendation Study in an amount not to exceed \$40,054, directing staff to schedule a worksession meeting with WSB after data collection was complete. The motion carried (5-0).**

4. PUBLIC PRESENTATIONS

A. Legislative Update

Senator Jason Isaacson thanked the Council for their time. He provided the Council with an update on the upcoming legislative session. He stated there were urgent matters that would have to be addressed such as insulin, transportation funding, social services, and LGA funding. He commented on the bills he would be sponsoring regarding school counselors and mental health.

Councilmember Holden questioned if the State would be addressing e-cigarettes and tobacco use.

Senator Isaacson stated he would have aggressive tobacco legislation coming forward. He thanked his cities for working to address this issue at a local level. He commented he would work to ban flavored vaping products in Minnesota. In addition, he wanted to have all tobacco products sold only at tobacco shops or bars. He discussed the amount of money that was spent on a yearly basis to address tobacco related illnesses in the State of Minnesota.

Mayor Grant questioned what would occur around transportation in the upcoming legislative session.

Senator Isaacson reported he would be working towards a pretty significant increase in transit for this area. He stated there were several Fortune 500 companies within 10 miles of this location and all were asking for more transit options. He commented further on how it would be difficult to bring both sides of the political spectrum together to accomplish much transportation-wise.

Councilmember McClung asked if there would be a way to bring both sides together for the benefit of the residents.

Senator Isaacson commented on the positive things that occurred with the budget in 2019. He indicated there would continue to be a struggle to bring both sides together but he anticipated this would happen for issues such as insulin.

Councilmember Holden requested further information regarding long-term care.

Senator Isaacson stated he serves on the Health Committee and understood this was a crisis in the State, for both the elderly and those living with disabilities. He explained some nursing homes or homes for those living with disabilities were understaffed. He indicated he has been pushing for rate increases.

Mayor Grant questioned what the State would be discussing surrounding education in 2020.

Senator Isaacson commented the Education Policy Committee was eliminated. In addition, the size of the Finance Committee was reduced. He discussed how this shifted representation and the bills that were being heard. He believed there would not be cuts when it comes to education.

Councilmember Scott asked why the State of Minnesota was so delayed in approving the Real ID.

Senator Isaacson explained this was a complicated issue and legislators were afraid of immigrant licenses.

Councilmember McClung inquired if the State of Minnesota would be discussing marijuana in the coming legislative session.

Senator Isaacson indicated he did not believe this would be coming forward for approval in 2020. He stated if this were to come forward, he would want to see it properly taxed to ensure funding was being set aside for recovery and mental health issues.

Councilmember Holden thanked Senator Isaacson for assistance with the recent bonding issue.

Mayor Grant thanked Senator Isaacson for his update and for his representation of the City of Arden Hills. He presented Senator Isaacson with a Certificate of Appreciation for his efforts. A round of applause was offered by all in attendance.

8. PULLED CONSENT ITEMS

B. Motion to Approve Public Notification Process for Planning Land Use Application Policy

Councilmember Holmes stated part of this policy was for neighborhood meetings, along with how the City Council and Planning Commission would address Land Use Applications. She reviewed the proposed notification limits and stated she would like all requests to be 1,000 feet.

Community Development Manager/City Planner Mrosła explained the 350 to 500 feet notification radius for neighborhood meetings was being proposed to allow staff to gain input from the people who were being directly impacted. He stated if the Council wanted to discuss this matter further it could be brought back to a future worksession meeting.

Councilmember Holmes restated that she would like to see the notification radius for all City meetings and neighborhood meetings be 1,000 feet.

Councilmember McClung supported this recommendation. He commented he could support a 500-foot notification for Land Use Applications that do not require a Public Hearing.

Councilmember Scott asked that all Councilmembers be invited to neighborhood meetings in the future.

Mayor Grant stated he supported meeting notifications still being sent via US Mail.

