

**City of West St. Paul
City Council Meeting Minutes
July 27, 2020**

1. Call to Order

Mayor Napier called the meeting to order at 6:30 p.m.

2. Roll Call

Present: Mayor Dave Napier
Councilmembers Wendy Berry, Lisa Eng-Sarne,
Anthony Fernandez, John Justen, Bob Pace and Dick Vitelli

Absent: None

Others Present: City Manager Ryan Schroeder
City Attorney Kori Land
Police Chief Brian Sturgeon
Finance Director Char Stark
Parks & Public Works Director/City Engineer Ross Beckwith
City Clerk Shirley Buecksler

3. Pledge of Allegiance

4. Adopt the Agenda

Motion was made by Councilmember Justen and seconded by Councilmember Berry to adopt the agenda, as presented.

Vote: 6 ayes / 0 nays. Motion carried.

5. OCWS Briefing

An Open Council Work Session was held prior to the City Council Meeting to discuss:

- A. CARES Act Funding and Expenditure Allocation Plan
- B. Creation of a CARES Act Small Business Grant Program
- C. Pedestrian Plan Update and Trail and Sidewalk Gaps
- D. Special Assessments for Townhomes
- E. Day Designations
- F. Harmon Park Splash Pad

6. Citizen Comments – In Person

The following citizens addressed the Council:

- Amanda Hugenkes, Ward 3, regarding Harmon Park

7. Citizen Comments – Phone Line

The following citizens addressed the Council:

- Laura Zanmiller, Ward 1, regarding: 1) Sense of community; and 2) Dominionium Development
- Robyn Gulley, 1045 Gorman Avenue, regarding: 1) Harmon Park vandalism; and 2) Dominionium
- Karen Vavreck, Ward 2, regarding: 1) Sidewalks; and 2) Harmon Park bathrooms

8. Council Comments

Councilmember Eng-Sarne said there is a lot of unrest and uneasiness going on. There is are incredible people working at the City. Trust everyone is working in the best interest of citizens.

Councilmember Eng-Sarne thanked Joan Hutter for organizing the Green Thumbs tours. She also thanked MGM for the food truck day.

Councilmember Justen reminded everyone that some neighbors do not have air conditioning, especially the elderly. Make sure to check in with someone if you haven't seen them for a while.

Councilmember Pace spoke regarding the trash and disrespect for the Splash Pad and Marthaler Park. Be vigilant and pay attention when you're at the parks.

Councilmember Berry said the food trucks didn't impact any businesses and thanked everyone for wearing masks.

Councilmember Fernandez said Marthaler Park is looking nice and is pretty much done.

Mayor Napier showed photos of Marthaler Park. We need to take care of our investment and said he is frustrated. What can we do to educate the community that this is their park? He recommended that Council give this to the Park & Recreation Committee to come up with possibilities and give us options. Everyone agreed.

Mayor Napier said there were seven Wal-Mart shopping carts in front of Verizon and Jimmy John's. He wants Wal-Mart to be accountable for their carts. This is a regular occurrence.

Council discussed options, such as pulling their business license but they don't have a general business license. Attorney Land said Council has the planning approvals and could look at that for review.

Mayor Napier said the Wal-Mart carts are in the right-of-way and are a safety hazard. Attorney Land said we can review the ordinance.

Mayor Napier asked if we can have the manager come forward. Attorney Land said you can ask but may not require. The Police Department or Staff could talk to them. Chief Sturgeon said he will implement it on a Staff level and bring back.

Councilmember Vitelli wants the Planning Commission minutes reviewed and would like to shut down Wal-Mart.

Councilmember Pace recommended directing Staff to form an ordinance for big box stores to manage their carts and take care of them or get fined.

Mayor Napier said businesses have to put in garbage enclosures and that this is the same thing.

Councilmember Berry asked if there is a reason we haven't forwarded that ordinance? Attorney Land said we will look at it again. It stalled at the Council level.

Councilmember Eng-Sarne said she removed carts from the MGM lot before the food truck event. She said we need a way to fix this.

Councilmember Justen said there used to be a mechanism that locked the wheel of a cart when it left the perimeter. Mayor Napier said he remembers this, as well.

9. Consent Agenda

Motion was made by Councilmember Eng-Sarne and seconded by Councilmember Justen to approve the following items on the Consent Agenda, as presented:

- A.** List of Claims in the Amount of \$1,968,678.88
- B.** CARES Act Funding and Expenditure Allocation Plan
- C.** Creation of a CARES Act Small Business Grant Program
- D.** Rental Licensing
- E.** Fuel Tank Repairs
- F.** Social Media Policy
- G.** Resolution No. 20-062 Approving the West St. Paul Housing Plan 2019
- H.** Resolution No. 20-063 Approving the Processing of Absentee Ballots 14 Days Prior to the Date of the 2020 State Primary and State General Election
- I.** Schedule Special Meeting to Canvass State Primary Results for Friday, August 14, 2020

Vote: 6 ayes / 0 nays. Motion carried.

