

CITY OF FALCON HEIGHTS
Regular Meeting of the City Council
City Hall
2077 West Larpenteur Avenue

MINUTES
November 15, 2023 at 7:00 P.M.

- A. CALL TO ORDER: 7:01 PM
- B. ROLL CALL: GUSTAFSON_X_ LEEHY_X_ MEYER ___
WASSENBERG _X_ WEHYEE_X_

STAFF PRESENT: LINEHAN_X_ LYNCH_X_ MCDOWELL_POEHLER_X_

- C. APPROVAL OF AGENDA

Mayor Gustafson states the agenda was amended, as Policy Item 4. Law Enforcement Contract Update was added.

Councilmember Leehy motions to approve the amended agenda; approved 4-0

- D. PRESENTATION

- E. APPROVAL OF MINUTES:
1. October 25, 2023 City Council Regular Meeting Minutes

Councilmember Wassenberg motions to approve the meeting minutes; approved 4-0

- F. PUBLIC HEARINGS:

- G. CONSENT AGENDA:

1. General Disbursements through 11/08/23: \$224,055.81
Payroll through 10/31/23: \$21,248.22
Wire Payments through 10/31/23: \$13,519.08
2. Approval of City License(s)
3. Canvassing Election Results for November 7, 2023
4. Construction Cooperation Agreement for Roselawn Avenue
5. Resolution in Support of Application for MPCA Brownfield Assessment Grant
6. 2024 Ramsey County Select Committee on Recycling & The Environment (SCORE) Grant Submittal and Enter into Agreement with Ramsey County for Funding
7. City Administrator Jack Linehan - 18-Month Employee Step Adjustment
8. Finance Director Roland Olson - Pay Adjustment
9. Authorization for City Administrator to Negotiate and Approve Employee Benefit Plans
10. Release of RFP for 2024 Printing Services
11. Support for City Administrator Jack Linehan to Participate in Compass Peer Leadership Group

Councilmember Wehyee motions to approve the consent agenda; approved 4-0

Mayor Gustafson thanks Administrator Linehan for his 18 months of employment with the City. He also thanks Roland for his many years of employment. Regarding the election results, Jim Wassenberg will continue as a Councilmember and there will be a new Councilmember starting in January 2024, Paula Mielke. Mayor Gustafson will remain Mayor.

Council echoes Mayor Gustafson's comments.

H. POLICY ITEMS:

1. Amber Flats PUD

Community Development Coordinator Lynch presents the Planned Unit Development Proposal for a 100-unit affordable housing apartment building, Amber Flats, to be located directly to the west of the existing Amber Union Apartments in the overflow parking lot. As this is a larger development with several deviations from City Code, a PUD is the best option to allow for the flexibility being called for. This area is currently zoned R5M, High Density Residential Mixed Use and the proposal meets this intent. The proposal also meets the permitted use and setback requirements. Lynch continues, the proposals does not meet the following city code requirements of maximum height in an R5M district, the impervious service requirement of a maximum of 75 % maximum impervious surface and the off-street parking requirement. Lynch explains that the Planning Commission met on October 24, where they held a Public Hearing on the proposal. After a lengthy discussion, the Planning Commission recommends approval of the project with conditions. All items submitted to the Planning Commission, as well as draft minutes of the public hearing can be found in the City Council agenda packet of November 15, 2023.

Harrison Mohagen, from Buhl Investors, and David Miller from Urban Works, present the proposal to the City Council. Mohagen starts by providing an update on the Amber Union Apartments and an overall history of the project with key take-aways from previous meetings. Mohagen continues by presenting site plans of the proposed development and highlights key characteristics and reasoning behind some of the characteristics of the plan. He states careful thought went into the placement of the building to minimize impact to surround neighbors. The building itself will have a footprint of 23,400 SF and will contain 60 1-bedroom units and 40 2-bedroom units at 60% of AMI.

Miller explains the deviations that are requested. First, the proposed building is slightly higher than City Code requires, because due to poor soil quality and contamination issues they opted to push the building slightly out of the ground to minimize disturbance as well as to accommodate the underground parking requirement. The next deviations are impervious surface and parking. After conversations with the Planning Commission, the plan includes 51 surface parking spaces and 63 underground parking spaces resulting in 1.14 parking stalls per unit, which should meet the demand. The Amber Union Apartment project provides 1.08 parking stalls per unit. Reports from Amber Union property management state that approximately 80% of the current allotted spaces are used despite full occupancy. Miller continues with how the proposed plan will improve curb appeal and pedestrian safety. He then presents renderings of the exterior of the building inspired by the Amber Union building.

