



City of Saint Paul
Mayor Melvin Carter

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**SAINT PAUL LONG-RANGE CAPITAL IMPROVEMENT BUDGET
COMMITTEE MEETING**

Monday, March 11, 2019 at 3:30 p.m.

George Latimer Central Library – 4th Floor Conference Room

MEETING MINUTES

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| Members Present: | Rebecca Airmet, Larvel Bunker, Joel Clemmer, Raymond Hess, Darren Tobolt, Elsa Vega Perez |
| Members Excused: | Amy Huerta, Samakab Hussein, Paul Raymond, Corina Serrano |
| Members Absent: | Mary Morse Marti, Elizabeth Matakis, Patrick McQuillan |
| Visitors and City Staff Present: | Madeline Mitchell – OFS Budget Analyst Marissa Peterson – OFS Budget Analyst Alice Messer – Parks Anne Weber – Public Works Holly Huston – City Council Jane McClure - Press |



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Note: In the absence of a quorum, the members present heard all agenda items but committee actions were provisional, pending approval at the next meeting with quorum.

1. Call to order – The meeting was called to order by Vice-Chair Rebecca Airmet at 3:40 p.m.
2. Approval of Agenda
Elsa Vega Perez moved to approve the agenda for the March 11, 2019 meeting. Raymond Hess seconded. The agenda was approved.
3. Approval of January 14, 2019 and February 11, 2019 and Meeting Minutes
The minutes were tentatively approved by general consent, pending formal approval at the next meeting with quorum.
4. Action Items

CDBG Update – Overview of 2019 CDBG process

- Marissa Peterson presented the meeting dates and tentative agendas for the 2019 CDBG meetings, noting that additional information would be provided at a future meeting.
- Hess asked whether these meetings were in addition to the scheduled April 8 CIB meeting. Peterson confirmed.
- Airmet asked when electronic versions of projects will be out. Peterson answered they will hopefully be ready by next week.
- Joel Clemmer asked about criteria scoring. Peterson explained the committee will be given score sheets for each project, to be filled out while reviewing and due before the last meeting
- Vega Perez asked where the reviewed and scored list goes. Peterson answered that it will go to the Mayor to be included in his proposed budget for 2020/2021.

PARKS

RES PH 19-33: Accepting additional grant funds in the amount of \$7,515 from the Capitol Region Watershed District and amending the financing and spending plan in the Department of Parks and Recreation for the Swede Hollow Stream project.

- Note: this resolution was originally presented and tentatively approved at the February 2019 meeting.
- Alice Messer presented the resolution to the CIB committee, explaining that it contains some additional money for stormwater management.
- Clemmer moved to tentatively approve the resolution; Vega Perez seconded. The resolution was approved pending official approval by the CIB Committee once quorum is established.

RES PH 19-69: Accepting grant funds in the amount of \$180,000 from the Capitol Region Watershed District and amending the financing and spending plan in the Department of Parks and Recreation in the amount of \$180,000 to reflect funds received for the Midway Peace Park project.

- Alice Messer presented the resolution to the CIB committee.

- Messer explained the resolution involves moving stormwater from a parking lot via rain gardens. Messer noted that the Capital Regional Watershed District (“Cap Regions”) and the Parks department are very excited about this project and expect that this is enough additional funding to cover construction and design, given that Cap Regions is providing the design work.
- Hess moved to approve the tentatively resolution; Darren Tobolt seconded. The resolution was approved pending official approval by the CIB Committee once quorum is established.

RES PH 19-72: Amending the financing and spending plan in the Department of Parks and Recreation in the amount of \$28,539.83 to reflect additional Metropolitan Council Clean Water, Land, and Legacy Amendment funding from the Parks and Trails program for the Phalen Regional Park Master Plan project.

