

DRAFT



Approved: May 23, 2022

**CITY OF ARDEN HILLS, MINNESOTA
REGULAR CITY COUNCIL MEETING
APRIL 25, 2022
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 (arrived at 7:03 p.m.), Steve Scott and David Radziej (arrived at 7:04 p.m.)

Absent: None

Also present: City Administrator Dave Perrault; Public Works Director/City Engineer David Swearingen; City Planner Jessica Jagoe; Finance Director Gayle Bauman; and City Attorney Joel Jamnik

PLEDGE OF ALLEGIANCE

1. APPROVAL OF AGENDA

MOTION: Councilmember Holden moved and Councilmember Scott seconded a motion to approve the meeting agenda as presented. The motion carried (3-0).

2. PUBLIC INQUIRIES/INFORMATIONAL

Chris Hughes, 3515 Snelling Avenue North, reported he was a member of One and All Arden Hills. He invited the Council to check out their website. He asked what the City's plan was for affordable housing and questioned if it was in alignment with the Met Council's plan for the City.

3. RESPONSE TO PUBLIC INQUIRIES

A. Public Inquiry Response from April 11, 2022 City Council Meeting.

City Administrator Perrault provided the Council with a response from the inquiry made at the April 11, 2022 City Council Meeting. He reported the City continues to work with past and future developers on affordable housing opportunities. He explained the quote that was brought up by a

resident could not be sourced and it should be noted the context of the quote could not be determined.

4. PUBLIC PRESENTATIONS

- A. Proclamation Recognizing May 15-21, 2022 as National Public Works Week

Mayor Grant read a proclamation in full for the record declaring May 15 through May 21, 2022 to be National Public Works Week in the City of Arden Hills.

5. STAFF COMMENTS

- A. Transportation Update

Public Works Director Swearingen reported the road construction season was underway. He explained MNDOT began their cable median barrier project along TH51 from County Road C to I-694.

Public Works Director Swearingen stated Ramsey County was beginning work on Lexington Avenue from I-694 to County Road E. He indicated there would be significant traffic changes throughout the phases of this project. He encouraged residents to visit Ramsey County's website to learn more about this project.

Public Works Director Swearingen explained the City Hall parking lot improvements would begin on May 2, 2022. He reported the parking lot would remain open to the public throughout the duration of the project.

Councilmember Holden expressed concern with how the businesses along Lexington Avenue would be impacted if there were road and lane closures this summer.

Councilmember Holmes reported residents would have trouble getting around this summer due to the fact Snelling Avenue and Lexington Avenue would be under construction. She suggested Public Works staff speak to the State to see if the Snelling Avenue project could be delayed one year.

Councilmember Radziej anticipated the State had already bid this project and had contractors in place to do the work along the Snelling Avenue barriers.

Councilmember Holmes commented this was probably the case and suggested staff not reach out to the State.

Mayor Grant requested staff reach out to the State and ask how long the barrier project was going to take.

Public Works Director Swearingen stated he would reach out to the State and would report back to the Council.

6. APPROVAL OF MINUTES

- A. April 11, 2022, Regular City Council

Councilmember Holmes noted she spoke with staff regarding a minor correction to the minutes on Page 4.

MOTION: **Councilmember Holmes moved and Councilmember Scott seconded a motion to approve the April 11, 2022, Regular City Council meeting minutes as amended. The motion carried (5-0).**

