

**City of West St. Paul
City Council Meeting Minutes
March 13, 2023**

1. Call to Order

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

2. Roll Call

Present: Mayor Dave Napier
Councilmembers Pat Armon, Wendy Berry, Julie Eastman, Lisa Eng-Sarne, Robyn Gulley and John Justen

Absent: None

Others Present: City Manager Nate Burkett
City Attorney Sam Ketchum
Assistant City Manager Dan Nowicki
Police Chief Brian Sturgeon
Community Development Director Ben Boike
Public Works Director / City Engineer Ross Beckwith
Parks & Rec Director Dave Schletty
Finance Director Char Stark
City Clerk Nicole Tillander

3. Pledge of Allegiance

4. Adopt the Agenda

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

Vote: 6 ayes / 0 nays. Motion carried.

5. OCWS Briefing

Council discussed the following items during the Open Council Work Session of March 13th:

A. Interview Nominees and Appoint Open Committee and Commission Positions

- Nadine Wenzel – Parks & Recreation Advisory Committee
- John Cronin – Parks & Recreation Advisory Committee
- Robyn Anderson – Environmental Committee
- Mayor nominated Kyle Hoff to Planning Commission

Motion was made by Councilmember Justen and seconded by Councilmember Berry to appoint all listed candidates to committees and commissions, as presented.

Vote: 6 ayes / 0 nays. Motion carried.

B. Smith/Dodd Overlay Zoning District Discussion

6. Community Comments – In Person

- No one came forward to address the council.

7. Community Comments – Phone Line

- Mike Misukanis – sidewalk shoveling, difficulty walking or using scooters through Ward 2 primarily in front of businesses

8. Council Comments

Mayor and Councilmembers addressed the public on various topics.

9. Proclamations, Presentations and Recognitions

10. Consent Agenda

Motion was made by Councilmember Berry and seconded by Councilmember Eastman to approve the following items on the Consent Agenda, as presented:

- A. Approve City Council Meeting Minutes of February 13, 2023 and February 27, 2023
- B. List of Claims for March 13, 2023
- C. City Business Licensing
- D. City Rental Licensing
 - 958 Robert St. S (Apartment – Renewal)
 - 200 Arion St. E (Single Family – Renewal)
 - 917 Bellows St. (Duplex – Renewal)
 - 941 Dodd Rd. (Single Family – Renewal)
 - 225 Thompson Ave. E (Single Family – Renewal)
 - 97 Orme St. E (Apartment – Renewal)
 - 330 Annapolis St. W (Apartment – Renewal)
 - 1087 Stryker Ave. (Duplex – Renewal)
 - 1096 Stryker Ave. (Single Family – Renewal)
 - 1345 Cherokee Ave. (Single Family – Renewal)
 - 1139 Kruse St. (Single Family – Renewal)
 - 785 Dodd Rd. (Apartment – Renewal)
 - 935/937 Bellows St. (Duplex – Renewal)
 - 1152 Hall Ave. (Single Family – Renewal)
 - 1000 Robert St. S (Apartment – Renewal)
 - 240 Hurley St. E (Single Family – Renewal)
 - 1069 Dodd Rd. (Single Family – Renewal)
 - 126 Arion St. W (Single Family – Renewal)

- 412 Arion St. E (Duplex – Renewal)
 - 1145 Stryker Ave. (Single Family – Renewal)
 - Total Amount – \$2,594.00
- E. Donations to the City
- F. Grant Acceptance - MCPF Community Partnership Grant Program
- G. Approving Building Inspection Services Agreement with the City of Sunfish Lake
- H. Joint Powers Agreement with Dakota County for the Thompson/Oakdale Roundabout Project 20-02
- I. Materials Testing Contract for the Annapolis Street Reconstruction Project 23-1
- J. Award Bid for Sanitary Forcemain 6 Project CP 22-3
- K. Award Bid for Dome Artificial Turf Replacement
- L. Award Bid for Emerald Ash Borer (EAB) Injection Treatments
- M. Award Bid for Marthaler Park Playground
- N. Military Leave Pay Differential

Vote: 6 ayes / 0 nays. Motion carried.

11. Public Hearings

A. Final Reading – An Ordinance Amending the City Code Regarding Stormwater Management

City Engineer Ross Beckwith presented the final reading of an ordinance amendment repealing sections 153.470 – 153.480 and enacting chapter 154 of the city code regarding stormwater management. Planning Commission reviewed and held a public hearing at their February 21st meeting. The Commission voted 8-0 to recommend approval of this amendment. Staff recommends a public hearing be held and approve the final reading.

Mayor Napier opened the public hearing at 6:58 p.m.

No one came forward or called in to address the council. Mayor Napier closed the public hearing at 6:59 p.m.