10. Public Hearings

A. Preliminary and Final Plat Review for Two Lots at the Southwest Corner of Robert Street and Annapolis Street – Dakota County Community Development Authority (CDA)

Community Development Director Hartshorn provided an overview of the ordinance amendment and answered questions from the Council.

Mayor Napier opened the Public Hearing at 7:08 p.m.

Seeing no one wishing to speak, Mayor Napier closed the Public Hearing at 7:09 p.m.

Motion was made by Councilmember Vitelli and seconded by Councilmember Fernandez to approve the preliminary and final plat for the two lots at the southwest corner of Robert Street and Annapolis Street subject to the conditions as listed in the Council's packet:

1. The plat shall be recorded with Dakota County within one year of approval and prior to the application of a building permit; and
2. The Applicant shall address the items outlined in the Minnesota Department of Transportation memo dated July 15, 2020.

Vote: 6 ayes / 0 nays. Motion carried.

B. Conditional Use Permit, Site Plan, Preliminary/Final Plat, and First Reading of a Rezoning Ordinance to Allow Two Apartment Buildings at 1201 Robert Street #50 and 100 Signal Hills Avenue – Dominion Development

Community Development Director Hartshorn provided an overview of the ordinance amendment and answered questions from the Council.

Mayor Napier opened the Public Hearing at 8:01 p.m.

The following people addressed the Council:

In Person:

- Woodrow Piner, North Central State Regional Council of Carpenters
- Mike Klassen, representing his son and wife who live at 1116 Gorman Avenue

Phone Line:

- Michael Orange
- Resident, Ward 2
- Mark Schroeder, Ward 2
- Karen Vavreck, Ward 2

Mayor Napier closed the Public Hearing at 8:18 p.m.

Motion was made by Councilmember Vitelli and seconded by Councilmember Fernandez to adopt Resolution No. 20-065 Approving Conditional Use Permits to Allow Two Structures Over 35 Feet in Height and Two Structures with More than 16 Dwelling Units at 1201 Robert Street South #50 and 100 Signal Hills Avenue – Dominion.

Vote: 6 ayes / 0 nays. Motion carried.

Motion was made by strike #9, #11 and #15, remove realigning of Livingston within those conditions, as referenced in the Staff report, and adopt Resolution No. 20-066 Approving a Site Plan for the Construction of Two Apartment Buildings at 1201 Robert Street South #50 and 100 Signal Hills Avenue – Dominion, as amended.

Vote: 6 ayes / 0 nays. Motion carried.

Motion was made by Councilmember Fernandez and seconded by Councilmember Berry to approve the first reading and call for a second reading of the ordinance to be held at the City Council meeting on August 14, 2020.

Vote: 6 ayes / 0 nays. Motion carried.

Motion was made by Councilmember Fernandez and seconded by Councilmember Berry to adopt Resolution No. 20-067 Approving the Preliminary and Final Plat for 1201 Robert Street South and 100 Signal Hills Avenue – Dominion.

Vote: 6 ayes / 0 nays. Motion carried.

C. Final Reading of Ordinance No. 2008 Amending Section 113 of the City Code Prohibiting Sales of Tobacco to Anyone Under the Age of 21

Chief Sturgeon provided an overview of the ordinance amendment and answered questions from the Council.

Mayor Napier opened the Public Hearing at 8:45 p.m.

Seeing no one wishing to speak, Mayor Napier closed the Public Hearing at 8:46 p.m.

Motion was made by Councilmember Fernandez and seconded by Councilmember Berry to remove “B” from the ordinance and put it into the Fee Schedule and pass Ordinance No. 20-008 Amending Section 113 of the West St. Paul City Code Prohibiting Sales of Tobacco to Anyone Under the Age of 21.

Vote: 6 ayes / 0 nays. Motion carried.

D. Final Reading of Ordinance No. 20-009 Approving the Sale of Property to Hy-Vee, Inc. for Redevelopment Purposes and Approving the Lot Split for PID 41-11560-01-020

Attorney Land provided an overview of the ordinance amendment and answered questions from Council.

Mayor Napier opened the Public Hearing at 8:47 p.m.

Seeing no one wishing to speak, Mayor Napier closed the Public Hearing at 8:48 p.m.

Motion was made by Councilmember Eng-Sarne and seconded by Councilmember Fernandez to pass Ordinance No. 20-009 Approving the Sale of Property Located Within the City of West St. Paul, Minnesota, to Hy-Vee, Inc. and Approving Lot Split for PID 42-11560-01-020.