7. CONSENT CALENDAR

- A. Motion to Approve Consent Agenda Item - Claims and Payroll
- B. Motion to Approve First Quarter Financials
- C. Motion to Approve 2023 Budget Calendar
- D. Motion to Approve Impound Services Agreement with Animal Humane Society
- E. Motion to Authorize City Staff to Begin Summer Work Hours Beginning Tuesday, May 31, 2022 and Concluding on Friday, September 2, 2022
- F. Motion to Approve Resolution 2022-021 Accepting Donation from Arden Hills Foundation (Floral Park Bench)
- G. Motion to Approve Resolution 2022-022 Appointing Kerri Seemann to the PTRC
- H. Motion to Approve 2021 State of Minnesota Institution Community Work Crew (ICWC) Program Contract
- I. Motion to Approve Sewer Line Ownership, Operation and Maintenance Agreement with the City of Mounds View and Ramsey County (TCAAP)
- J. Motion to Approve Resolution 2022-027 Accepting Donation from Arden Hills Foundation (Plaque)
- K. Motion to Approve Appointment of City Representative to Lake Johanna Fire Department Headquarters JPA
- L. Motion to Approve Resolution 2022-028 Affirming Allocation of American Rescue Plan Act (ARPA) Revenues for Water Infrastructure on 2021 PMP Street and Utility Improvement Project

MOTION: **Councilmember Scott moved and Councilmember Holden seconded a motion to approve the Consent Calendar as presented and to authorize execution of all necessary documents contained therein. The motion carried (5-0).**

8. PULLED CONSENT ITEMS

None.

9. PUBLIC HEARINGS

- A. **Arden Oaks Street Improvement Project Draft Special Assessments**

Public Works Director/City Engineer Swearingen stated on February 14, 2022, the City Council adopted Resolution 2022-005 Approving the Plans and Specifications and Ordering the Advertisement for Bids for the Arden Oaks Street Improvement Project located within the Arden Oaks residential neighborhood. Bids were solicited and opened on Wednesday, March 9, 2022. A portion of the costs for the Arden Oaks Street Improvement Project are proposed to be assessed against the benefitting properties according to the City's Assessment Policy. In order to assess these costs, the City must follow the process outlined in State Statute 429. On March 21, 2022, after the bids were opened, the City Council adopted Resolution 2022-013 Declaring Costs to be Assessed and set today as the date for the assessment hearing.

Public Works Director/City Engineer Swearingen explained a public hearing prior to adopting the assessments is a requirement of State Statute 429. The project is proposed to be assessed consistent with the City's Assessment Policy and past practices, which states that 50% of the costs for roadway improvements will be assessed in residential areas, with the remaining portion financed by City funds. Financing for the project is consistent with City policy and past practice. The project costs include 27% engineering and overhead costs.

Larry Poppler, TKDA, provided the Council with a short presentation on the Arden Oaks reclamation project and discussed the project costs. He reported the Council must establish the interest rate at tonight's Council Meeting. Many cities set their interest rate for assessments at two (2) percentage points over the bond interest rate. The City's assessment policy states that the interest rate used for the assessment shall be designated at the prime rate plus two (2) percentage points. For the 2021 PMP, the assessment interest rate was set at two (2) percentage points over the assumed bond interest rate which was based on current market conditions at the time, our AAA rating, plus 15 basis points. The result was an assessment interest rate of 3.15%. Our current assumed bond interest rate is 2.90% and the prime rate is 3.50%. Staff would recommend following the City's assessment policy and setting the assessment rate at 5.50%. The total project costs were analyzed for the assessable cost. The calculation of the amount to be assessed as approved by Council is as follows:

The assessments related to the project are calculated in accordance with the City's Assessment policy, is half of the street project cost for residential properties. The assessment rate is \$5,834.34 per unit as compared to the Engineer's estimate of \$6,131.10.

Mr. Poppler detailed the assessment payment options. He reported to date, no formal objections have been submitted in writing to City staff. Any written objection received prior to Monday evening will be provided to the City Council at the assessment hearing. As provided for in State Statute, no appeal may be taken as to the amount of any assessment adopted unless a written objection signed by the affected property owner is filed with the City at or prior to the assessment hearing. After the adoption of the assessment roll, property owners who have submitted an objection in writing have 30 days to serve notice of an appeal to the City, and within 10 days after serving notice to file with the District Court. He commented further on the project timeline and stated after speaking with the contractor he anticipated the project would be done in five or six weeks (weather permitting) once work begins.

Councilmember Holden asked if all of the issues regarding the cul-de-sac closest to Snelling Avenue had been addressed.