Mohagen continued the presentation and gave an overview of the project benefits, looking to the Falcon Heights 2040 Comprehensive Plan. The proposal will provide multifamily housing along a transit line and the Larpenteur Corridor, it will shrink existing pavement surface by .23 acres, it will provide a better pedestrian experience along Larpenteur, provide new patrons for businesses in the area, deliver new housing without impacting parking reserved for Amber Union, and retain trees along the southeast of the site, adjacent to Hollywood Court.

Mohagen addresses parking by stating Amber Union currently only uses 90% of their 135 parking stalls, leaving an excess of 13 stalls. Utilizing the same method and assuming Amber Flats would also utilize only 90% of their 114 stalls, there would be an excess of 11 parking spots, leaving an excess of 24 parking stalls for the two developments.

Finally, Mohagen addresses the Planning Commission comments, specifically security on site. There will be access controlled entries/exits, on-site management office, a maintenance technician and additional exterior and interior camera coverage.

Mayor Gustafson and Miller discuss the traffic impact and right-of-way requirement by Ramsey County. Miller feels comfortable they are in conformance with the right-of-way criteria, but it is under review. Regarding the traffic impact, they are having preliminary discussions with the County and they are on board with the plans, but it would require a traffic study.

Administrator Linehan adds that it is a valid question, but the main focus of tonight's meeting is the three deviations from City Code. The commentary provided by various other agencies is more of a checklist to work through after the PUD would be approved.

Mayor Gustafson appreciates the explanation, but expresses concern about the comments provided by the other agencies.

Miller answers, from a developer's perspective these comments are fairly standard and these concerns will be worked through during the permitting process.

After a conversation about zoning, Mayor Gustafson addresses the three deviations. Two are minimal, but the parking deviation requested is significant. He questions if the plan includes enough parking spaces, even though the property is on Metro Line A.

Mohagen responds stating transit will be an important medium of transportation for tenants. The proposal is based on actual usage at Amber Union, which has a lower parking ratio than the proposed plan and with full occupancy they are using about 90% of the parking spaces. Mohagen adds that as a developer they have to find a balance between the City Code requirement and the cost of building underground parking, while keeping it affordable.

Councilmember Wehyee is in support of an affordable housing plan. He wonders why all units are at 60% of AMI as he believes there is need for units at 30/40% of AMI.

Mohagen answers they have done projects at that percentage in the past in St. Paul. With the current financial state and high interest rates, it is already going to be nearly impossible to get all the financing for 60% of AMI, let alone for 30/40% of AMI.

Councilmember Leehy asks what type of vegetation is going to be used with regards to visibility and safety. She also asks about the hours of on-site management, the technology of the security cameras and evictions.

Mohagen answers the trees will be around 50 feet tall and they continue to work with the community to resolve issues that come up. The on-site management will be there 8/10 hours per day but there is a 24/7 hotline for emergencies and details regarding cameras will need to be straightened out. The evictions are a mix of non-payment and violation of standard practices.

Councilmember Leehy brings up the question of turnover in on-site management.

Mohagen replies the current property manager, who has been there for a majority of the year, created monthly town halls with residents which helped built community within the building. All tenants want a safe and healthy place to live in.

Councilmember Wassenberg asks about access points and if they are monitored, if the PUD legally requires affordable housing and the tenants' cost of parking.

Mohagen states the technology used for access points is very high-tech, it can track a number of things and it is managed from a central hub by the property manager. The PUD does not require the development to be affordable housing and they are exploring what the cost of parking will be for tenants, most likely around \$40.00.

Councilmember Wehyee asks about the anticipated start date of the development and states the amount of parking available raises concerns as the community is worried it will spill into surrounding neighborhoods.

Mohagen explains the development start would mainly depend on securing financing. If all things fall into place, the building would be open Summer 2025. He is aware of the parking concerns, but believes the current plan provides sufficient parking.

