

CITY OF FALCON HEIGHTS
Regular Meeting of the City Council
City Hall
2077 West Larpenteur Avenue
AGENDA
June 8, 2022 at 7:00 P.M.

- A. CALL TO ORDER: 7:00 p.m.
- B. ROLL CALL: ANDREWS X GUSTAFSON X LEEHY X
MEYER X WEHYEE

STAFF PRESENT: LINEHAN X

- C. APPROVAL OF AGENDA

- D. PRESENTATION

- E. APPROVAL OF MINUTES:
1. May 25, 2022 City Council Regular Meeting Minutes

Motion by Council Member Leehy for approval of minutes; approved, 4-0.

- F. PUBLIC HEARINGS:

- G. CONSENT AGENDA:
1. General Disbursements through: 6/1/22 \$34,753.15
Payroll through: 5/31/22 \$21,908.79
Wire Payments through: 5/31/22 \$14,464.06
 2. Pavement Condition Assessment Quote
 3. Designation of Data Practices Responsible Authority and Compliance Official
 4. Community Park Appraisal

Motion by Council Member Meyer for approval of the consent agenda; approved, 4-0.

- H: POLICY ITEMS:
1. 2021 PMP Restorations Contract Authorization

City Administrator Linehan states why the 2021 PMP Restorations Contract Authorization is a policy item, not a consent agenda item. Linehan said in 2021, the City underwent the pavement management program, and there were normal damages to the right of way and yards throughout the work. Usually, what happens is the City's contractor will come back in the Spring. The City holds a portion of their final payment for restorations. However, the contractor that the City hired for this project has filed for bankruptcy and no longer operates. The City was highly unsatisfied with their work, such as not using the right seeds for yards. So, the City went out to bid to find a professional landscaping company that could do the work right. The City

solicited bids up until May 25th. There were a couple of interested bidders and only selected prequalified professional landscaping companies. Unfortunately, those landscaping companies did not get their bids back to the City on time. However, we have indicated from at least one firm that they are planning to make a bid, but we have not yet received that bid. Our next City Council Meeting is on June 22nd. The concern was if we kept waiting for this, it would keep getting further in the Summer. Residents have been waiting, and the grass is growing longer and longer. We want to get a contractor in quickly. This is a process of authorizing myself to sign a contract on behalf of the City, which gives Linehan purchasing power of up to \$30,000. Linehan says this is something I do not want to do regularly. Linehan prefers to bring a contract to the City Council to approve. However, since time is of the essence, the City staff can sign a contract and get it back to the City Council on the 22nd. This would allow the contractor to start working before the City Council Meeting on the 22nd. The City staff is still pretty confident that they can get one bidder.

Jesse Freihammer, the City Engineer, said they solicited from six different vendors. There is one firm interested. Freihammer was hoping the firm would have that bid before the City Council Meeting tonight, but that is not the case. The reason for this is to clean up any work that was done poorly last year. The City has retainage from the contractors, which will allow the City to pull that, so there should be no additional costs. The \$30,000 amount was based on a quote that the City got late last year; however, that contractor could not do the project because it was so late into the year. So, the \$30,000 amount should be close to the cost this year.

Linehan mentions that we hope to get the bid in and get them working so they get everything restored as quickly as possible. Linehan states it is a unique situation with the contractor filing for bankruptcy. That contractor has worked in a few communities around the twin cities area, and the same problems kept recurring. This is unfortunate and something we do not want to see in the future. The City wants to ensure that they are doing everything possible to make it right.

Council Member Leehy asks to have other cities use this contractor that is currently bidding and do they have favorable reports?

Freihammer states that the City of Roseville uses this company extremely often. This firm is one of the top two that the City of Roseville goes to for projects. This firm did work last year on the Lindig basin, but the City of Roseville uses this firm all the time. In addition, this contractor does a lot of work in Ramsey County. Freihammer also states that the City is soliciting other vendors, so if the City gets a few before or simultaneously, they will compare quotes. All of the vendors the City has solicited for a bid have done projects for the City of Rossville with good results.