- Alice Messer presented the resolution to the CIB committee and explained that the financing comes from additional funding left over from the Phalen beach house project. The department would like to put the leftover amount towards transportation improvements in Phalen.
- Airmet asked whether the improvements were strictly maintenance or adding bike/ped improvements. Messer explained that the improvements would include both - separating bike trails from pedestrian paths and redesigning parking areas.
- Tobolt moved to tentatively approve the resolution; Larvel Bunker seconded. The resolution was approved pending official approval by the CIB Committee once quorum is established.

RES PH 19-87: Amending the 2019 City Capital Improvement Budget in the amount of \$60,000 to accept financing from the Sanneh Foundation to fund pre-design work in anticipation of a \$4,500,000 grant from the State of Minnesota for the renovation of field space at Conway Recreation Center site, managed by the Sanneh Foundation; and approving and authorizing execution of State Grant Agreement and other necessary documents such as the long term lease in connection therewith, District 1, Ward 7.

- Note: at the time of the March meeting, this resolution had not been entered into the official Legistar record. These minutes were adjusted to reflect the resolution number after the meeting.
- Alice Messer presented the resolution to the CIB committee. Messer explained that the Sanneh Foundation has a long-term lease agreement for Conway Recreation Center and has received state bonding money for athletic field improvements and is also actively fundraising an additional \$4.5 million to fund the project. Parks staff are working with Sanneh to finalize the grant agreement for long-term development. The \$60 thousand in this resolution is coming from private fundraising to enable Parks to assign design staff to the project. Parks will return to the CIB Committee after the grant is executed, similar to the Wakan Tipi project.
- Hess asked if this resolution is to accept money. Messer confirmed.
- Airmet asked whether the state has already verified that this grant will be available. Messer confirmed that the City has been awarded the grant and is now working on agreement between City and Sanneh, addressing questions around private funds, timeline, etc., as funding will flow through the City.
- Clemmer moved to approve the resolution; Tobolt seconded. The resolution was approved pending official approval by the CIB Committee once quorum is established.

PUBLIC WORKS

RES PH 19-51: Amending the financing and spending plans in the Department of Public Works Capital Budget by transferring \$215,000 in revenues into the Grand Avenue Pedestrian Safety Improvement Project.

- Note: this resolution was originally presented and tentatively approved at the February 2019 meeting.
- Anne Weber presented the resolution to the CIB committee, explaining that this project was mostly completed in 2018. There is \$300 thousand in MSA contingency for 2019.
- Airmet noted that MSA funding must be spent on MSA roads (typically arterial) and therefore cannot be used for most smaller residential street projects.
- Tobolt asked why this resolution isn't using 2018 contingency, as it is a 2018 project. Weber explained that the 2018 contingency has been used.

- Vega Perez asked about what happens if the committee votes down the resolution. Airmet explained that the committee provides recommendations, but Mayor could still fund the project. The committee could send a memo expressing concerns if needed.
- Clemmer spoke in favor of the resolution, noting that there has been at least one death of a pedestrian in that area. Clemmer also noted that he understands the concern about depleting the contingency budget, but if the department decides to take on the risk, the committee should let them, given the need for safety on this street.
- Airmet expressed support for bringing streets up to ADA standards and concern at the amount of 2019 contingency it would take.
- Bunker asked what the improvements include. Weber explained that the project would include cross slope requirements, ADA requirements, truncated domes (for visually impaired pedestrians), ramps that fan to meet ADA requirements, gutter installation and design (per field change based on consultants understanding of ADA requirements) and additional corresponding engineering.
- Airmet noted that this is a nearly 25% increase in the original project cost of approximately \$1 million.
- Vega Perez asked whether this compromises other projects that may be coming. Airmet answered that it would not compromise any existing projects but could compromise future projects that come up short. Weber added that project has pretty much been completed except for paying contractor bills.
- Airmet commented that when City departments have run out of contingency in the past, money was able to be moved from other places to cover and that projects may come in under budget and add to the contingency.
- Weber noted that first estimates are pretty high level but become more refined further along, sometimes requires additional funding.
- Clemmer offered a friendly amendment stating that the committee approves RES PH 19-51 and further expresses concern about the MSA contingency budget and urges the department to take every opportunity to refresh this funding as these projects move on. Tobolt seconded.
- Clemmer moved to approve the resolution; Tobolt seconded. The resolution was approved pending official approval by the CIB Committee once quorum is established.