Mr. Poppler reported he believed the concerns had been addressed. He noted a meeting was held onsite and the design was further explained.

Councilmember Holden encouraged residents that would be hosting large events or graduation parties in the month of June or July to contact staff to ensure they have access the day of their event.

Further comment ensued regarding how the compaction of the base would improve the final product for these streets.

Mayor Grant requested further information regarding garbage collection and mailboxes.

Mr. Poppler reported mailboxes would not be removed unless a portion of curb was removed directly in front of a mailbox. He stated garbage collection and delivery drivers would continue as is throughout the duration of the project.

Mayor Grant opened the public hearing at 7:34 p.m.

With no one coming forward to speak, Mayor Grant closed the public hearing at 7:35 p.m.

B. Planning Case 22-006 – Vacation Easement – Scannell Properties

City Planner Jagoe stated the Applicant is requesting to vacate the existing drainage and ponding easement due to the installation of an underground stormwater retention system as approved within the development plans for this project. The Public Works Director has reviewed the proposed easement vacation and provided a memo in support of the vacation request. A request for a Vacation of Easement requires a public hearing before the City Council.

Mayor Grant opened the public hearing at 7:37 p.m.

With no one coming forward to speak, Mayor Grant closed the public hearing at 7:38 p.m.

C. Planning Case 22-003 – Conditional Use Permit – 1682 Wedgewood Circle

City Planner Jagoe stated 1682 Wedgewood Circle (“Subject Property”) is zoned R-3, Townhouse and Low Density Multiple Dwelling District, and is designated for Medium Density Residential Uses in the 2040 Comprehensive Land Use Plan. The Subject Property is the site of a single-family dwelling owned by Wendy Wei Wang. All surrounding parcels are also zoned R-3, Townhouse and Low Density Multiple Dwelling District, and designated for Medium Density Residential Uses in the 2040 Comprehensive Land Use Plan. Staff commented further on the Site Data, Plan Evaluation and offered the following findings of fact:

1. The subject property located at 1682 Wedgewood Circle is zoned R-3, Townhouse and Low Density Multiple Dwelling District and is designated for Medium Density Residential uses on the 2040 Comprehensive Plan.
2. A home occupation is allowed in residential zoning districts, but a Conditional Use Permit is required when there is the delivery of products.

3. The Applicant is the sole owner and operator of Crimsontech Industries, LLC, a business related to repair, maintenance, and restoration of firearms including online sales.
4. Crimsontech Industries, LLC is a Minnesota registered limited liability company that was opened on February 16, 2022.
5. All company business is conducted through an online portal and no customers will be visiting the subject property. There is no in-person interaction between the Applicant and business patrons.
6. The company requires only one delivery per day.
7. The company is a small scale operation and is solely owned and operated by the Applicant, CEO and Owner Richard Spicer.
8. Repair, maintenance, and restoration of the firearms is conducted entirely within the dwelling.
9. A public hearing for a Conditional Use Permit request is required before the request can be brought before the City Council.
10. The Planning Commission conducted a public hearing on April 6, 2022.

City Planner Jagoe recommended the Council hold the required public hearing for Planning Case 22-003 an application for a Conditional Use Permit to allow a Class II Accessory Home Occupation at 1682 Wedgewood Circle. The City Council will be asked to make a formal decision regarding the application under Agenda Item 10D.

Mayor Grant explained any one resident can come into the City and request a conditional use permit for a home occupation.

City Attorney Jamnik stated this was correct.

Mayor Grant indicated this was a unique business but as long as the applicant was meeting the conditions, it was not the place of the City Council to pass judgment on the business.

Councilmember Holden asked if Item 6, the number of deliveries to the property, had triggered the CUP request.

City Planner Jagoe stated this was the case. She noted home occupations were allowed to have up to one delivery per day. She encouraged the applicant to speak further to the items that are being delivered to the property.

Richard Spicer, 1682 Wedgewood Circle, discussed the items that could be sent through UPS and FedEx. He stated an FFL license holder could send firearms through UPS and FedEx to another FFL license holder.

