

**City of West St. Paul  
City Council Meeting Minutes  
September 27, 2021**

**1. Call to Order**

Mayor Napier called the meeting to order at 6:35 p.m.

**2. Roll Call**

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

Absent: None

Others Present: City Manager Nate Burkett  
City Attorney Kori Land  
Police Chief Brian Sturgeon  
Human Resources Director Debra Gieseke  
City Planner Melissa Sonnek  
Public Works & Parks Director / City Engineer Ross Beckwith  
Finance Director Char Stark  
Marketing & Communications Manager Dan Nowicki  
City Clerk Nicole Tillander

**3. Pledge of Allegiance**

**4. Adopt the Agenda**

City Manager Nate Burkett advised of an addition to the consent agenda. Item added as letter M: Order Preparation of Proposed Assessment and Call for Final Assessment Hearing for 2021 Street Improvements Project 21-1 including Resolution No. 21-074.

Motion was made by Councilmember Eastman 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:

- A. OCWS Meeting Protocols
- B. Butler Avenue Trail Study
- C. Closed Session – Labor Negotiations Strategy

**6. Citizen Comments – In Person**

Citizens who addressed the City Council in person:

- Kevin Hendricks
- James Johnson Jr. (JJ)

**7. Citizen Comments – Phone Line**

No one called in to address the City Council.

**8. Council Comments**

Mayor and Councilmembers addressed the public on various topics.

**9. Proclamations, Presentations and Recognitions**

A. Proclamation Honoring Hispanic Heritage Month (September 15 – October 15)

Motion was made by Councilmember Berry and seconded by Councilmember Gulley to adopt the proclamation as presented.

Vote: 6 ayes / 0 nays. Motion carried.

**10. Consent Agenda**

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

- A. 09/27/21 List of Claims
- B. Approve OCWS and City Council Meeting Minutes of September 13, 2021
- C. City Licensing
- D. Rental Licensing
  - 991/993 Oakdale Avenue (Duplex - Renewal)
  - 1530 Bellows Street (Apartment - Renewal)
  - 1560 Bellows Street (Apartment - Renewal)
  - 1352 Macarthur Avenue (Single Family - Renewal)
  - 205 Wentworth Avenue W (Apartment - Renewal)
  - 1146 Stryker Avenue (Single Family - Renewal)
  - 2060 Charlton Street (Apartment - Renewal)
  - Total Amount – \$3,114.50
- E. July Financial Review
- F. August Financial Update
- G. COVID Leave Policy
- H. Consultant Contract for Oakview Road Drainage Improvement Project 21-10
- I. Contract for Sanitary Sewer Inspection Services
- J. Sanitary Sewer I/I Private Property Assessment Agreement
- K. Final Payment for Dome Exit Stairs Project 20-5
- L. Grant Acceptance - Minnesota Department of Public Safety
- M. Order Preparation of Proposed Assessment and Call for Final Assessment Hearing for 2021 Street Improvements Project 21-1

Vote: 6 ayes / 0 nays. Motion carried.

## **11. Public Hearing**

### **A. Public Improvement Hearing: Authorize Preparation of Plans and Specifications, Order Project and Award Contract for Maintenance of Robert Street Sidewalk Snow Removal 2021-2022**

Public Works & Parks Director / City Engineer Ross Beckwith presented information. Public hearing opened at 6:59 p.m. No one came forward or called in to speak on the matter.

Motion was made by Councilmember Vitelli and seconded by Councilmember Justen to approve the project and contract as presented and adopt Resolution 21-073.

Vote: 6 ayes / 0 nays. Motion carried.

### **B. Second Reading – Vacating Alleys between Christensen Avenue and Waterloo Street**

City Attorney Kori Land presented information. Public hearing opened at 7:02 p.m. One community member came forward with a question on the alley that was vacated in 1973 and not properly recorded; nothing further to discuss. No one called in to speak on the matter.

Motion was made by Councilmember Eng-Sarne and seconded by Councilmember Berry to approve the second reading as presented and adopt Ordinance 21-012.

Vote: 6 ayes / 0 nays. Motion carried.

### **C. Conditional Use Permits to allow an On-Sale Liquor Establishment and an Outdoor Seating Area in a B2 - Neighborhood Business District At 870 Dodd Rd. - El Cubano**

City Planner Melissa Sonnek presented information. Public hearing opened at 7:06 p.m. No one came forward or called in to speak on the matter. Applicant was present, there were no questions.

Motion was made by Councilmember Gulley and seconded by Councilmember Eastman to approve the conditional use permits as presented and adopt Resolutions 21-071 and 21-072.