RES PH 19-52: Amending the financing and spending plans in the Department of Public Works Capital Budget by transferring \$118,000 in revenues into the Snelling at Summit Intersection Improvement Project.

- Note: this resolution was originally presented and tentatively approved at the February 2019 meeting.
- Anne Weber presented the resolution to the CIB committee, explaining that this resolution would fund flashing arrows, green bike path through intersection, turn approach. Weber reminded the committee that a question had been raised at the last meeting about whether the bike coalition supported this resolution. Weber discussed with Reuben Collins and learned that while the St. Paul Bike Coalition did not formally approve the plan, individuals from that group were involved in the process and that a group called Sustain Ward 3, operating as Safety on Summit was also involved.
- Airmet noted that this is an intersection where a cyclist was killed last year.
- Airmet also noted that this project has not started yet and asked the committee whether this is an opportunity to pull back some funds from a neighborhood that has had more investment than others and replenish contingency budgets. Weber commented that the department was asked by the Mayor's Office to create these plans, which were also approved by MnDOT.
- Bunker asked whether these plans were created after the fatality. Weber confirmed that they were.
- Hess moved to approve the resolution; Tobolt seconded. The resolution was approved pending official approval by the CIB Committee once quorum is established.

RES PH 19-53: Amending the financing and spending plans in the Department of Public Works Capital Budget by transferring \$135,000 in revenues into the 2018 Sidewalk Program.

- Note: this resolution was originally presented and tentatively approved at the February 2019 meeting.
- Anne Weber presented the resolution to the CIB committee, explaining that this resolution uses CIB money to fund two in-fill projects from the 2018 sidewalk program originally funded via assessments. The first project has a 50% match from Ramsey County. The second was to be funded entirely with assessments. According to an appraiser, stand-alone sidewalk infill projects do

not meet the benefits test. This resolution addresses this problem for 2018. Going forward, the department will come to the CIB committee for either total amounts required or match requests (for County-supported projects).

- Airmet asked whether the issue was about adding value to the property.
- Weber answered that the property owner would have to appeal an assessment, but the appraiser said this situation would not meet the benefit test. If there was a petition for new sidewalks, the department would have to create an option to opt out of any potential appeal that all property owners could sign.
- Clemmer expressed concern that providing a sidewalk, which is a safety factor for the common good, is being determined by adjacent property owner contingent on the value of the property as opposed to safety provided by members of the public on that street.
- Weber noted that no one has opposed yet, but due to the assessor's report, the department is preempting those appeals.
- Bunker asked whether there had been a pedestrian fatality nearby. Weber noted that she thought it was near Rice.
- Clemmer expressed discomfort about the circumstances (stemming from state law, per Weber) that would create this issue, noting that while not the fault of the City or the department of public works, it is still concerning.
- Hess summarized: the City has decided this work should be done as a safety factor. Usually the City would assess for this but cannot because it is not an economic gain to the property owners. Weber confirmed. Hess asked if this would come up in the future. Weber answered that the plan is to return to CIB for this funding in the future and that the department needs to develop a process for when a community petitions for new sidewalks that would involve property owners signing on to not appeal.
- Tobolt noted that this area has multiple deaths in past few years and this work definitely needs to be done. Tobolt continued that given this locations proximity to a school, there may have been other ways to fund this (Safe Routes to School, etc.) but it has to be done and the committee should support this.
- Tobolt moved to approve the resolution; Vega Perez seconded. Clemmer abstained. The resolution was approved pending official approval by the CIB Committee once quorum is established.

RES PH 19-65: Authorizing the Department of Public Works to accept a contribution of \$10,000 from At Home Apartments and amending the financing and spending plans in the Department of Public Works capital budget by adding \$10,000 to the Grand Avenue Pedestrian Improvements Project.