Mayor Gustafson states that it makes sense to expedite getting these repairs made.

Motion by Council Member Meyer for approval of the policy item; approved, 4-0.

I. INFORMATION/ANNOUNCEMENTS:

Council Member Leehy states that July 6th and 7th are Restoration and Unity Day. The Castile family has already made a reservation to use City Hall green space again for the

gathering on the 7th. Leehy is looking forward to Restoration Day because that allows us to consider getting to know someone we have not met before, someone different, or maybe even restoring a strained relationship. Out of the tragic death of Philando Castile. As a community in Falcon Heights and beyond, we have done our best to turn a very negative into a positive and see healing come. We have Unity Day because it says that we are doing that work to restore relationships and be a healthier community. Leehy is looking forward to that gathering which will be a barbeque with music and different speakers.

Council Member Meyers mentioned that he enjoyed the Spring Ahead event. Meyer appreciates the Commissions that helped put that together and everyone who came out. Meyer had a lot of fun and met a few new people.

Mayor Gustafson thanks all of the organizers from the Park and Recreation Commission to the Community Engagement Commission and City staff for pulling off Spring Ahead this year. Over 100 residents came to the event and gave out 200 pieces of ice cream which was over the budget, but that's okay because that is the way to boost community engagement. The Mayor felt bad about not being at the event, but he was quarantined because of COVID. In addition, the Mayor mentions that the Ice Cream Social is on Thursday, July 21st, at Community Park. There will be free ice cream and hot dogs. There are still Catalytic Marking Kits available from the Sheriff's Office. You can call Alisha at 651-266-7339 for a Catalytic Marking Kit.

City Administrator Linehan states:

- **Spring Ahead**

Thank you to everyone who came out this weekend, with a special thanks to the Saint Paul Fire Department, who brought an entire crew and ladder truck. To the crowd's delight, they demonstrated their training by climbing the fully extended ladder. Also, thank you to Lion's club for donating their tent.

- **No Mow May**

No Mow May has ended. Therefore, we ask residents to restart mowing their lawns.

- **Back to the 50's**

It is on June 17th-19th, and the Sheriff's Office is designating additional deputies. I've requested extra attention to no parking enforcement, additional enforcement of drag racing, and other concerns. In addition, I reached out to the organizers today to remind MSRA of the City's parking restrictions and our noise restrictions. Public Works will also work to get even more temporary no parking signs out so that it is not to park there.

- **June 11th – 9 A.M. -3 P.M. – Council Retreat**

The annual retreat is this weekend. It is a once-a-year opportunity for the City Council to brainstorm ideas to improve our City. The event will be at City Hall from 9 A.M.-3 P.M., and it is open to the public for those who want to attend.

- **1407 Larpenteur Avenue**

There has been some concern over the Planning Commission's April 28th workshop, where they hosted an informal sketch review proposed by a developer at 1407 Larpenteur Avenue. I want to make sure that this was an informal process that allows a developer to receive feedback before they go any further in the design process, saving staff time and the developer costs. The input of the proposal was that it generally would not work as

proposed. The prospective developer has not since submitted a formal application for the site. Any formal approvals for such a plan would require public hearings, and staff would alert residents within 500 feet of the development for public hearings. Staff and the Mayor are planning to have a neighborhood meeting regarding the site in the near future, with notices sent to neighbors regarding the meeting. The City regularly receives inquiries about the site from uses that are not favorable and are a poor neighborhood mix—such as to be used as a tow lot, car sales, and other uses. Still, since this came from the parcel owner, it received a review.

Council Member Leehy recalls that it was a dry cleaner and requires environmental cleanup with an inspection.

Linehan states that most of the dry cleaning was done off-site. Essentially you would drop off your clothes, and a truck would come to pick them up and haul them to a cleaner. The Shell station and its condition will be a challenge for the developer. The developer will have to bring in an environmental firm to look at the site. The owner is not fully sure about the status of the former tanks and if they were sealed or removed. All of that would have to be done during any development at this site. The other part is that this site is zoned as B-1 currently, which is a limited use zone. So, if a proposal comes that matches B-1 without any requirements of modifications or any amendments to code, it could probably go through as an allowed use. However, when there is a PUD (Land Unit Development), consolidating parcels, or they are proposing a comprehensive land plan to change the zoning, this proposal from the developer was a litany of things that would have been changed for that to get approved and that relayed back to the developer.

