

**City of West St. Paul
City Council Meeting Minutes
October 14, 2019**

1. Call to Order

Mayor Napier called the meeting to order at 6:32 p.m.

2. Roll Call

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

Absent: None

Others Present: City Manager Ryan Schroeder
City Attorney Kori Land
Interim Police Chief Brian Sturgeon
Human Resources Director Debra Gieseke
Finance Director Char Stark
Parks & Public Works Director/City Engineer Ross Beckwith
Community & Economic Development Director Jim Hartshorn
City Clerk Shirley Buecksler

3. Pledge of Allegiance

4. Adopt the Agenda

Motion was made by Councilmember Pace and seconded by Councilmember Justen to pull Item 9G, Assessment Policy Amended for Sidewalks, for discussion and to adopt the agenda, as amended.

Vote: 6 ayes / 0 nays. Motion carried.

5. OCWS Briefing

Mayor Napier said the Council held a work session prior to the regular meeting to discuss the following topics:

- A. Closed Session Pursuant to Minnesota Statute 13D.05 Sub. 3(b) for Attorney-Client Privileged Communication to Discuss AutoZone
- B. Discussion Regarding Zoning for Auto Accessory Stores
- C. Robert Street Underpass Project Update
- D. Proposed Ordinance Changes – Tobacco 21
- E. Assessment Hearing Review
- F. Direction on Public Safety Committee

6. Citizen Comments

The following citizens addressed the Council:

- Sue Killiam, resident of Mendota Heights, said she is here with West St. Paul residents regarding the YMCA and the West St. Paul community. She said she thinks the YMCA and Hy-Vee were a trade-off.
- Jeanne Janisch, 1 Thompson Avenue, asked why the City didn't consider partnering with the YMCA for a community center. She also asked what happens to the \$1.7M if Hy-Vee holds onto the property. She said Hy-Vee shouldn't get any tax cuts if they don't build.
- Karen Vavreck, Ward 2, said the reason the City isn't building a community center is because of cost. She said the YMCA chose to leave but the YMCA did it for its members. She also said the cost of using the pool should not be cheaper for non-residents versus someone whose property touches the pool property.
- Kelly Kratzke, Wentworth Avenue, said Hy-Vee is putting all their properties on hold. She said 7,000 people used the YMCA. She said residents are looking to the City to lease the YMCA until Hy-Vee builds and that we need to put our tax dollars towards amenities.
- A resident wanted to discuss the property letter she received. Mayor Napier asked her to come up to speak when this item comes up on the agenda.
- Andi Morris, 942 Bellows Street, said the City doesn't have anything to do with the sale of the YMCA. She also said that people make a community, not buildings.
- Dave Heller, 228 Thompson Avenue, spoke regarding the opposition to the development and getting an honest opinion from residents. He said he thinks there was a lack of transparency by the City. Mr. Heller said there should have been more neighborhood meetings regarding large community developments. He questioned what the true benefits are of this product. He said there were 15 closed door meetings and the public would appreciate a fraction of that time for a community meeting.
- Joan Hutter, Ward 1, said she supports any buildings being proposed. She said we need places for older citizens to move to. She also thanked Council and Staff because there have been open meetings that residents could attend, information was listed on the website and in the minutes, etc. She said all of this information has been there all along.
- Jay De La Rosby, 386 Schletty Lane, said he has listened to all of the commentary surrounding the former Thompson Oaks golf course. He said he lives next to that greenspace. He thanked the Council for serving and representing the people. The former golf course was losing money over the years, and the River to River greenway is an awesome amenity, he said. We have redone Robert Street but we also need the trail to make the community walkable and bikeable. The restoration is also a positive thing. Mr. De La Rosby said we should be pro-density and add to the tax base. It's an excellent location for families to start out in our community until they buy a home in our community. He asked how big it can be made and how few parking spaces.