Vote: 6 ayes / 0 nays. Motion carried.

E. Final Reading of Ordinance No. 20-010 Approving the Sale of Property to the County of Dakota for the River to River Project

Attorney Land provided an overview of the ordinance amendment and answered questions from Council.

Mayor Napier opened the Public Hearing at 8:49 p.m.

Seeing no one wishing to speak, Mayor Napier closed the Public Hearing at 8:50 p.m.

Motion was made by Councilmember Justen and seconded by Councilmember Eng-Sarne to pass Ordinance No. 20-010 Approving the Sale of Property Located Within the City of West St. Paul, Minnesota, to the County of Dakota.

Vote: 6 ayes / 0 nays. Motion carried.

F. Final Reading of Ordinance No. 20-011 Amending City Charter Section 2.07 Subd. 1 and City Code Section 30.04 Regarding Mayor and Council Salaries

City Manager Schroeder provided an overview of the ordinance amendment and answered questions from Council.

Mayor Napier opened the Public Hearing at 8:53 p.m.

Seeing no one wishing to speak, Mayor Napier closed the Public Hearing at 8:53 p.m.

Motion was made by Councilmember Justen and seconded by Councilmember Vitelli to pass Ordinance No. 20-011 Amending West St. Paul City Charter Section 2.07 Subd. 1 and City Code Section 30.04 Regarding Mayor and Council Salaries.

Vote: 7 ayes / 0 nays. Motion carried.

11. New Business

A. Oppidan I – Resolution Terminating Development Agreement, Approving New Development Agreement and Approving of Assignment of Tax Abatement Agreement

Motion was made by Councilmember Justen and seconded by Councilmember Eng-Sarne to adopt Resolution No. 20-068 Terminating and Cancelling the Contract for Private Redevelopment with KTJ 339, LLC, Approving the Contract for Private Redevelopment with TF WSP, LLC and the Assignment and Assumption of the Tax Abatement Agreement.

Vote: 6 ayes / 0 nays. Motion carried.

B. First Reading – Ordinance Approving the Sale of the Former Car X Property to the EDA for Redevelopment Purposes

Community Development Director Hartshorn introduced the following proposed ordinance for its first reading:

“An Ordinance Approving the Sale of Property Located Within the City of West St. Paul, Minnesota, to the West St. Paul Economic Development Authority”

Motion was made by Councilmember Berry and seconded by Councilmember Eng-Sarne to approve the first reading and call for a second reading of the ordinance to be held at a Public Hearing at the City Council meeting on August 17, 2020.

Vote: 6 ayes / 0 nays. Motion carried.

C. First Reading – Conversion Therapy Ordinance

City Manager Schroeder introduced the following proposed ordinance for its first reading:

“An Ordinance Enacting Section 33.04 of the West St. Paul City Code Regarding the Prohibition of Conversion Therapy for Minors”

Motion was made by Councilmember Berry and seconded by Councilmember Vitelli to approve the first reading and call for a second reading of the ordinance to be held at a Public Hearing at the City Council meeting on August 17, 2020.

Vote: 6 ayes / 0 nays. Motion carried.

D. First Reading – Modification to Farm and Small Domestic Animal Ordinance

Chief Sturgeon introduced the following proposed ordinance for its first reading:

“An Ordinance Amending Section 90.08 of the West St. Paul City Code Regarding Farm and Other Small Domestic Animals”

Council discussed the setback requirements and number of chickens allowed. Motion was made by Councilmember Eng-Sarne and seconded by Councilmember Berry to approve the first reading, with amendments, and call for a second reading of the ordinance to be held at a Public Hearing at the City Council meeting on August 17, 2020.

Vote: 6 ayes / 0 nays. Motion carried.

E. First Reading – Modification to Liquor License Ordinance

Police Chief Sturgeon introduced the following proposed ordinance for its first reading:

“An Ordinance Rezoning 1201 Robert Street South and 50 Signal Hills Avenue From B4 – Shopping Center, to PMD – Planned Mixed-Use Development with B4 – Shopping Center and R4 – Multifamily Residential Underlying Zoning”

Motion was made by Councilmember Vitelli and seconded by Councilmember Pace to approve the first reading and call for a second reading of the ordinance to be held at a Public Hearing at the City Council meeting on August 17, 2020.

Vote: 6 ayes / 0 nays. Motion carried.

12. Old Business

There was no old business to discuss.

10. Adjourn

Motion was made by Councilmember Vitelli and seconded by Councilmember Eng-Sarne to adjourn the meeting at 9:14 p.m.

Vote: 6 ayes / 0 nays. Meeting adjourned.

David J. Napier
Mayor
City of West St. Paul