Mayor Grant requested further information regarding Mr. Spicer's home business.

Mr. Spicer explained he repaired older firearms that were in need of repair and restoration. He indicated he had a YouTube channel where he showcased the work he did to restore and repair the older firearms and he then sold the firearms to gun brokers.

Councilmember Scott questioned if this property already had a Class 1 CUP.

City Planner Jagoe reported this was correct.

Councilmember Scott indicated the Class 2 requirement was triggered due to the number of deliveries the applicant was receiving.

City Planner Jagoe stated this was the case.

Councilmember Holmes inquired if staff had experience with this type of home occupation in any other city she has worked in.

City Planner Jagoe reported the last community she worked in had a similar home occupation that included the repair of firearms. She noted this home business required a CUP and to her knowledge there have not been any follow up complaints with the Ramsey County Sheriff's office.

Councilmember Holmes requested staff speak to the revocation process that would be followed if the applicant were to not follow the conditions listed by the City.

City Planner Jagoe discussed the process that would be followed to revoke the CUP.

Councilmember Holmes requested further information from the applicant regarding the security services he has in place at his home.

Mr. Spicer described the contracted security services he has on his home through ADT. He noted he has three motion activated cameras on his property. He reported he has had his security system in place for the past two years.

Councilmember Scott asked if Mr. Spicer were to move out of this home, would the CUP remain in place on the property.

City Attorney Jamnik reported the CUP runs with the land and would be in place on the property but would only apply to another FFL license holder. He explained this CUP would have specific conditions for the home business that would need to be met.

Councilmember Holden questioned if the City could remove the CUP on this property if Mr. Spicer moves.

City Attorney Jamnik stated this could not be done by the City.

Mayor Grant opened the public hearing at 8:00 p.m.

Renee Crumpton, 1680 Wedgewood Circle, stated she understood Mr. Spicer had a security system in place. However, she feared if this business were approved, the public would know which property guns were coming to and this could lead to more break-ins. She stated she was fearful as a homeowner. She noted she was against the requested CUP.

JoAnn Cirks, 1687 Wedgewood Circle, explained she was worried about her property value and how it would be impacted by this home occupation. She noted there was a home for sale in her cul-de-sac and she feared the new owners would not be made aware of the home occupation prior to purchasing this home.

City Attorney Jamnik advised the CUP would be on file with Ramsey County and if the new homeowners did their due diligence they would discover this on record with the County.

Mayor Grant closed the public hearing at 8:04 p.m.

10. NEW BUSINESS

A. Resolution 2022-023 Adopting Special Assessment Roll – Arden Oaks Street Improvement Project

Public Works Director/City Engineer Swearingen stated this item was introduced to the Council under Item 9A.

Mayor Grant requested the Council discuss the interest rate for the assessments.

Councilmember Radziej supported the interest rate being set at 5.5%.

The Council was in agreement.

Councilmember Holden reported she supported this project moving forward.

Councilmember Holmes explained she attended the neighborhood meeting and thanked staff for working with the neighbors on this project. She encouraged residents who still had questions to reach out to staff for further information.

MOTION: **Councilmember Holden moved and Councilmember Radziej seconded a motion to adopt Resolution #2022-023 – Adopting Assessment Roll for the Arden Oaks Street Improvement Project. The motion carried (5-0).**

B. Resolution 2022-024 Accepting Bids and Authorizing Award of Contract to Astech Corporation – Arden Oaks Street Improvements Project

Public Works Director/City Engineer Swearingen stated on February 14, 2022, the City Council approved plans & specifications and ordered advertisement for bids for the Arden Oaks Street Improvement Project which includes Arden Oaks Drive and Arden Oaks Court. The proposed improvements include bituminous paving, storm water improvements, concrete curb and gutter repair, and appurtenant work on Arden Oaks Drive from Snelling Avenue North to County Road E and Arden Oaks Court. Pursuant of Resolution 2022-006 bids were opened on March 9, 2022. 9 bids for the project were received, the four lowest bids as follows:

<u>Company Bid</u>	<u>Amount</u>
ASTECH Corporation	\$520,377.70
T.A. Schifsky & Sons, Inc.	\$522,711.61
Park Construction	\$526,500.62
Valley Paving	\$537,970.10

Public Works Director/City Engineer Swearingen reported the low bid of \$520,377.70, received from ASTECH Corporation, compares favorably with the construction engineer’s estimate which is \$538,607.

