

**City of West St. Paul  
City Council Meeting Minutes  
March 23, 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  
Community Development Director Jim Hartshorn  
City Clerk Shirley Buecksler

Mayor Napier stated that tonight's meeting will be conducted virtually and described the process.

**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**

Mayor Napier said that an Open Council Work Session was not held tonight and that future work sessions have been temporarily suspended.

**6. Citizen Comments**

- a. Julie Eastman, Ward 1, called in to test the phone line.
- b. Kelly Gibbon said she received no notification that a meeting would be held tonight.
- c. Several citizens called regarding Item 11B, First Reading of an Ordinance Repealing Section 33.03 of the West St. Paul City Code Regarding Prevailing Wage.
  - Mayor Napier said he spoke with many constituents today on the topic of prevailing wage. This item is on the Council's agenda for discussion by the City Council this evening, but public comment will not be taken at this time. If this item moves

forward, a Public Hearing will be scheduled where the Council will take public comment. The best way to contact the Mayor and Council is by calling them or sending your message in an email. Contact information is available on the City's website at <https://wspmn.gov/494/City-Council>, scroll down and click on each individual for their contact information.

- d. James Gulley, 1045 Gorman Avenue, asked about the process to recall politicians or Councilmembers if constituents are dissatisfied.
  - Mayor Napier said the City Clerk will send information to Mr. Gulley on how to contact the City Council.

## **7. Council Comments**

Councilmember Eng-Sarne thanked everyone for tuning into tonight's virtual City Council meeting, submitting questions and comments and being patient with us as we carve out this new way to do business, connect with our neighbors and provide the essential services you count on us for. She also thanked Department Heads, all City Staff, as well as Marketing & Communications Manager Dan Nowicki for working tirelessly to help us navigate this difficult time. We are doing our best to ensure that you can access our meetings going forward.

Councilmember Eng-Sarne said the West St. Paul community has stepped up for one another, with donations to Neighbors, Inc., the fundraiser supporting our friends at Oxendale's who kept their shelves stocked with great kindness under pressure, hopeful messages in chalk on sidewalks and driveways, and happy hour toasts in yards at the appropriate distance.

Councilmember Eng-Sarne provided some important information for everyone:

1. Take this seriously. Refrain from group activity, wash your hands, and stay home. The faster we all comply with the guidelines, the more people we can protect.
2. Please do not flush anything down the toilet other than toilet paper, as other items are hard on our infrastructure.
3. Maintain a six to ten foot distance from other people to help slow and stop the spread of Coronavirus.

It is important that leadership at every level take this as seriously as your City officials are.

Councilmember Berry thanked everyone for calling in tonight. We are learning this new process. Councilmember Berry said this is the first time we have had a meeting like this and apologized for the lack of clarity. She thanked everyone who works hard to keep people safe in their homes, and said she can't say enough about the way our community is stepping up to help each other. Keep it up and we'll get through this together.

Mayor Napier commented on the process for tonight's meeting. Leadership is challenging in these times and we need to be creative to pull our meetings together. The process in place for items on the agenda is concrete and the way we have always done it. He explained in many communications earlier today that there wouldn't be public testimony tonight. The public is still able to watch and listen to all of our communication tonight. We will make sure that

everyone is aware of and able to access any Public Hearings. Mayor Napier thanked everyone for their patience and said that leadership is challenging with what is going on right now in our country and our city.

Mayor Napier said Neighbors, Inc. needs donations and food for the food shelf as much as ever before. There are people in need, and Neighbors does a fantastic job caring for our community.

Mayor Napier thanked our grocery workers, staff at Menards, and all of the stores in our community. They provide an essential service for all of us – thank you to all workers. He thanked everyone in the community who have supported these workers. Bars and restaurants had to close, which is a hardship for their wait staff, cooks and everyone. Mayor Napier said he has seen unbelievable support for our local restaurants and appreciates that. Our small shops are getting creative, as well, with curbside pickup at Amore Coffee, for example. Thank you to our community for helping our businesses to thrive during this difficult time.

Councilmember Justen said he hears the public’s frustration about access for tonight’s meeting. As we move forward, we need to do better about notifying the public ahead of time as to how to access the meeting. This will be a huge priority. A lot of notification will be going out for the next meeting. It’s important that the public knows we are listening to you.

Councilmember Fernandez told everyone to stay healthy and safe during this uncharted territory. This is uncharted territory and, unfortunately, this may lead to one of the biggest economic declines that we have seen in a very long time. Stay healthy.

Councilmember Vitelli said, during these times of COVID-19, we are all going to be a little bit uncomfortable. Things will be different for a while and we will have to learn to deal with that.