With acknowledgement of the work of the Planning Commission and the Lower Mississippi River Watershed Management Organization, motion was made by Councilmember Justen and seconded by Councilmember Eastman to adopt Ordinance No. 23-003 Repealing Sections 153.470 – 153.480 and Enacting Chapter 154 of the City Code Regarding Storm Water Management.

Vote: 6 ayes / 0 nays. Motion carried.

B. Final Reading – An Ordinance Amending the Licensing Code Regarding Intoxicating THC Products

City Manager Nate Burkett presented the final reading. Specialty licenses allowed in B3 and B4, regular license also allowed in B2. Regular license requires 10% or less of retail space dedicated to THC products. Specialty licenses capped at two. Final iteration

of ordinance has school definition amended, striking the possession language in sections 114.06 D and E. Staff recommends a public hearing be held and approve the final reading.

Mayor Napier opened the public hearing at 7:06 p.m.

Elyse Levine-Less, WSP resident – concerns regarding age limits, prohibit sale of product in stores where children can enter, compliance issues, regular license creates additional risk

Lisa McCormick – attorney here on behalf of Lafayette Tobacco, concern with the school definition, when was public direction given to staff to create this definition, compiled from different statutes, asking that the school definition be revised again and ensuring that Lafayette is considered for a specialty license and asks that the city consider three, rather than two licenses. Status of operations between ordinance passage and licensing consideration on March 27th.

Paul Rogosheske – attorney here on behalf of Elias Saman, ordinance is not well drafted, school definition is an issue and limiting to two, though tobacco is limited to two but allows three, is inconsistent. Recommend waiting and following state guidance.

Tom Vavreck, WSP resident – medical benefits to THC, clientele shouldn't be seen as problematic

Karen Vavreck, WSP resident – concerns regarding council comments and perception, licensing and percentage/regulations questions

Elias Saman, business owner – what happens to license between now and 27th? Staff has been in communication and provided updates throughout the process and will continue to do so.

Mayor Napier closed the public hearing at 7:31 p.m.

Council discussion – many meetings and conversations as this is a new topic and new type of business and we need to be careful how it is represented in our city, council is thoroughly considering the issues which takes multiple meetings. School definition has been in the conversations since the first meetings, three tobacco specialty shops were allowed by exception, staff will likely be recommending a specialty license for existing applicants at the licensing meeting on March 27th. The exception would only apply to the current pool, language will be clarified for future applicants and will depend on state regulations.

With sections 114.06 D and E removed, motion was made by Councilmember Eastman and seconded by Councilmember Gulley to adopt Ordinance No. 23-004 Amending the West St. Paul City Code Section 114 Regarding Intoxicating THC Products.

Vote: Eastman – aye
Gulley – aye
Armon – aye
Berry – aye

Eng-Sarne – aye
Justen – aye
6 ayes
Motion carried.

12. New Business

A. Recognize Juneteenth as a City Holiday

City Manager Nate Burkett presented. The state has created the Juneteenth holiday taking effect in 2024, our union contracts will mirror this and overall the city will recognize Juneteenth beginning this year as a city holiday with the closing of city offices and paid time off for employees.

Motion was made by Councilmember Berry and seconded by Councilmember Eng-Sarne to approve this item as presented.

Vote: 6 ayes / 0 nays. Motion carried.

13. Old Business

A. Final Reading – Ordinance Rezoning Multiple Properties to R3 - Townhome Residential

Community Development Director Ben Boike presented the final reading of an ordinance amendment to rezone multiple properties from R2 – Two Family Residential and R4 – Multiple Family Residential to R3 – Townhome Residential. Planning Commission reviewed and held a public hearing at their February 21st meeting. The Commission voted 8-0 to recommend approval of this amendment. Staff recommends approval of the final reading and adoption of ordinance.

Motion was made by Councilmember Eastman and seconded by Councilmember Justen to adopt Ordinance No. 23-005 Rezoning Multiple Properties from R4 – Multiple Family and R2 – Two Family to R3 – Townhome Residential.

Vote: 6 ayes / 0 nays. Motion carried.

B. Final Reading – Ordinance Amending the Zoning Code Regarding Intoxicating THC Retailers

Community Development Director Ben Boike presented the final reading. Staff recommends council approve the final reading and adoption of ordinance.

Motion was made by Councilmember Eng-Sarne and seconded by Councilmember Eastman to adopt Ordinance No. 23-006 Amending Section 153.156 of the West St. Paul City Zoning Code Regarding Specialty Intoxicating THC Retailers.

Vote: 6 ayes / 0 nays. Motion carried.

14. Adjourn

Motion was made by Councilmember Eng-Sarne and seconded by Councilmember Justen to adjourn the meeting at 7:54 p.m.

Vote: 6 ayes / 0 nays. Motion carried.

Meeting adjourned.



David J. Napier
Mayor
City of West St. Paul