- Anne Weber presented the resolution to the CIB committee, explaining that At Home Apartments has come forward to contribute to this project, which provides two additional bump outs.
- Airmet asked what portion of this project is funded by this donation. Weber answered that one bumpout typically costs around \$9,000 so this donation would fund a portion of the total cost, but not all.
- Airmet asked whether this means Grand Avenue might come back to request contingency funds for other bumpouts? Weber said it does not.
- Clemmer moved to approve the resolution; Vega Perez seconded. The resolution was approved pending official approval by the CIB Committee once quorum is established.

RES PH 19-66: Amending the financing and spending budgets in the Public Works Capital Funds for the 2019 Sidewalk Reconstruction Program.

- Anne Weber presented the resolution to the CIB committee. Weber explained that the city will be doing mill and overlay work downtown (east of Jackson) in 2019, including sidewalks, reconstruction, and some additional pedestrian improvements. Downtown sidewalks can be assessed/meet the benefits test because of commercial nature. This resolution adds \$900,000 into sidewalks program to do that. Weber clarified that 100% of this comes from assessments.
- Tobolt moved to approve the resolution; Clemmer seconded. The resolution was approved by general consent.

RES PH 19-70: Amending the financing and spending plans in the Department of Public Works Capital Budget by transferring \$650,000 in revenues to the 2019 Fairview Street Reconstruction Project.

- Anne Weber presented the resolution to the CIB committee, explaining that this is a 2019 reconstruction project on Fairview from Shields to University. The project was estimated at higher level and requires additional funding. Two components were added: a left turn lane on Phalen to Hmong Village Marketplace, and some improvements on Cleveland/Randolph (but department will have to come with a separate resolution for that as it is funded partially with county money and signalized intersection safety improvement money which is a split between MSA and CIB).
- Clemmer asked if this was in two different neighborhoods. Weber confirmed that sometimes if smaller projects can be batched with larger projects to save money, rather than going out for bids separately, but are still kept separate for tracking purposes.
- Tobolt asked how much is left in the 2017 Como Ave project? Weber answered that the project still ongoing and some funding was left in the project due to concerns about timing of the State Fair. Once it is confirmed that the project is done, there might be additional funding available. Tobolt asked if that funding could've gone to Grand Ave instead of contingency. Weber explained that the department has identified a long list of other needs, including some potential soil contamination on 2020 Como project near 280.
- Hess moved to approve the resolution; Bunker seconded. The resolution was approved by general consent.

CIB Bylaws

- A consolidated version of previous CIB bylaw drafts was distributed.
- Airmet noted that the major changes are related to remote participation and electronic voting.
- Hess inquired about the possibility of a 24-hour period for electronic voting.
 - Clemmer expressed concern as this may allow voting without enough information. Airmet and Bunker agreed.
- Clemmer noted that currently the only option is to wait until next meeting and committee members may not remember the details. Electronic voting would enable the committee to get things done. Clemmer suggested possibly going to an email vote immediately.
- Airmet commented that there are currently no rules about excused absences – a committee member could miss an unlimited number of meetings as long as they email the executive secretary.
- Clemmer asked about whether there is language in the bylaws about a conversation with the chair in this situation. Airmet noted that there is no language about excused absences at all. Two unexcused absences prompt a discussion with the chair. Airmet suggested that if committee members regularly excuse themselves from meetings perhaps they do not want to be on committee.
- Bunker commented that the past year has been extraordinary – the committee has had no months off, which can be difficult and we're heading toward a string of multiple meetings in a row. Bunker agreed that there should be some language around excused absences and expressed concern about email voting becoming the rule and not the exception. The committee needs tighter parameters around when that can be used so people aren't regularly absent.
- Airmet suggested that if there was a timeliness issue or if there have two meetings in a row without quorum participation in meetings by electronic means seems okay. Airmet also noted that taking actions outside of meetings is somewhat concerning.
- Clemmer raised the question of who decides if there is a timeliness problem. This would require language like "at the discretion of chair." Clemmer noted he would be okay with this provided the chairs are cooperative, etc.
- Airmet supported the idea of having quorum votes at discretion of the chair.
- Bunker expressed some concern, noting that it could be just as beneficial to be proactive and do that work ahead of the meeting – suggesting a communication from the chair emphasizing the importance of the resolution and asking who will be attending the meeting.
- Airmet noted that quorum is the real problem.
- Clemmer said it would be ideal to know before the meeting if a particular resolution needs to be decided soon. Airmet suggested the committee could ask the City to denote timeliness.