## **8. Proclamations, Presentations and Recognitions**

### **A. Confirming a State of Emergency**

Mayor Napier said these are unprecedented times for the city of West St. Paul, and what it important for everyone to realize is that it is real and it is serious, but we can get through this.

On Friday, March 20, 2020, Schroeder said the Mayor declared a State of Emergency, which needs to be ratified by the Council tonight. With Council ratification of that same action, the declaration will remain in effect until City Council rescinds or repeals that emergency action. The main reason to declare a State of Emergency is that it impacts the City’s ability to request funding for expenditures, staff time, and things that relate to our activities in regards to the emergency declaration. Over the past month, our activities at the staff level have been ramping up. We have never gone down a path of hosting virtual meetings, and we were still working on that today. In the future, and as easily as we can provide the opportunity to, we will focus on making sure folks can easily participate in whatever process. We have pretty much cancelled everything except Council and Planning Commission meetings. The April Planning Commission meeting will function more or less this same way as tonight. We are making plans such that we are able to operate for several months in this fashion, if necessary.

City Attorney Land said, by declaring a local State of Emergency, it gives the Mayor and City Manager flexibility to improvise, as necessary. The City Council will still need to ratify, confirm and approve things as they are done, especially if there is an expenditure of funds. In this time when there is not always enough time to get the Council together to get proper notice to everyone, declaring a State of Emergency allows the ability to do this faster, as on the fly decisions need to be made.

Motion was made by Councilmember Pace and seconded by Councilmember Eng-Sarne to affirm and adopt Resolution No. 20-033 Declaring a Local Emergency, passed by Mayor Napier on March 20, 2020.

Vote: 6 ayes / 0 nays. Motion carried.

## **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 for March 23, 2020 in the Amount of \$1,001,791.36

**B.** Police Department/City Hall Change Order #2

**C.** City Licensing, including:

- Resolution No. 20-034 Concurring with the Issuance of an Application to Conduct Off-Site Gambling, PGA Reach Minnesota Charity Events; June 12 to 14, 2020 at Southview Country Club, 239 Mendota Road East

**D.** Rental Licensing in the Amount of \$3,096.50 for:

- 124 Stanley Street East (Apartment – Renewal)
- 1033/1035 Winslow Avenue (Duplex – New Owner)
- 1049 Gorman Avenue (Duplex – Renewal)
- 1051 Seminole Avenue (Duplex – Renewal)
- 190/194 Arion Street East (Duplex – Renewal)
- 172/174 Haskell Street East (Duplex – Renewal)
- 401/403 Butler Avenue East (Duplex – Renewal)
- 1053 Sperl Street (Duplex – Renewal)
- 1000 Oakdale Avenue (Duplex – Renewal)
- 81 Orme Street East #5 (Townhome – Renewal)
- 1331 Ohio Street (Single Family – New)
- 949 Allen Avenue (Single Family – Renewal)
- 991 Smith Avenue (Single Family – Renewal)
- 1166 Smith Avenue (Single Family – Renewal)
- 332 Bernard Street West (Single Family – Renewal)
- 482 Annapolis Street West (Single Family – Renewal)
- 1051 Ottawa Avenue (Single Family – Renewal)
- 1060 Ottawa Avenue (Single Family – Renewal)
- 865 Bidwell Street (Single Family – Renewal)
- 192 Bernard Street East (Single Family – Renewal)

- E. Final Payment for the Forcemain 1 Replacement Project CP 18-6 in the amount of \$85,295.94 to Minger Construction Company, Inc.
- F. Minnesota State Aid Traffic Count Contract awarded to WSB & Associates, Inc. in the amount of \$4,655.00
- G. Resolution No. 20-035 Authorizing the Submission of an Application for a Federal Transportation Alternatives (TAP) Grant
- H. Receipt of Housing Rehab Loan Servicing Documents
- I. Thompson/Oakdale Bike and Pedestrian Feasibility Report Update

Vote: 6 ayes / 0 nays. Motion carried.

## **10. Public Hearings**

### **A. Conditional Use Permit, Site Plan, and Rezoning Applications for the Construction of a 54-Unit Apartment Building at 895 Robert Street – Dakota County Community Development Authority (CDA)**

Mayor Napier opened the Public Hearing at 7:43 p.m.

Seeing no one wishing to speak, Mayor Napier closed the Public Hearing at 7:44 p.m.