Public Works Director/City Engineer Swearingen explained ASTECH Corporation has completed similar projects successfully in the metro area, staff reviewed a letter from TKDA recommending award to ASTECH Corporation as the lowest responsible/responsive bidder along with project references that have been verified by staff. Staff commented on Resolution 2022-024 which would award the Arden Oaks Street Improvements to ASTECH Corporation in the amount of \$520,377.70 and recommended approval.

MOTION: Councilmember Holden moved and Councilmember Holmes seconded a motion to Resolution #2022-024 Awarding the Arden Oaks Street Improvement Contract to ASTECH Corporation in the amount of \$520,377.70. The motion carried (5-0).

- C. **Resolution 2022-025 – Planning Case 22-006 – Vacation Easement – Scannell Properties**

City Planner Jagoe stated this item was presented to the Council under Item 9B.

MOTION: Councilmember Holden moved and Councilmember Holmes seconded a motion to adopt Resolution 2022-025 for a Vacation of Drainage and Ponding Easement lying within Lot 1, Block 1, Gateway Interstate. The motion carried (5-0).

- D. **Resolution 2022-026 – Planning Case 22-003 – Conditional Use Permit – 1682 Wedgewood Circle**

City Planner Jagoe stated this item was presented to the Council under Item 9C. It was noted staff recommended approval of the Conditional Use Permit with the following conditions:

1. The Applicant shall obtain, maintain, and provide evidence upon request of applicable County, State or Federal licensing for the proposed home occupation following City Council approval.
2. The Applicant shall for the duration of the Conditional Use Permit continue to provide evidence to the City of issuance of FFL renewal licenses and/or Letters of Authorization from the Federal Firearms Licensing Center prior to the expiration of the federal firearms license.
3. The number of daily deliveries associated with the home occupation shall be limited to one per day.

4. No exterior evidence of the home occupation shall be permitted.
5. No exterior signage shall be permitted.
6. The home occupation shall be conducted only by the occupants of the premises and may not employ any person not residing in the residence.
7. There shall be no patrons visiting the premises and all home occupation engagement and sales must be exclusively conducted online.
8. The premises shall at all times be protected by a contracted security service and all firearms and ammunition shall be kept secured in heavy duty gun safes.
9. The level of security is adequate to address the potential risks as determined by the Ramsey County Sheriff's Department.

Councilmember Holden asked what type of inventory Mr. Spicer would have on site for sale.

City Planner Jagoe explained the inventory on site could include items associated with a firearm or a firearm itself. She discussed how these items would be secured in safes and reported the home had a security system in place.

Councilmember Holden reported the neighbors were concerned about semi-automatic weapons. She indicated the applicant spoke about restoring vintage weapons. She asked if the applicant would be repairing or working on any semi-automatics.

Mr. Spicer stated it would depend on the firearm. He indicated the majority of the weapons he works on are bolt action, but several have been semi-automatics.

Councilmember Holden questioned what a heavy duty gun safe was.

Mr. Spicer described the type of safe he had in his home, noting it has a stronger lock with multiple bars in place for security purposes. In addition, the safe was extremely heavy and was bolted to the basement floor.

Councilmember Holden inquired how many guns would be stored on the property at any given time.

Mr. Spicer estimated he would have up to 15 guns onsite, but this included his own personal collection. He noted he keeps his personal guns in a separate safe.

Councilmember Holden asked how often Mr. Spicer would have to renew his license with the ATF.

Mr. Spicer stated this would have to be done every three years.

Councilmember Scott questioned if an FFL would allow Mr. Spicer to handle fully automatic weapons.

