

City of West St. Paul Open Council Work Session
February 13, 2017
5:00 p.m.

1. Roll Call

Mayor Jenny Halverson opened the work session at 5:00 p.m.

Present: Mayor Halverson and Councilmembers Iago, Bellows, Pace and Napier. Clpn. Fernandez had an excused absence. Clpn. Vitelli arrived at 5:19 p.m.

Others: Attorneys Korine Land and Peter Mikhail and Interim City Manager Ryan Schroeder, Assistant City Manager and HR Director Sherrie Le, Public Works Director Ross Beckwith, Fire Chief Mike Pott, Police Chief Manila Shaver, Community Development Director Jim Hartshorn, Assistant Community Development Director Ben Boike, Finance Director Joan Carlson and City Clerk Chantal Doriott.

2. Review and Approve the OCWS Agenda

There were no changes or revisions to the work session agenda.

3. Review the Regular Meeting Consent Agenda

There were no changes or revisions to the regular Council meeting agenda.

4. Agenda Item(s)

A. Closed Session to Discuss Robert Street Easement Acquisitions

Motion was made by Clpn. Napier and seconded by Clpn. Bellows to close the work session pursuant to Minnesota State Statute 13D.05 Subd. 3(b) for attorney-client privilege communication purposes. All members present voted aye. Motion carried.

City Council and staff: Interim City Manager Ryan Schroeder, Finance Director Joan Carlson and City Clerk Chantal Doriott were present during the closed session.

Motion was made by Clpn. Napier and seconded by Clpn. Iago to reopen the meeting at 5:18 p.m.

Clpn. Dick Vitelli arrived at 5:19 p.m.

B. Smith/Dodd Small Area Plan Project Discussion

Assistant Community Development Director Boike introduced WSB Consultants to review the Smith/Dodd Small Area Planning process.

In addition, the project scope includes the evaluation of the potential realignment of the Dodd/Smith intersection, including specifically looking at the feasibility of a round-a-bout. WSB has drafted three preliminary alternatives for discussion which will be presented at the meeting. Staff is requesting input as to whether or not the Council is in favor of proceeding with further review of the concepts with the PAC.

It is important to note, MnDOT has already finalized engineering plans for the 2019 Smith Ave project. The project includes the mill and overlay of Smith Ave. (Annapolis south to Dodd) and Dodd Road (south and west of Smith Ave.) and a new traffic signal at the existing intersection of Smith/Dodd. As a result, any future realignment of the Smith/Dodd intersection would have to be initiated at a later date by the City.

Why would you do a cul-de-sac? Because connecting that would be too close to the Smith intersection and we would impact north properties. Depends too on what happens with the shopping center. They tried to lessen the impacts with this design.

Would any of these designs be able to be entwined with the Smith Avenue construction in 2018? Assistant Community Development Director Boike said the MnDOT conversations with that project and this project could work together however, the MnDOT project will do mill and overlay and a signal regardless of our project. Could this have been included in the MnDOT project? Assistant Director Boike was not sure. Mayor Halverson is not clear how this came about without the Council knowing. Assistant Director Boike gave an overview and explained there was a \$15,000 matching grant to fund the study. Clpn. Bellows said he agrees with the Mayor and the Council was not aware of this potential project. Interim City Manager Schroeder offered input. Assistant Director Boike offered additional information. Clpn. Iago said this wasn't driven by accidents, merchants, others? No it was not.

Further comments:

- Clpn. Bellows said he noticed in Option 2 and in Option 3 there is a significant issue – the northwest access of the shopping center is lost to that property. That is correct said WSB. Also the southwest access might be tight said Clpn. Bellows. WSB said the southwest access would be able to be maintained.
- Clpn. Napier appreciates the concepts and addressing this intersection; with the idea that Smith Ave. and the high bridge will be closed for a year, this would be an opportunity to do something and address this intersection, to spur some economic growth.
- Mayor Halverson said it would be good to review this from a pedestrian view.
- Clpn. Vitelli said Option 1 seems logical. He would not want a cul-de-sac on Bernard. Clpn. Pace is not in favor of the cul-de-sac option.
- Clpn. Bellows said this is a difficult roadway to make improvements. His main concern is that if Smith is having work done in 2018.

- Clpn. Vitelli said MnDOT isn't interested in a roundabout? No said Director Beckwith as there are acquisition costs. The signal is less expensive. Clpn. Vitelli said all of the options impact our property on the corner; especially the roundabout. He wonders if what's there is the best.

Directors Boike and Beckwith said not for federal dollars. Clpn. Pace asked if we should meet with business owners in area.