Motion was made by Councilmember Vitelli and seconded by Councilmember Fernandez to:

- 1) Adopt Resolution No. 20-036 Approving a Site Plan for the Construction of a 54-Unit Apartment Building at 895 Robert Street – Dakota County Community Development Authority (CDA)
- 2) Adopt Resolution No. 20-037 Approving a Conditional Use Permit to Allow a R4 Residential Dwelling in the B5 – Gateway North Mixed Use District at 895 Robert Street – Dakota County Community Development Authority (CDA)
- 3) Approve the first reading and call for a second reading of an Ordinance Rezoning 895 Robert Street from B5 – Gateway North Mixed Use, to PRD, Planning Residential Development with B5 – Gateway North Mixed Use Underlying Zoning

Vote: 6 ayes / 0 nays. Motion carried.

### **B. Conditional Use Permit, Site Plan, and Preliminary Plat Applications for the Expansion of an Existing Building at 110 Crusader Avenue – Net Ministries**

Mayor Napier opened the Public Hearing at 7:53 p.m.

The following people addressed the Council:

- John Bellows, 1925 Bidwell
- Mark Berchem, President of Net Ministries
- Dennis Batty, Architect for Net Ministries

Mayor Napier closed the Public Hearing at 8:09 p.m.

Motion was made by Councilmember Vitelli and seconded by Councilmember Pace to:

- 1) Adopt Resolution No. 20-038 Approving a Site plan for the Expansion of an Existing Building at 110 Crusader Avenue – Net Ministries
- 2) Adopt Resolution No. 20-039 Approving a Conditional Use Permit to Allow On-Site Housing for an Educational Facility Operating in Conjunction with a Permitted Principal Use in the R4 – Multiple Family Zoning District at 110 Crusader Avenue – Net Ministries
- 3) Adopt Resolution No. 20-040 Approving the Preliminary Plat for 110 Crusader Avenue – Net Ministries

Vote: 6 ayes / 0 nays. Motion carried.

**C. Final Reading of Ordinance No. 20-003 Vacating Easements Along Robert Street**

Mayor Napier opened the Public Hearing at 8:11 p.m.

Seeing no one wishing to speak, Mayor Napier closed the Public Hearing at 8:12 p.m.

Motion was made by Councilmember Justen and seconded by Councilmember Eng-Sarne to approve Ordinance No. 20-003 An Ordinance Vacating Easements Located Within the City of West St. Paul, Minnesota.

Vote: 6 ayes / 0 nays. Motion carried.

**D. Final Reading of Ordinance No. 20-004 Amendment Regarding Body Art**

Mayor Napier opened the Public Hearing at 8:14 p.m.

Seeing no one wishing to speak, Mayor Napier closed the Public Hearing at 8:15 p.m.

Motion was made by Councilmember Fernandez and seconded by Councilmember Justen to approve Ordinance No. 20-004 An Ordinance Amending Section 111.06 of the West St. Paul City Code Regarding Exception to Body Art Establishment Ordinance for Cosmetic Tattooing.

Vote: 6 ayes / 0 nays. Motion carried.

**E. Final Reading of Ordinance No. 20-005 Amendment Regarding Pawn Shop and Precious Metal Dealers**

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

Seeing no one wishing to speak, Mayor Napier closed the Public Hearing at 8:19 p.m.

Motion was made by Councilmember Justen and seconded by Councilmember Fernandez to approve Ordinance No. 20-005 An Ordinance Amending Section 111.07 of the West St. Paul City Code Regarding an Automated Pawn System for Pawnbrokers and Precious Metal Dealers.

Vote: 6 ayes / 0 nays. Motion carried.

## **11. New Business**

### **A. Plat Amendment for 150 Thompson Avenue East and 1510 Robert Street – Hy-Vee, Inc.**

Motion was made by Councilmember Justen and seconded by Councilmember Fernandez to adopt Resolution No. 20-041 Approving the Plat Amendment for the Properties Located at 150 Thompson Avenue East and 1510 Robert Street – Hy-Vee, Inc.

Vote: 6 ayes / 0 nays. Motion carried.

### **B. First Reading of an Ordinance Repealing Section 33.03 of the West St. Paul City Code Regarding Prevailing Wage**

Motion was made by Councilmember Justen and seconded by Councilmember Fernandez to deny the repeal of Section 33.03 of the West St. Paul City Code Regarding Prevailing Wage.

Vote: 6 ayes / 0 nays. Motion carried.

## **12. Old Business**

There was no old business to discuss.

## **13. Adjourn**

Motion was made by Councilmember Vitelli and seconded by Councilmember Berry to adjourn the meeting at 8:59 p.m.

All members present voted aye. Motion carried.

David J. Napier  
Mayor  
City of West St. Paul