7. Council Comments

Councilmember Berry commented on Andi Morris' statement that people are what make a community. She said, even though she doesn't always agree with everyone individually, there is a good sense of community right here. We all showed up because we're passionate about where we live and how we live in it. She said everyone here has community within themselves and thanked them for coming to talk tonight.

Councilmember Eng-Sarne wished everyone well on this Indigenous People's Day. She also congratulated Thompson Activity Center on their successful Waffle Breakfast yesterday. Thompson Activity Center is a great place for residents 55+ to enjoy social, educational and fitness activities.

Councilmember Eng-Sarne congratulated the Police and Fire Departments with the success of the Charity Hockey Game on October 12th. The Police Department won over the Fire Department by 5-0, and \$12,340 was raised for 360 Communities. She said 360 Communities is very valuable to our community and assist those who have suffered from domestic violence.

Councilmember Eng-Sarne gave a nod to the former City Council regarding comments stating that conversation regarding Hy-Vee was inaccessible to the public. She believes we are doing due process, wants to keep hearing from everyone because we care about what everyone has to say, and affirmed that both Hy-Vee and the City are listening.

Councilmember Justen asked for clarification from City Manager Schroeder regarding the City's expectation from Hy-Vee, if there is any possibility of a ten year gap, and if the City has had any impression that Hy-Vee is backing away from this project.

Schroeder said no, that a while back there was an article that basically said the same thing that the West St. Paul store was on hold. We reached out to Hy-Vee at that time and they confirmed that the writer of the article got it wrong and it wasn't on hold. We are in constant conversation with them. In order to move forward, Hy-Vee needs the River to River trail and things associated with it to be complete so that they may complete their design. The County presented earlier this evening that they would have their final design done in March or April 2020, with a bid for the tunnel portion of the project in June. As that design becomes complete, then Hy-Vee will be able to take the next step on their final design, as well.

Councilmember Justen said no one wants a vacant YMCA location for ten years but thinks the concern of a ten year gap is unfounded. He said he doesn't want people to focus on that because he does not see that as the situation going forward.

Councilmember Vitelli said he understands the community's concern about not having a YMCA and hopes that this group has taken that concern to the YMCA. He said this was their decision to sell. A lot of meetings went on behind closed doors because Hy-Vee asked for privacy until they established where they were going and secured a deal to buy that building. During that time, the West St. Paul City Council, Mendota Heights City Council and the School

District met on several occasions to talk about getting the YMCA to partner with the School District on property that doesn't pay taxes and create a YMCA/community center at the high school but the YMCA didn't want to do it. To say we're not cognizant of the loss of this amenity, we were and we still are, he said. Councilmember Vitelli said the finger cannot be pointed at this group and that he feels strongly that the YMCA has dropped the ball for this community.

Councilmember Vitelli said it was a good hockey game to watch and the waffle breakfast was good on Sunday morning.

Mayor Napier said there was a great sense of community at the Charity Hockey Game with families filling the arena, along with the Fire Department and their families. Players for the Police Department team were represented by Dakota County, South St. Paul, West St. Paul, Mendota Heights, Minneapolis, and Inver Grove Heights. Players for the Fire Department team were represented by South Metro Fire Department, Mendota Heights and Inver Grove Heights. A great event and great sponsorship by Dunham's Bar, Tappers Pub, Minutemen Press, Sibley Area Youth Hockey, and other supporters of this event, all supporting 360 Communities. Thank you to our Police Department and Fire Department for stepping up and bringing this together. Laura Vaughan of the West St. Paul Police Department and Cheryl from Dunham's were instrumental in that, as well as the after-party and raffle prizes. Mayor Napier thanked everyone for their work in putting on this great event.