MOTION: **Councilmember McClung moved and Councilmember Holmes seconded a motion to approve the revised Land Use Application Public Notification Policy to include neighborhood meetings, with the following amendments to Page 2 under Planning Commission and City Council Land Use Application public notification procedures under Item 1 changing 350 to 500 feet and for Items 2 and 3 changing the distance to 1,000 feet. The motion carried (5-0).**

9. PUBLIC HEARINGS

A. Quarterly Special Assessments for Delinquent Utilities

Finance Director Bauman stated water customers whose accounts are 90 days past due were informed that the City intends to certify delinquent charges to Ramsey County to be collected with property taxes. These customers have the right to a hearing in front of the City Council to discuss this matter prior to certification.

Mayor Grant opened the public hearing at 8:24 p.m.

With no one coming forward to speak, Mayor Grant closed the public hearing at 8:25 p.m.

B. Accelerated Abatement of Nuisance Property at 1870 Glenpaul Avenue

Community Development Manager/City Planner Mrosła stated due to a complaint, staff inspected 1870 Glenpaul Avenue on August 15, 2019. Staff noted excessive vegetation growth and the accumulation of tree branches and debris. At that time staff determined the property was in violation of the following subsections of City Code Section 602.02 Public Nuisance Affecting Health:

- Subd. 6. All noxious weeds and other growths of vegetation upon public or private property in excess of eight (8) inches.
- Subd. 9. Accumulation of manure, tree branches, cut trees, grass clippings, bottles, rubbish, trash, refuse, junk and other abandoned materials, metals including aluminum or tin cans, or lumber

Community Development Manager/City Planner Mrosła reviewed the actions that have been taken by staff and requested the Council hold a Public Hearing regarding the matter.

Councilmember Holden asked if this was a rental property.

Community Development Manager/City Planner Mrosła explained this property appeared to be vacant and staff was working to locate the property owner.

Mayor Grant opened the public hearing at 8:28 p.m.

With no one coming forward to speak, Mayor Grant closed the public hearing at 8:29 p.m.

C. Amendment of Chapter 12, Sign Code, Sections 1201, 1230 and 1240 of the Arden Hills City Code – Planning Case 19-008

Community Development Manager/City Planner Mrosła stated Expedite The Diehl has submitted an application for a Sign Code Text Amendment on behalf of McDonalds. The Applicant is requesting a Sign Code Text Amendment that would allow for dynamic display menu board signs at drive-through facilities.

Community Development Manager/City Planner Mrosła reported over the last few years drive-through facilities have moved away from the traditional changeable copy drive-through menu boards to dynamic displays. Dynamic display signs are becoming the preferred method of internal and exterior menu boards. All of the existing drive-through menu boards in the community consist of changeable paper copies and are backlit by traditional bulbs. In the past staff has utilized free standing sign requirements or designated the signs as incidental signs. An incidental sign is any sign that is generally not understandable or readable from the property other than where the sign is located, such as from an adjacent property or a public street. Upon review, the majority of existing drive-through menu board signs were approved as incidental signs and were not evaluated as they were located out of view. The proposed amendment would require staff to review menu boards.

Mayor Grant opened the public hearing at 8:34 p.m.

Tracy Diehl, Expedite The Diehl, thanked staff for their assistance with the proposed Sign Code Amendment.

Councilmember Holmes commented the original plan was to have the signs change twice a day, but noted this was increased to five times a day. She asked if this number should be eliminated altogether.

Ms. Diehl recommended the limit remain at five times per day as this could open the City up to dynamic display signs that were fully animated elsewhere in the city.

Mayor Grant closed the public hearing at 8:38 p.m.

10. NEW BUSINESS

A. Resolution 2019-027 Adopting and Confirming Quarterly Special Assessments for Delinquent Utilities

Finance Director Bauman stated delinquent utility amounts are certified to Ramsey County quarterly. A list of utility accounts with a delinquent balance was compiled and notices were mailed. The City will request that Ramsey County levy the delinquent balances against the respective properties.