Council Member Leehy states this time of year becomes a noisy time and is a cause for tension for the residents of Falcon Heights because of the State Fair. If the City Council and other community leaders are not there, it is difficult for them to act on that. Leehy wants to encourage residents and City staff to call the non-emergency line if they notice people are breaking the law.

J. COMMUNITY FORUM:

Please limit comments to 3 minutes per person. Items brought before the Council will be referred for consideration. Council may ask questions for clarification, but no council action or discussion will be held on these items.

Melissa Weber-Sanders states that she has lived with her husband Mark Sanders at 1711 Albert St. N for more than 18 years. Weber-Sanders is at the City Council Meeting to address the potential developments at 1407 Larpentuer Avenue. Weber-Sanders states that she and her husband are the closet single-family residence on the north side of that property. Weber-Sanders says she wants address concerns and objections to the proposal presented to the Planning Commission at their April Workshop, which considered rezoning the property from B-1 to an R-4. This is a general objection and opposition and not just to the current 12-unit townhome proposal. Weber-Sanders believes there are way too many considerations to put high-density housing in a half-acre lot that butts right up to a single-family home and a duplex. In addition, Weber-Sanders sent a detailed email to City staff and the Council on June 2nd stating concern about the property and thanks to everyone for reading that. At the Planning Commission Workshop, it was asked for the City staff to review the sketch provided by a potential developer and provide guidance on the suitability of the proposal. Weber-Sanders states as a neighbor to this property, such a development is not suitable for this block. In addition, to changing the intangibles such as the feel of the community and neighborhood, such a large zoning change would create

traffic and parking safety hazards for pedestrians in the area. There is often already a lot of on-street parking. Weber-Sanders works at the elementary school and has numerous students who cross Larpentuer from the Northhome neighborhood to get up to Falcon Heights Elementary. Weber-Sanders feels the City has to be very cautious about what we put on that property if the City is changing the zoning in this space. Weber-Sanders asks the City Council to provide the legal rationale to change City Code and the Comprehensive Plan to accommodate the reclassification of the property from a B-1 to an R-4, given the number of legal, logistical, and zoning complications to an R-4 designation. Weber-Sanders says she does appreciate Linehan saying that there will be a future potential meeting with the neighbors of that property because there are some of us here today. We take our neighborhood very seriously and are very committed to the value of the neighborhood as a community standard. Weber-Sanders does appreciate that there will be further opportunities to express their concerns and be a part of this process. The last thing Weber-Sanders wants to say is she takes great offense that a City staff member is quoted in the media saying we provided feedback to the potential applicant that the use was generally a good transition. The City staff member that stated this was Paul Moretto, the City Community Development Officer. Melisa asks what is good according to what legal and community standard on whose behalf is he speaking?