Vote: 6 ayes / 0 nays. Motion carried.

**D. First Reading of an Amendment Regarding the Expansion of the Smith/Dodd Overlay District – City of West St. Paul**

City Planner Melissa Sonnek presented information. Public hearing being held at first reading in conjunction with the El Cubano conditional use permit applications, generally held at second reading.

The owner of Cherokee Service, John Gouette, came forward to voice their concerns on the fact that with the Smith/Dodd Overlay, minor vehicle repair is changed from a conditional use to a prohibited use and how this could potentially negatively affect the future of their properties. Staff explained that under the overlay district, the use will be protected and can remain in perpetuity under their ownership as well as under the ownership of a future buyer. Staff offered to provide that assurance in writing; however, this did not resolve the owners concerns around limiting the future ability to expand the footprint of the building. In light of this, City Staff is recommending that Cherokee Service's three parcels be removed from the overlay district. This removal can be reconsidered if the property is purchased for a different use at a later date. Conditional use permits, variances and map amendments can all be considered when and if the property and parcels are sold. Councilmember Justen outlined that being excluded from the overlay district makes the most sense right now for the owner of Cherokee Service as it removes restrictions and allows for best possible future considerations. Councilmember Vitelli asked that this information be clearly delineated in the minutes.

Public hearing opened at 7:19 p.m. No one came forward or called in to speak on the matter.

Motion was made by Councilmember Eng-Sarne and seconded by Councilmember Justen to approve the first reading with the direction to remove the parcels owned by Cherokee Service from the overlay district.

Vote: 6 ayes / 0 nays. Motion carried.

**12. New Business**

**A. Reconsider Vetoed City Council Action of 9/13/2021**

On September 13, 2021 the City Council approved the following motion which was vetoed by the Mayor:

Pursuant to City Ordinance, Mayor Napier is recommending Liz Gillen for appointment to the current Planning Commission vacancy. Council is asked to consider appointment.

In response, Councilmember Eastman made a three-part motion to:

1. Add two seats to the Planning Commission to bring the total to nine seats, and

2. Have language codified stating Planning Commission members be evenly distributed across each Ward, and
3. Accept the appointment of Liz Gillen to the Planning Commission.

The City Attorney advised this would need to be an amendment to the Ordinance.

Motion as made by Councilmember Eastman and seconded by Councilmember Gulley.

Vote: Eastman – aye  
Gulley – aye  
Berry – aye  
Eng-Sarne – aye  
Justen – aye  
Vitelli – nay  
5 ayes / 1 nay  
Motion carried.

Per the City Charter, the vetoed action is presented to the City Council for reconsideration. The Mayor's hope is for healthy discussion and a unanimous vote.

Motion was made by Councilmember Gulley and seconded by Councilmember Eastman to reconsider the vetoed City Council action of September 13, 2021.

Vote: Gulley – aye  
Eastman – aye  
Berry – aye  
Eng-Sarne – aye  
Justen – aye  
Vitelli – nay  
5 ayes / 1 nay  
Motion carried.

As the Council voted in favor of reconsideration, they may motion to override the veto by passing the same motion of September 13, 2021:

1. Add two seats to the Planning Commission to bring the total to nine seats, and
2. Have language codified stating Planning Commission members be evenly distributed across each Ward, and
3. Accept the appointment of Liz Gillen to the Planning Commission.

Motion was made by Councilmember Eastman and seconded by Councilmember Gulley to override the vetoed City Council action of September 13, 2021.

Vote: Eastman – aye  
Gulley – aye  
Berry – aye  
Eng-Sarne – aye

Justen – aye  
Vitelli – nay  
5 ayes / 1 nay  
Motion carried.

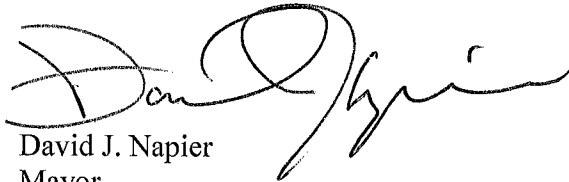
**13. Old Business**

**14. Adjourn**

Motion was made by Councilmember Gulley and seconded by Councilmember Berry to adjourn the meeting at 7:28 p.m.

Vote: 6 ayes / 0 nays. Motion carried.

Meeting adjourned.

A handwritten signature in black ink, appearing to read "David J. Napier". The signature is fluid and cursive, with a large initial "D" and "N".

David J. Napier  
Mayor  
City of West St. Paul