MOTION: **Councilmember McClung moved and Councilmember Holmes seconded a motion to adopt Resolution #2019-027 – Adopting and Confirming Quarterly Special Assessments for Delinquent Utilities. The motion carried (5-0).**

B. Resolution 2019-028 Approving and Accelerated Abatement of Nuisance Property at 1870 Glenpaul Avenue

Community Development Manager/City Planner Mrosla stated due to a complaint, staff inspected 1870 Glenpaul Avenue on August 15, 2019. Staff noted excessive vegetation growth, garbage, and the accumulation of tree branches, and determined the property was in violation of the following subsections of City Code Section 602.02 Public Nuisance Affecting Health:

- Subd. 6. All noxious weeds and other growths of vegetation upon public or private property in excess of eight (8) inches.
- Subd. 9. Accumulation of manure, tree branches, cut trees, grass clippings, bottles, rubbish, trash, refuse, junk and other abandoned materials, metals including aluminum or tin cans, or lumber

Community Development Manager/City Planner Mrosla indicated following the initial inspection, staff sent a letter to the property owner requesting they correct the issues by August 22, 2019. A follow-up inspection on August 22, 2019 revealed the violations had not been corrected. Staff reported in accordance with the City's accelerated abatement procedures in Section 602.07 of the City Code, a letter was mailed to the property owner on August 22, 2018. Based on the accelerated abatement procedures, the property owner was given until August 30th to abate the nuisance. A follow-up inspection on September 4th showed that no action has been taken.

Community Development Manager/City Planner Mrosla stated due to the reoccurring nature of these types of violations, staff is requesting the City Council issue an order for abatement of the property and to continue the abatement order for a two-year period. The two-year period would expire on September 23rd, 2021. The property owner has seven days from the Council's order to complete the work before the City can have the work completed.

MOTION: Councilmember Holmes moved and Councilmember McClung seconded a motion to adopt Resolution #2019-028 ordering accelerated nuisance abatement at 1870 Glenpaul Avenue for excessive vegetation growth and debris not in compliance with City regulations. The motion carried (5-0).

- C. **Ordinance 2019-007 Amending Chapter 12, Sign Code, Sections 1210, 1230 and 1240 of the Arden Hills City Code and Authorize Publication of Summary Ordinance**

Community Development Manager/City Planner Mroska stated Expedite The Diehl has submitted an application for a sign code text amendment on behalf of McDonalds. The Applicant is requesting a sign code text amendment that would allow for dynamic display menu board signs at drive-through facilities. Over the last few years drive through facilities have move away from the traditional changeable copy drive-through menu boards to dynamic displays. Dynamic display signs are becoming the preferred method of internal and exterior menu boards. All of the existing drive-through menu boards in the community consist of changeable paper copies and are backlit by traditional bulbs. In the past staff has utilized free standing sign requirements or designated the signs as incidental sign. An incidental sign is any sign that is generally not understandable or readable from property other than where the sign is located, such as from adjacent property or a public street. Upon review the majority of existing drive-through menu board signs were approved as incidental signs and were not evaluated as they were located out of view. Staff commented further on the request and reported the Planning Commission recommended approval of the City Code Amendment.

MOTION: Councilmember McClung moved and Councilmember Holden seconded a motion to recommend approval of Planning Case 19-008 for proposed amendments to Chapter 12 – Sign Code, adding a definition for Menu Board Signs, and excluding dynamic displays menu boards from prohibit signs, and adding Section 1240.04 Menu Board Signs requirements, as presented in the September 4, 2019 Report to the Planning Commission, authorizing staff to publish the Ordinance summary.

Councilmember Holmes asked if dynamic display menu board signs would be allowed at gas stations.

Community Development Manager/City Planner Mroska stated this would not be allowed. He reported this Ordinance would mainly affect fast-food restaurants or coffee shops in Arden Hills.

The motion carried (5-0).

- D. **Set Preliminary Levy and Establish Truth-In-Taxation Public Hearing Date for Proposed Taxes Payable in 2020 – Resolution 2019-029 – Preliminary Levy – Resolution 2019-030 – TNT Publication Hearing Date**

Finance Director Bauman stated State law requires that cities certify their proposed property tax levies to the county auditor by September 30. The proposed tax levy that is given preliminary approval may be lowered but cannot be increased. Therefore, it is important that the proposed tax

levy provides adequate revenues to finance the 2020 Budget. The City Council needs to decide the maximum levy that it is willing to approve and then adopt the attached resolution. The final levy will be set in December 2019.

