

**City of West St. Paul
Open Council Work Session Minutes
July 13, 2020**

1. Roll Call

Mayor Napier called the meeting to order at 5:00 p.m.

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

Absent: None

Also Present: City Manager Ryan Schroeder
City Attorney Kori Land
Police Chief Brian Sturgeon
Community Development Director Jim Hartshorn
Marketing & Communications Manager Dan Nowicki
City Clerk Shirley Buecksler

2. Review and Approve the OCWS Agenda

Motion was made by Councilmember Eng-Sarne and seconded by Councilmember Berry to approve the OCWS agenda, as presented.

All members presented voted aye. Motion carried.

3. Review the Regular Meeting Consent Agenda

Motion was made by Councilmember Vitelli and seconded by Councilmember Eng-Sarne to approve the Consent Agenda, as presented.

All members present voted aye. Motion carried.

4. Agenda Item(s)

A. Housing Plan/Maxfield Housing Market Study

Community Development Director Hartshorn said an initial review of the Housing Plan was held during an Open Council Work Session on May 13, 2019. After Council held a brief discussion with Staff, it was recommended that the plan be sent to the Planning Commission for review. The plan has since been updated to reflect the changes recommended by Planning Commission and City Council.

The Planning Commission reviewed the Housing Plan during two meetings due to the length of the document. During the second review by the Planning Commission on

July 16, 2019, it was voted 7-0 in favor of moving the forward to the City Council with some recommended changes added to the plan.

Most of the Planning Commission's recommendation were already in place, or have since been implemented to the proposed plan; see page 42 of the proposed Housing Plan. Page 27 shows the current Quality Housing Program that we still use today.

Hartshorn said West St. Paul is a first ring suburb. The plan has been edited and changed over the years, but housing is an important part of economic development. Demand is out-pacing supply in some categories and we don't have much vacancy.

Councilmember Justen asked which of the Planning Commission recommendations were not included? Hartshorn said they were all put into the plan.

Councilmember Berry asked how a house gets on the problem property list? Hartshorn said by multiple complaints, and if there is no cooperation by the owner, but we work with the homeowner.

Councilmember Berry asked how do we work with renters causing problems? Hartshorn said we work through the owner. We contact the owner who applied for the Rental License or the owner listed on Dakota County records.

Councilmember Fernandez asked if correspondence is sent to both the owner and the property address? Hartshorn said yes.

Councilmember Fernandez asked if there are any policy recommendations? One of the biggest would be the rental density ordinance, he said, and granny pods. How are we utilizing this plan? Will we put some teeth behind it? Hartshorn said single family blocks cannot be over ten percent (10%) rental but said we can look at it.

Councilmember Vitelli asked if Code Enforcement patrols? Hartshorn said they are proactive and said he speaks highly of our Code Enforcement Officers.

Councilmember Eng-Sarne asked if vegetable gardens are allowed in the front yard? Hartshorn said that's a good question. There are very few but are allowed in the backyard. Councilmember Eng-Sarne said she encourages gardens in any part of your yard. Mayor Napier said there is a way to do it with our current ordinance.

Mayor Napier thanked the Planning Commission for spending two meetings on this. The Council before us also worked hard to put this in place. Mayor Napier thanked Staff for their work on this.

B. Conversion Therapy Ban Request

On March 9, 2020, City Manager Schroeder said a citizen approached the City Council with a request for the City to consider a ban on reparative therapy, also known as

conversion therapy. Within a few weeks of this request, the Council began virtual meetings due to the COVID-19 pandemic and have not had the opportunity for a Council of the whole OCWS until very recently. Enclosed, please find a number of exhibits intended to provide Council some level of background of the issue.

According to the data we have compiled, 20 states and 72 cities across the country have banned conversion therapy for minor children in some fashion. Within Minnesota, the Cities of Duluth and Minneapolis adopted bans on December 16 and November 22, 2019, respectively. We are not aware of other Minnesota Cities having taken up the matter (although they may have). According to the League of Minnesota Cities and Metro Cities, there has been some legislative discussion on this topic, but legislative support for a statewide ban does not appear to be in the immediate future.

It is uncertain if conversion therapy has taken place in West St. Paul or what the impact of a ban would be within the community.

Councilmember Vitelli suggested moving forward with it and Council concurred.

City Attorney Land said this can be a resolution, ordinance, or a proclamation.

Councilmember Eng-Sarne proposed that it be written as an ordinance. Council agreed. Councilmember Berry added that Red Wing passed an ordinance recently.

C. Modification of Farm and Other Small Animal Ordinance

Police Chief Schroeder said there has been a dramatic increase in urban farming throughout the country including here in Minnesota and West St. Paul, which includes the keeping of chickens for egg production and tick management. Our current ordinance allows four chickens, no roosters.

There are many residential lots in town that are 40 feet wide by 100 feet long which would automatically prohibit the keeping of chickens pursuant to our ordinance.

West St Paul ordinance 90.08(D) states, “A chicken coop, dove cote, dog kennel facility (which is a facility designed to contain more than three dogs), rabbit warren or other yard or establishment where small animals or fowls are kept, must not be maintained closer than 100 feet from any apartment, hotel, restaurant, boarding house, retail food store, building used for school, religious, or hospital purposes, or residence other than occupied by the owner or occupant of the premises where the creatures are kept.”.

Staff has been asked to bring this topic to Council to see if there is interest in a change to the ordinance to allow the keeping of chickens in areas that are not able to maintain the 100 foot requirement from a residence or other structure. Some options include:

- Reducing the 100 foot requirement
- Eliminating the 100 foot requirement
- Implement an exception to the 100 foot requirement with written or verbal permission from the neighboring property or properties

Councilmember Vitelli said he is not in favor of amending the ordinance.