Mr. Spicer reported he would have to go through a very extensive process with the ATF in order to handle fully automatic weapons. He explained he was not intending to pursue this.

Councilmember Scott asked what type of solvents were used to clean the firearms parts.

Mr. Spicer indicated he used Simple Green and water.

Councilmember Scott requested further information regarding the gun plating process.

Mr. Spicer discussed the gun plating process in further detail with the Council and stated he may be doing nickel electroplating onsite.

Councilmember Scott asked where Mr. Spicer's shop was within the home.

Mr. Spicer reviewed several photographs with the Council and pointed out where his workshop was within the home.

MOTION: **Councilmember Holden moved and Councilmember Radziej seconded a motion to adopt Resolution 2022-026, approving Planning Case 22-003 for a Conditional Use Permit to allow a Class II Accessory Home Occupation at 1682 Wedgewood Circle, based on the findings of fact and submitted plans, and the nine (9) conditions in the April 25, 2022, Report to the City Council.**

Councilmember Holden spoke to the concerns raised by a neighbor that her home value would decrease. She indicated there were numerous gunsmiths working from their homes all around the metro area.

City Attorney Jamnik stated in the past 40 years he has not heard of any home occupation that has affected property values, other than those that are impacting the exterior visual/maintenance of the home.

Councilmember Holden questioned when the break-ins occurred in this neighborhood.

Mr. Spicer reported there was an incident where a car was stolen from a neighbor's driveway a month ago. He indicated the break-ins to the homes were from the 1990's. He stated there has been no trouble recently. He clarified he has had no break-ins at his home.

Councilmember Holden asked if the City required Mr. Spicer to have a security system in place.

City Planner Jagoe read Condition 8 stating the premise shall be protected by a contracted service at all times.

Councilmember Scott stated he believed the only thing that could impact property values was the exterior of the rental home, and not the business that was being operated from inside the rental.

Councilmember Holden indicated she would be supporting the requested CUP.

Mayor Grant explained he would be supporting the request as well and thanked the applicant for being forthcoming with the City.

Councilmember Scott stated he would be supporting the CUP and thanked Mr. Spicer for the professional manner in which he handled this application.

Councilmember Holmes reported she would be supporting this request.

The motion to adopt Resolution 2022-026, approving Planning Case 22-003 for a Conditional Use Permit to allow a Class II Accessory Home Occupation at 1682 Wedgewood Circle, based on the findings of fact and submitted plans, and the nine (9) conditions in the April 25, 2022, Report to the City Council was adopted and carried (5-0).

11. UNFINISHED BUSINESS

None.

12. COUNCIL/STAFF COMMENTS

Councilmember Radziej welcomed Kerri Seemann to the Parks, Trails and Recreation Committee. He stated he looked forward to working with her.

Councilmember Scott thanked Kerri Seemann for volunteering to serve on the PTRC.

Councilmember Scott encouraged the public to register for the Scoops for Troops event now through May 15. He stated the event would be held on Sunday, May 22.

Councilmember Holmes commended Public Works for their efforts on behalf of the community and thanked them for all that they do. She invited the public to attend the Touch a Truck event which would be held on Saturday, May 21 at Perry Park from 10:00 a.m. to 1:00 p.m.

Councilmember Holden thanked Public Works for all of their efforts and discussed how hard it was for this group to work throughout the COVID pandemic.

Councilmember Holden thanked all of the members of the public that attended the annual Easter Egg Hunt stating there were over 200 children in attendance.

Councilmember Holden encouraged staff to post the PTRC work plan on the City's website.

Councilmember Holden asked staff to speak with MNDOT in order to get a "Welcome to Arden Hills" sign posted on southbound I-35W.

Mayor Grant reported the theft of catalytic convertors continues in the community. He encouraged residents to be aware of this concern.

ADJOURN

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

Mayor Grant adjourned the Regular City Council Meeting at 8:40 p.m.

Julie Hanson
City Clerk

David Grant
Mayor