Finance Director Bauman reported a budget workshop was held with the Council on August 19, 2019. Information provided at that workshop is attached. Staff was not directed to make any changes to the proposed 2020 General Fund Budget at this time. There will be another budget workshop in either October or November, prior to the final levy and budget adoption meeting in December. She reviewed the proposed tax levy in comparison to other communities in Ramsey County and noted Arden Hills was on the low end. Staff discussed how the proposed levy would impact the median value homeowner and recommended approval.

Councilmember Holden questioned why the police contract with the Sheriff's Office and the Fire Department's contract were slated to increase by so much.

Finance Director Bauman explained the police contract would be increasing by 7.7% due to the addition of another investigator along with body worn cameras and an increase in the County garage rate. She stated the fire contract was expected to increase by 8.2% due to an increase in evening/weekend shifts in preparation of staffing a third station, along with an increase in compensation and training costs.

Councilmember McClung reported the Fire Chief had also written into the budget proper maintenance funds for fire equipment. In addition, he noted fire calls were going up by 5% each year, which increased expenses. He noted the staffing model for the fire department was being increased on evenings and weekends in preparation of manning a third fire station.

Mayor Grant explained the City of Arden Hills has always had a strong commitment to its police, fire and public safety. He requested further comment on the City's tax rate.

Finance Director Bauman discussed the City's tax rate in further detail with the Council.

MOTION: Councilmember Holden moved and Councilmember Holmes seconded a motion to adopt Resolution #2019-029 setting the Preliminary Levy at 5% for Taxes Payable in 2020. The motion carried (5-0).

MOTION: Councilmember Holden moved and Councilmember Holmes seconded a motion to adopt Resolution #2019-030 adopting Truth In Taxation Public Hearing Date for Proposed Taxes Payable in 2020 as Monday, December 9, 2019. The motion carried (5-0).

11. UNFINISHED BUSINESS

None.

12. COUNCIL COMMENTS

Councilmember Scott stated on Saturday, September 14 he attended a family day at the 407th Community Affairs Battalion in Arden Hills. He reported 200 soldiers and their families gathered for this event.

Councilmember Scott reported on Friday, September 20 more than 800 soldiers from the 34th Expeditionary Combat Aviation Brigade in St. Paul, the 147th Helicopter Assault Battalion in St. Paul and the 834th Aviation Support Battalion in Arden Hills had a large deployment ceremony. He noted 89% of the soldiers in these battalions were being deployed overseas.

Councilmember McClung commented the first week in October was fire prevention week. He noted the Lake Johanna Fire Department would be holding an Open House at Fire Station 3 on Saturday, October 5 from 11:00 a.m. to 2:00 p.m.

Councilmember Holmes stated she was concerned with the fact the Council was only holding one meeting a month. She believed this agenda was overloaded. She supported the Council holding two meetings a month.

Councilmember Holmes indicated she was dismayed by the Parks and Recreation numbers as fees were not covering expenses. She reported the Council had to further address this matter.

Councilmember Holden asked why the City was charged for two speed limit signs in association with the Highway 10 project.

Interim Public Works Director/City Engineer Blomstrom reported these signs were installed along the frontage road.

Councilmember Holden questioned if the tennis courts could be crack sealed yet this year.

Interim Public Works Director/City Engineer Blomstrom stated he had been discussing this project with the Public Works Superintendent to have this work programmed into his rotation.

Councilmember Holden indicated she did not want the City to be spending more money on a lawsuit and perhaps the Council should consider suspending Public Comment altogether.

Mayor Grant stated he did not want to see one resident ruin Public Comment for all residents in Arden Hills.

Mayor Grant commented he did a ride along with the Ramsey County Sheriff's Office last week.

Mayor Grant encouraged residents to contact City Councilmembers or himself with any comments or concerns regarding an item in litigation. He reported the Council was not able to make a comment regarding these matters but were always willing to listen.

Mayor Grant commented the October 14 Council meeting may be canceled given the fact only three Councilmembers could be in attendance and there were no matters for the Council to address except claims and payroll.

ADJOURN

MOTION: Councilmember Holden moved and Councilmember McClung seconded a motion to adjourn. The motion carried unanimously (5-0).

Mayor Grant adjourned the Regular City Council Meeting at 9:19 p.m.

Julie Hanson
City Clerk

David Grant
Mayor