Mayor Napier said he can speak personally as being on the Council since 2013 that has put in over 40 hours of meeting time with Mendota Heights, the City of West St. Paul and Dodge Nature Center to discuss ways to build a community center to support both communities. We got creative even brought in the armory to discuss a partnership with them, similar to Inver Grove Heights. Discussions about a community center still continue, but it costs money, and we need partnerships to make that happen. Mayor Napier said this Council and previous Councils have worked tirelessly trying to make that happen. It's not without effort, so when he hears someone say we haven't paid attention, he said he takes it personally because of the time he's put in and some of the connections we made to make that happen. He said he is hopeful that the YMCA can find a permanent place in West St. Paul or close by. He appreciates the fact that they made a temporary place close by so we can still use it. There are so many things that we have done around town trying to make things happen that the community doesn't see, he said.

Mayor Napier asked City Attorney Land to explain why the City Council holds closed sessions.

City Attorney Land said there are only a very limited number of reasons why a City Council or an Economic Development Authority can close a meeting. One reason is to discuss potential acquisition and purchase prices or sale of property. When there is a purchase price involved in any of these developments, instead of showing your cards at a public meeting about what you can do financially for a developer, it's better to do that in a closed session, otherwise it makes negotiations very one sided, she said. Then, upon actually getting a deal together, approval must be at an open meeting for anyone to see the terms and conditions, which is what the Council has done. City Attorney Land added that the

development agreements for Hy-Vee and the golf course are out there and were approved at an open meeting.

8. Proclamations, Presentations and Recognitions

There were no proclamations, presentations or recognitions.

9. Consent Agenda

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

A. Minutes of September 23, 2019

- 1) OCWS Minutes
- 2) Regular Meeting Minutes

B. List of Claims for October 14, 2019

C. August Financial Report

D. U.S. Department of Justice Grant Acceptance for Body Worn Camera Program

- Resolution No. 19-104 Accepting U.S. Department of Justice Grant Award

E. City Licensing, Including:

- Resolution No. 19-105 Concurring with the Issuance of a Minnesota Lawful Gambling Exemption for Dakota County Historical Society, November 2, 2019 at Southview Country Club, 239 Mendota Road East
- Massage-Personal License for Tanya Langford, contingent on clear background report
- Tobacco & Motor Vehicle Related License for Marathon Gas (new owner), contingent on clear background report
- 2020 On-Sale Liquor License for Applebee's Neighborhood Bar & Grill
- 2020 On-Sale Liquor, Outside Service, and Sunday Sales Licenses for Fireside Lounge
- 2020 On-Sale Wine & Beer License for El Taquito
- 2020 On-Sale Wine & Beer License for Tokyo Sushi All You Can Eat
- 2020 Off-Sale Liquor and Tobacco Licenses for Nowaks Liquor & Wine
- 2020 Off-Sale Liquor and Tobacco Licenses for R&B Liquor
- 2020 Off-Sale Liquor 3.2% Beer, Tobacco & Motor Vehicle Related Licenses for Speedway
- 2020 Tobacco & Motor Vehicle Related Licenses for Apollo Oil Company dba Holiday #3554
- 2020 Massage-Personal License for Allyssa Herning
- 2020 Massage-Personal License for Sharon Madison
- 2020 Precious Metals Dealer & Pawnbroker License for Pawn America
- 2020 Tobacco License for Walgreens #02805
- 2020 Motor Vehicle Related License for Discount Tire

- 2020 Second Hand Dealer License for Game Stop, Inc.
- 2020 Motor Vehicle Related License for Jiffy Lube
- 2020 Fireworks License for TNT Fireworks
- 2020 Rubbish-Commercial License for Veit Disposal Systems

F. Rental Licensing, Including:

- 140 Haskell Street East – Apartment, Renewal
- 993 Robert Street South – Apartment, Renewal
- 222 Wentworth Avenue West – Apartment, Renewal
- 1910 Oakdale Avenue – Apartment, Renewal
- 1920 Oakdale Avenue – Apartment, Renewal
- 1930 Oakdale Avenue – Apartment, Renewal
- 1940 Oakdale Avenue – Apartment, Renewal
- 205 Wentworth Avenue West – Apartment, Renewal
- 100 Bernard Street West – Duplex, Renewal
- 890 Charlton Street – Duplex, Renewal
- 425 Butler Avenue East – Single Family, New
- 1015 Gorman Avenue – Single Family, New
- 240 Hurley Street East – Single Family, New