Chuck Long states that he will have lived at 1717 Albert St. N for 25 years next month. Long says, like others here, he comes to add his voice in opposition to the proposed development at 1407 Larpentuer Ave. Long understands that the City Council has already heard from some of his friends and neighbors through letters. Long states that having sat where you are sitting right now and having heard more than his fair share of public comments, he knows that the City Council does not need to hear the same thing repeated repeatedly and does not need long to stand here and read his letter. Long wants to highlight a few points. Long is concerned about the neighborhood's lack of notice and input in this matter. Long stated that none of the residents at the City Council had a clue this was going on and that this was in the works, and we would not have if it were not for the recent article in the Park Bugle shortly after the residents got the newspaper and read the article. Long sent an email to Council Member Wehyee and he responded right away. Long greatly appreciates Council Member Wehyee's immediate response, but the last sentence of his email to Long left Long troubled. Wehyee said quote if the developer moves forward with submitting a formal proposal with the City. The City will notify the neighborhood. Long says, according to the newspaper, the City Community Development Coordinator began working with the developer on this proposal in April and that the Planning Commission reviewed it and provided feedback six weeks ago. Long says, going so far as to conclude and hearing from Linehan that it was determined that this project was not at all compatible. Long says if he misheard Linehan that he apologizes. Still, at the same time, the City Community Development Coordinator is quoted in the paper that the proposed quote use was generally a good transition. Long says he is a little confused about where the City is at procedurally. Long is hoping a lot of his comments are a moot point. Long states, given how much that has already transpired without any residents at the City Council Meeting knowing anything about the proposed project. It concerns Long that waiting to tell the neighborhood until a formal proposal is made will be too late because, at that point, any real notice to the neighborhood and a hearing will be perfunctory. It's going to be a done deal at that point because, as Linehan said, the City is not going to spend all of this time, and a developer is not going to spend all of this money to come together with a formal proposal that is just going to get shot down. It will be a done deal from the City's and the Planning commission's perspectives. Long states at that point, the conversation will be about how the development will occur and won't be a conversation about whether or not the development should happen. Long says rather than

wait for the City to give us an invitation. Long and his neighbors are taking it upon themselves to come to the City Council Meeting tonight to tell the City Council that the project should not happen. Long says on its face the proposal does not conform to the zoning code, would violate at least three different City Ordinances, and disregards at least four goals of the Cities Comprehensive Plan. A proposal inconsistent with these authorities and so inconsistent with City values that those things represent should automatically signal to this Council that this is a bad idea. Long states there are much better uses for this property, and those will be uses that A. preserve the character, community, and connections within the neighborhood. B. consistent with the existing zoning code, ordinances, and comprehensive plan. Long says those are the types of uses where City staff and City Council should be spending their time and efforts on.

Matt Yager states that he lives at 1757 Albert St. and agrees with everything that Weber-Sanders and Long have said. Yager also believes another part of this is the environmental aspect which is a little never racking to have something that did process dry cleaning there at one point. Yager wants to know the plan for that and how much disturbance of the soil and the environment will be. In addition, Yager agrees with Long that there are rules that the City has to follow, and those policies should be followed.

Vickie Long states that along with Chuck Long, she has lived at 1717 Albert for 25 years. Long says that this proposal contrasts with the Comprehensive Plan on many levels. Long's first thoughts when reading the article in the Bugle were 1. There is no way that there is room for 12 townhouses on that lot. 2. What would that do to Albert St. and the neighborhood? Long states that it would be more people speeding down Albert St. to the school or to avoid Hamline and how many cars will be parked in the street? Long understands the developer said there will be two parking spots for each unit, but Albert St. already sees a fair amount of street parking. There are also a lot of kids on Albert Street. Long states that this proposal scares her because a number of school-aged students cross Larpentuer every day. Long believes that it is inevitable that this proposal will significantly increase the traffic and on-street parking, which will impact the walkability and, frankly, the live ability of those that chose and adore Falcon Heights for the neighborhood feel. Long appreciates what Mr. Linehan said about the process but still wants to say that she hopes the City Council looks at this regarding taxability and property taxes. Long wants to implore the City Council to look at the impact on the neighborhood and focus on upkeep and the management of the City for the current and future residents.

Tracy Sletch states that she lives at 1723 Albert St. and came to support her neighbors. Sletch agrees with everything that they have expressed. Sletch has two young kids that play hockey in the street often, and the increase in traffic concerns Sletch; along with walking to school, there is no sidewalk there, so the increase in traffic and people is worrying.

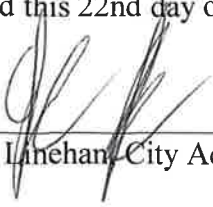
K. ADJOURNMENT: 7:43 p.m.

Motion by Council Member Meyer for adjournment; approved, 4-0.



Randall C. Gustafson, Mayor

Dated this 22nd day of June, 2022



Jack Linehan, City Administrator