Police Chief Shaver said what sometimes works for an engineer doesn't work for public safety. Increasing the speed limit – he is also not in favor. This is a state road. You come in at 35 MPH from Dodd into Mendota Heights. It should remain as-is.

Mayor Halverson said thanks to the WSB representatives.

The project includes the formation of a Project Advisory Committee (PAC) consisting of city officials, business owners, property owners and/or residents who have a direct interest in the study area. The PAC is a critical element to the success of the project and will provide direction to Staff and the consultant on the future vision for the Smith/Dodd neighborhood. The proposed schedule calls for a total of five PAC meetings over the next seven months.

Staff is recommending the following individuals for the PAC:

- Mark Tessmer – owner of Camelot Cleaners (984 Smith Ave)
- Jim Casper – owner of Cherokee Tavern (886 Smith)
- Leo Exley – owner of commercial/residential property (879-891 Smith)
- Nancy Breymeier – owner of Amore Café (879 Smith)
- Pasteur Enterprises Representative – owner/operator of Doddway Shopping Center (374 E. Bernard)
- Charlie Godbout – residential home owner (940 Smith)
- Council Representative (TBD)
- Planning Commission Representative (TBD)

Mayor Halverson said this is an advisory committee and a public committee so she is not sure we have a Planning Commission and City Council representative but is in favor of appointing a few other public members. Clpn. Bellows said he is in favor of having a Planning Commission and City Council representative and he has heard from a couple other constituents. Mayor Halverson said she is not trying to keep Council away and all meetings will be noticed so that Councilmembers or Planning Commissioners could attend if they so choose. There will also be a few more community members appointed to the PAC. Clpn. Napier said some of these plans may not work; we are just looking at the concept of seeing if there is better working of the roads in this area. The Dodd project is moving forward and this will not hold that project up. Council needs to make a decision.

C. Zoning Amendment Request for 1631-45 Marthaler Lane

Assistant Community Development Director Ben Boike gave an overview. Staff recently received a request to locate an Adult Daycare facility at 1631-45 Marthaler LN (one of the former Darts buildings). The property is currently zoned I1, Light Industrial. The I1 District does not currently allow Adult Daycare. Attached please find more information provided by the interested business as well as a letter of support from DARTS, who still owns the property. Should the Council be in favor of allowing the proposed Use at the proposed location, there are two options for consideration:

- 1) Amend the I1 District Language to either allow Adult Daycare as a Permitted Use or a Conditional Use.
- 2) Rezone the property to B3, General Business. In doing to so, Adult Daycare would be permitted via a Conditional Use Permit. However, one of the existing buildings is currently being used for minor auto repair which is permitted under the current I1 zoning. Rezoning the property to B3 would also require the auto repair operation to obtain a Conditional Use Permit.

Clpns. Bellow and others spoke about the conditional use permit and restricting the number of people the facility serves. Discussion regarding an auto repair or auto retail and the potential zoning needed ensued. Clpn. Napier is in favor of moving forward with a conditional use permit and Boike said the applicant is in favor. All other Councilmembers were in favor of the zoning amendment request for the proposed Marthaler Lane property.

D. Injunction Process, Nuisance Property

Police Chief Shaver said he and the city attorney have an issue at 210 Logan Avenue. There is gang and drug and violent crimes associated with this address. On August 2, 2015 the homeowner's son was shot and killed during a robbery. Chief Shaver read details from ten incidents that have occurred at this address. Attorney Land gave further information on the steps the city has taken to try and remedy issues. The injunction action is pretty severe as you are evicting people out of their home for one full year. Attorney Land then further explained the process. There are many instances for bringing an injunction forth to the judge. The property owner is not a criminal but rather her children and she has not been charged with any severe nuisances. Attorney Land offered further information on the process. She is not sure what a voluntary abatement program will look like (so the issues self-correct) and staff might like to include the residents who have been dealing with the issues and problems surrounding this property. Temporary and permanent injunctions and a potential trial were also addressed. We need to be able to prove there are two nuisance issues in two months prior to the temporary injunction. If an injunction is granted it is good for one year. The voluntary abatement is made between the Council and property owner. Police Chief Shaver said he has offered the property owner, on two different occasions, to participate in a voluntary abatement and she has not answered in the affirmative. Clpn. Bellows asked how you establish what materials they are using are an illegal substance. Lt. Matt Swenke is familiar with that activity and the videos. Chief Shaver said what they are doing is illicit activity and he believes Attorney Land can determine this based on activity and call load. Clpn. Bellows said as a matter of evidence he wants to be sure that we have the best situation to make sure a judge views this favorably. Clpn.