Councilmember Wassenberg explains the proposed parking worried him. After doing research, hearing Amber Union parking statistics from the developer, as well as the fact that the proposed building will have less total bedrooms than Amber Union alleviated his concerns.

Mayor Gustafson still feels the parking variance requested is too large and will cause future problems.

Miller and Mohagen addresses the concern by stating that with the data available they feel comfortable with the proposal they are presenting.

City Council opens the item up for the community to provide comment.

Farook Meah – 1597 Hollywood Court.

He is very worried about security, safety and parking on Hollywood Ct. He does not want additional residents parking on Hollywood Court with people parking late at night on the road. There were problems with trash but those were resolved. There was a recent shooting. He has also seen drug use and when the police are called they show up after the fact. This was not an issue 10 years ago. There are laws that everyone should follow.

Graham Engle - 1612 Hollywood Court.

Graham voices his concerns with the proposed development, specifically with parking. He saw a truck parked with a trailer and someone was selling goods out of the trailer close by. The police could not act on it. Graham's son is nervous to play outside after the recent shooting. He is also worried for his kids as they play outside and cars often speed down Hollywood Court. He doesn't necessarily have problem if a few people park on Hollywood Court. Adding another complex with limited parking next to Amber Union worries the resident. He is also worried about how the design of the entrance from Larpenteur Ave. He understands the need for affordable housing, but is generally concerned about safety.

Val Gyurci - 1607 Hollywood Court.

Val also expressed concerns about the design of the entrance from Larpenteur Ave. specifically around State Fair time. She also expresses concerns about the current fence between the Hollywood Court alley and Amber Union. There is a stop sign and the fence is too high making it difficult to see over, causing unsafety. Val is concerned about safety with the addition of an apartment complex, but appreciates the questions Council raised of the developer.

Gary Kwong - 1700 Fry Street.

Gary is in support of adding affordable housing. He appreciates that the developer is aiming for 60% of AMI. He supported Amber Union, as multi-bedroom units were needed for first generation refugees because they are used to living together as a big family. He thinks it would be beneficial for City Council to visit Amber Union and to speak with residents about their living experience. He also states it's important to have good management on site that does proper screening of tenants. Evictions happen. Gary believes the higher number of units is needed, to keep Falcon Heights population above 5,000 to be a city of the first class. He understands there are problems, but not everyone commutes to Minneapolis or St. Paul for work. This kind of housing is needed.

Mohagen addresses some comments. The entryway to Amber Flats will be a two-way entrance. He reiterates that the developers are willing to adjust the fence and add a stop sign to enhance safety. They do complete screenings of tenants and try to solve issues as quickly as they can.

Council thanks the developers and residents.

Councilmember Leehy speaks from experience and after speaking with apartment managers, tenants, homeowners and business owners and still has concerns with the traffic flow on Larpenteur as well as the proposed parking. Specifically, during winter time when there are large amounts of snow. She feels there has never been enough parking along Larpenteur for all homeowners and apartments.

Councilmember Wassenberg appreciates Councilmember Leehy's comments, but he does not see overflow of parking happening in his Northhome neighborhood. Council then discusses snow removal regulations and how parking requirements for developments have changed overtime.

Councilmember Leehy expresses concerns about how building a 4-story building will affect surrounding buildings.

Mohagen addresses the building method, pile driving, that will be used is not as impactful. They have used and studied this method with previous developments with no damage to surrounding structures.

Administrator Linehan reads comments from Councilmember Meyer, who could not be present, into the record. He states, I cannot currently support the proposed development. While affordable housing is needed, the scope of this project raises concerns on parking, traffic congestion in the surrounding neighborhood. The proposed parking represents a significant deviation from requirements, which can be problematic for surrounding neighbors. Additionally, the ongoing corridor study merits additional time for consideration before large changes to the corridor are made. He thanks the developer for their application, he remains open to work with the developer on a revised plan.

Councilmember Wehyee makes final remarks regarding the issue. He acknowledges there is a great need for affordable housing and while he had issues with some deviations, those have been addressed. He also understands the residents concerns about safety but believes that needs to be address on a safety level and should have no baring on the proposed development.