- Mitchell mentioned that setting some guidelines around what should be considered a “timeliness issue” for City departments could be helpful
- Tobolt commented that if the committee opens electronic voting, not showing up to meetings is going to become the rule. If the committee decides to leave it to the discretion of the chair, it may need to be in the bylaws as an option, but the committee still needs to solve the problem of getting people to show up. Tobolt agreed that the committee should explore avenues for people to participate and that the City should also explore options. Either way, a system of communication is needed to know who is going to show up and who is not (perhaps a calendar invite, etc). All members should provide affirmative recognition whether they will be attending the meeting or not.
- Airmet noted that the current bylaws say the committee could adjourn if quorum is not established, but that’s not an effective solution.
- Vega Perez asked who decides if it is a timeliness issue.
- Bunker mentioned that she likes Skype/Zoom,etc. but would not support that being a member’s only way of engaging with the committee. Perhaps members could be allowed a certain number of unexcused and excused absence options.
- Hess noted that this is a problem that every committee has but this committee has had quite a bit. Hess asked whether absences should be communicated with the executive secretary or the chair. Ideally both.
- Note to Executive Secretary: Hess should be marked excused from previous meeting, currently listed as unexcused.
- Airmet expressed support for a tightly controlled remote vote when issue comes up mid-month if city staff has communicated to everyone. This is not the same as an email vote for anything from a meeting.
- Clemmer stated that he is very comfortable for having language like “used when necessary and sparingly between meetings” for when an issue cannot wait.
- Bunker noted that these decisions are all subjected and can be interpreted in different ways, but that she does think the committee should utilize tech, but tread lightly on opening it up so broadly.
- Clemmer asked whether the group is comfortable with voting outside of a meeting without quorum if used sparingly/at discretion of the chair/in the event of a timeliness issue. Clemmer noted he was okay with utilizing outside voting at the discretion of the chair.
- Airmet suggested perhaps at discretion of chair after communication with city staff.
- Hess commented that the committee should trust the chair to make these decisions. If abused, the committee can get rid of the chair.
- Clemmer commented that the bylaws do include an impeachment clause.
- Bunker expressed concern about the “with or without cause” language in this clause.
- Airmet agreed that this could mean removing the chair with only 4 votes at a meeting of 7 (quorum).
- Clemmer returned to the conversation about absences, expressing support for using the model for unexcused absences for excused absences.
- Vega Perez requested better communication on the policy during orientation and for existing members.
- Airmet noted that there are currently 13 members on the committee of an available 18 and that it is part of the City’s responsibility to put members on this committee.
- Clemmer suggested potentially using the unexcused absence policy but double the number of absences (e.g. after 4 absences, you get a note from the chair, etc.)
- Hess suggested one possibility is to get rid of the distinction between unexcused and excused.
- Bunker suggested that maybe after two absences, excused or not, a member would get a call from the chair.
- Airmet suggested written notification after 2 consecutive absences or 4 total absences in a calendar year.
- Hess asked to continue this discussion at the next meeting.
- Airmet noted that we could finalize the bylaws at the April meeting and then send to the City Attorney’s Office for review.

5. New Business –

6. Adjournment

There being no further business, the meeting was adjourned by general consent.

Staff:

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<http://www.stpaul.gov/cib>