Councilmember Berry said the third option is more favorable.

Councilmember Justen said, in his neighborhood, no one could have them. He is okay with eliminating the 100 foot requirement but prefers the third option of working together.

Councilmember Fernandez asked what happens if someone moves? Attorney Land said they need 100% neighbor consent from any touching properties. The buyer would have to find out who has chickens. Councilmember Fernandez said the owner will have to disclose that they have an agreement.

Chief Sturgeon said if you have more than four chickens, they would need to apply for a Special Animal Permit. Attorney Land said we could write in a permit process to come before Council.

Councilmember Justen said he doesn't like verbal permission and said it must be written. We could create a simple form.

Councilmember Berry asked about chicken noise. Chief Sturgeon said that hens are not loud.

Mayor Napier said the biggest problem is the smell, which is why the setback helps. Chief Sturgeon said the ordinance has information to address this issue.

Councilmember Eng-Sarne supports a form and talking with your neighbors.

Mayor Napier encouraged people to raise chickens.

D. Social Media Policy

In early 2014, Marketing & Communications Manager Nowicki said the City of West St. Paul began using social media to stay connected with the public in a digital age. Currently, the City, including the Police Department, has a total of five social media accounts managed by Staff and overseen by the Marketing & Communications Manager. Over the last 6+ years, social media has become one of the most important tools the City and the Police Department has at its disposal. Social media is integral in keeping our community informed on issues, connected to Staff and leaders, and safe during emergencies. It is more important now than ever before.

In recent years, government entities at all levels have become a mainstay on social media. This has brought up many legal questions on what is public information and what platforms constitute official government ownership and business. With recent court cases reaching as high as the White House and federal appeals courts, Staff considers it important to update the City's social media policy to reflect the City of West St. Paul's vision, ethics, and in accordance with constitutional law and precedence from recent landmark cases.

Staff drafted a Social Media Policy with the help of the City's legal counsel to better define the ownership and responsibility of the City, its employees and agents, and to state clearly the processes involved in the City's use of social media.

Nowicki said that social media is not used for any official City business. He also said that this policy does not apply to personal social media accounts.

Councilmember Berry told Dan Nowicki that he does a great job with the City's social media accounts. Councilmember Vitelli echoed this.

City Attorney Land said a general rule is, anything the City puts out is governed by the City. The City is in control of that data. Councilmembers may be putting out information and receiving feedback, and you are required to monitor your own social media accounts. She suggested that they read this policy and interpret it as if it applies to you personally, although it doesn't. Attorney Land also said that you can have parameters which are content neutral but you cannot ban someone. You may get complaints when regulating someone else's free speech.

Councilmember Justen asked if four members of Council post on a social media account, is that considered a quorum? Attorney Land said she would counsel them not to have four members of Council responding.

Mayor Napier thanked Dan Nowicki for all he has done and for communicating with our residents during our two State of Emergencies. Mayor Napier said Dan Nowicki has brought marketing from zero to where it is today and thanked him for that.

Councilmember Justen thanked City Manager Schroeder and Police Chief Sturgeon for their social media posts that have kept people at ease. Chief Sturgeon said we work very well with Dan Nowicki.

Councilmember Eng-Sarne said she knows how hard Nowicki's job is and that people forget there is a human being behind it. Thank you, Dan.

Mayor Napier said this is a very important document for us to have and should be brought forward to a Regular Council meeting.

E. OCWS Backlog Items

Having not had an OCWS meeting from March until June 22, 2020, City Manager Schroeder said Council has had a number of backlog items in queue. On June 22, nine of these were addressed.

On July 27, Schroeder said the intent is to discuss:

- Business and Liquor License Grants (post Legislative Special Session)
- Pedestrian Plan Progress; Sidewalk and Trail Gap Funding and Schedule
- Townhome Assessment Formula (from late 2019)
- Recognition/Day Designations

In August, we are anticipating addressing:

- 2021/22 Budget
- 2021-2030 CIP
- Fee Schedule on Inflow & Infiltration, Right-of-Way, Storm Sewer
- IT/BCA Related Policy Amendments
- Rank Choice Voting

It should be noted that issues of immediate import do arise from time to time. As this occurs, Schroeder said the above schedule could change.

Councilmember Fernandez said he is wondering where we are with the pedestrian plan, sidewalk, and Gap funding. What is Staff doing or what opportunities are there regarding Gap funding? Schroeder said the second and third items, sidewalk and Gap funding, are listed here. Council directed that a new element in the Capital Improvement Plan be created (sidewalk and trails). The draft in August will include that. We have a \$500k/year allocation towards trails and sidewalks. Schroeder said the Public Safety Committee discussed the Gap portion a bit.

Councilmember Justen said he has had contact regarding mask requirements and citizens would like it discussed. Schroeder said we hear it may be imminent but we will put it on July 27.

Mayor Napier said this list could be reprioritized.

Councilmember Fernandez said it would be nice to see raw, actual costs of certain things. What will the actual cost be? Who will be an actual partner on it with us? Schroeder said Emerson is a perfect example with a lot of issues.

Councilmember Fernandez said Met Council may appreciate more information.

5. Adjourn

Motion was made by Councilmember Justen and seconded by Councilmember Berry to adjourn the meeting at 6:01 p.m.

All members present voted aye. Motion carried.

David J. Napier
Mayor
City of West St. Paul