Councilmember Wehyee motions to advance Ordinance 23-08 An Ordinance Amending Chapter 113 Of The Falcon Heights City Code Rezoning Certain Property From R-5m To PUD, Planned Unit Development;

ROLL CALL:

Wehyee - Yes

Leehy - No, issues regarding parking availability and traffic

Wassenberg - Yes

Gustafson - No, parking availability

Motion fails 2-2

Councilmember Wassenberg motions to direct City Staff to draft final findings of fact; approved 4-0

2. Pathway Sidewalk Maintenance Map and Plowing Update

Administrator Linehan explains that as discussed at the previous City Council Workshop meeting on November 1, 2023, policy language was cleaned up and a modification to the map was made by City staff. It is proposed to provide snow removal for certain commercial properties on Larpenteur Ave. City Staff will do targeted outreach and work with the City Attorney on any legal documents that may be needed. With the primary goal of supporting pedestrian traffic and business on Larpenteur Ave.

Councilmember Leehy asks if there is a process for City staff when there are concerns.

Administrator Linehan states City staff reaches out when there is an issue and the problem is often resolved quickly.

Councilmember Wassenberg motions to adopt the Administrative Manual Section 7. Guidelines for Snow and Ice Control; approved 4-0

3. Resolution Authorizing the City Administrator to Execute Grant Applications

Administrator Linehan states Whenever possible, city staff look for grant funds available to aid in various City projects, requesting the City Council's prior approval in order to submit the grant application. However, at times, staff are made aware of grants with very little time given to apply, let alone seek prior approval to apply. Rather than time constraints hindering staff from submitting a grant application altogether, Staff requests Council's approval to allow the City Administrator to apply for grant funds when necessary, making sure to inform Council of any grant funds applied for at the earliest convenience. This is a common practice in neighboring cities.

Council discusses what kind of grants this would apply too. They would be grants that aid various City projects. Council agrees this would be beneficial for the City.

Councilmember Leehy motions to approve Resolution 23-75 Authorizing the City Administrator to Execute Certain Grant Applications on Behalf of the City Of Falcon Heights; approved 4-0

4. Law Enforcement Contract Update

Administrator Linehan provides an update on the proposed police services options with the City of St. Paul. Both parties were having positive discussions and wanted to come to an agreement. At the moment, they are at an impasse and administrator Linehan believes they cannot get beyond this currently. The City of St. Paul is understandably concerned about liability and after discussions with the League of Minnesota Cities, Falcon Heights' insurance provider, and the City Attorney it is recommended for Falcon Heights to not take on full liability, because of the unknown risk it poses. Therefore, both parties cannot come to an agreement at this time and discussion are paused.

Administrator Linehan is looking for direction from Council on how to proceed. Back in March of 2023, Falcon Heights executed a clause in their current police contract, where they notified the Sheriff's office that Falcon Heights is exploring other options and does not intend to renew the contract unless we are not able to secure a successor agreement. The Sheriff's office submitted a reply and they cited the same terms as outlined. Now they will start discussion on what this coverage will look like. Administrator Linehan believes this can be beneficial for both parties.

Councilmember Wehyee asks what Consultant Bostrom's role will be in the next phase.

Administrator Linehan replies that this will need to be evaluated.

Council provides Administrator Linehan with direction to enter negotiations with the Sheriff's office to provide police coverage in 2024.

I. INFORMATION/ANNOUNCEMENTS:

Councilmember Wassenberg informs Council there was a great run organized to support schools this last weekend.

Councilmember Leehy has no information or announcements.

Councilmember Wehyee has no information or announcements.

Mayor Gustafson states City offices will be closed Thursday and Friday for the Thanksgiving Holiday.

Administrator Linehan informs Council the Parks Commission held an open house meeting on the preliminary Community Park redesign on Monday, November 6th at 6:30PM here in the Council Chambers. Next step is the City will be releasing the revised designs/options in the form of a survey, to be released by the end of this week. Residents will get to pick their favorite park layout including amenities, architecture style, and floor plan layout for the new building. He welcomes newly elected City Council Member Paula Mielke.

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.

Ricé Davis - 1407 California Avenue

Asks when the official swearing in of the new Councilmember will be. Requests the snow maintenance map to be made available to residents. She also asks if the City would consider going back to Roseville for policing.

K. ADJOURNMENT: 10:11 PM

Councilmember Leehy motions to adjourn the meeting; approved 4-0



Randall C. Gustafson, Mayor

Dated this 15th day of November, 2023



Jack Linehan, City Administrator