Bellows said if someone was seen at the premise, and they were stopped later that day and had a legal violation, would that be something to review. Attorney Land said what an officer can attest to and testifies to will be used to prove the case. Resident sightings would most likely not be used. There will be as many arguments used as possible.

Clpn. Napier said this has been ongoing. We read about it in the paper and via the Chief's weekly briefing. During a neighborhood meeting several people voiced their complaints and these were legitimate concerns. The police are in favor of doing an injunction and moving forward. Chief Shaver is shocked the neighbors have not moved. Note they are very complimentary to the police officers who are working hard to stand up to these issues. Mayor Halverson agrees. Clpn. Vitelli asked about section 89 with gang activity – can you do both processes at the same time. Attorney Land said we should use one process. This is all going to cost money and how much would it cost a police car to work there 24/7; to sit in front of the property? Chief Shaver said they patrol as much as they can in this area. It is not necessarily a slam dunk case. Clpn. Vitelli said we need to do something. Clpn. Iago said there are 2 or 3 times more activities at this property than what is on paper. He is in favor of moving forward with action. All Councilmembers and Mayor Halverson are in favor of the proposed injunction process, as proposed.

E. Discuss Dakota County's Request to Separated Grade Crossing Study with City Commissions

Interim City Manager Ryan Schroeder said the Dakota County staff is requesting direction on how best to present and receive feedback on the findings of the recently completed draft of the River to River Robert St. Crossing Feasibility study. The options appear to be:

- Present to the Parks and Recreation Commission and/or Planning Commission
- with recommendation to City Council
- Present directly to the City Council
- Present to the City Council with intent to refer out at that point
- Alternative direction as identified by Council

Comments:

- Mayor Halverson would like a public forum that is aired by Town Square with Council, staff, and County personnel; all people that can answer questions about the proposed. There are a lot of questions and emails lately. This needs to be shared and have a public engagement piece regarding this proposed study.
- Clpn. Iago said we are ready to enter into an agreement and the more opportunity to verbally go awry, that could be a problem. The County has been all over this, we have an opportunity to move forward with the YMCA and until we have the business we should go or stop (green or red light). The County said they would respect our wishes and right now they should let the YMCA and city proceed. There are a lot of false statements out there.
- Mayor Halverson said she is not overly concerned about social media and she doesn't feel it's inappropriate to gather public input. She would like to answer their questions and hearing concerns.

- Clpn. Bellows said we need to have the facts and during the open house John Mertens said the path from Charlton to Humboldt through various parks doesn't meet standards. There are alignment questions. There are questions about the Wentworth crossing across Robert with no controls. We are being asked to make a determination without knowing the rest of this path and we have no clue where the path to the east on Oakdale will go. The people will render their voice in a vacuum. We need this information. To hold public meetings without this information is inappropriate. We need to hear about the east side of Robert Street redevelopment. We are talking about a tunnel to nowhere. We need to know where it is going and how.
- Mayor Halverson said we do this in pieces and the meetings can be held in May, they don't need to be held now.
- Clpn. Vitelli said Clpn. Bellow's arguments are reasonable to hear what the public has to say. We need answers – where is it going, when does the state grant disappear and how much will it cost? We will not look well if we can't make an intelligent decision. We need to get this out in the open.
- Mayor Halverson said we are here to represent the people who elected us and let's hear from them and answer their questions.
- Clpn. Bellows suggests we wait six months. Clpn. Napier said we owe it to the community members to get information from them. Here is the study concept plan – what do you want us to do.
- Clpn. Pace said can we ask if they want a big box development or a tunnel. Clpn. Bellows said that is what we need to know.
- Interim City Manager Schroeder said the MOU and timeline would bring some level of certainty to some issues raised here. Answers to some of these questions will happen. If you ponder something in May that could make some sense.
- Clpn. Iago asked Director Hartshorn – did they want more information? Director Hartshorn said they don't want anything to be public at this time.
- Clpn. Napier said the separated grade crossing is what we are talking about. Maybe it comes back with the residents saying they need the crossing. Then the big box says no, it will not work. Then we have decision to make.
- Council had mixed reactions and will wait to hear more from the YMCA on the MOU.

F. Discuss Possible Mural for Harmon Park by Sibley Mural Club

Discussion of a possible mural for Harmon Park will be brought forward at the next work session.

5. Adjourn

Motion was made by Clpn. Vitelli and seconded by Clpn. Bellows to adjourn the work session at 6:25 p.m. All members present voted aye. Motion carried.

Jenny Halverson

Mayor
City of West St. Paul