G. Assessment Policy Amended for Sidewalks

H. Set Public Hearing Date for Administrative Citations and Abatement Invoices for October 28, 2019

I. Council Report – Benefit Enrollment

J. Declare Public Works Street Equipment as Surplus and Authorize Disposal

K. Acceptance of Anti-Bullying Grant

- Resolution No. 19-106 Accepting Grant from Safe Fleet, United to End Bullying Program

L. Authorize Public Works to Apply for the Metropolitan Council State Bond Fund Municipal Inflow and Infiltration Grant

- Resolution No. 19-107 Authorizing the Department of Public Works to Apply for the Metropolitan Council Environmental Services State Bond Fund Municipal Inflow and Infiltration Grant

M. Resolution Supporting Dakota County’s 2020-2024 Capital Improvement Plan

- Resolution No. 19-108 Supporting Dakota County’s 2020-2024 Capital Improvement Program

N. Consultant Contract Revision for Lift Station 1 Project 18-2

O. Traffic Safety Mutual Assistance Agreement

- Resolution No. 19-109 Authorizing Execution of Agreement for Mutual Police Assistance for Enforcement of Traffic Safety Laws

P. 2020 Election Judge Appointments

- Resolution No. 19-110 Appointing Election Judges for the March 3, 2020 Presidential Nomination Primary, August 11, 2020 Primary, and the November 3, 2020 General Election

Q. Redesignation of Official Newspaper for Remainder of 2019

Vote: 6 ayes / 0 nays. Motion carried.

10. Public Hearings

A. Final Assessment Hearing for 2019 Street Improvements Project 19-1

Mayor Napier opened the Public Hearing at 7:16 p.m.

The following people addressed the Council during the Public Hearing:

- Robert Gausman, 1803 Livingston Avenue
- Joel Hanson, 1811 Livingston Avenue
- Susan Miranda, 1813 Livingston Avenue
- Jerred Witte, 7 Marie Avenue East

Mayor Napier closed the Public Hearing at 7:38 p.m.

Motion was made by Councilmember Berry and seconded by Councilmember Vitelli to adopt Resolution No. 19-111 Adopting Assessments for 2019 Street Improvements Project 19-1, as amended with objections submitted to the Finance Director.

Vote: 5 ayes / 0 nays / 1 abstain – Councilmember Vitelli abstained. Motion carried.

B. Final Assessment Hearing for Wentworth Avenue Reconstruction Project 17-7

Mayor Napier opened the Public Hearing at 7:45 p.m.

The following person(s) addressed the Council during the Public Hearing:

- Dan Witucki, 110 Wentworth Avenue West
- Chuck Dosch, 403 Wentworth Avenue West
- Catherine and Dave Chapman, 76 Wentworth Avenue West
- Mary Helfmann, 170 Wentworth Avenue West

- Kathryn Thompson, 132 Wentworth Avenue West
- Joe Frazier, 1586 Bellows Street

Mayor Napier closed the Public Hearing at 8:13 p.m.

Motion was made by Councilmember Vitelli and seconded by Councilmember Fernandez to continue this item to the October 28, 2019 City Council meeting.

Vote: 6 ayes / 0 nays. Motion carried.

C. Public Improvement Hearing: Authorize Preparation of Plans and Specifications, Order Project and Award Contract for Maintenance of Robert Street Sidewalk Snow Removal 2019-2020

Mayor Napier opened the Public Hearing at 8:27 p.m.

Seeing no one wishing to speak, Mayor Napier closed the Public Hearing at 8:27 p.m.

Motion was made by Councilmember Vitelli and seconded by Councilmember Pace to adopt Resolution No. 19-113 Authorizing Preparation of Plans and Specifications; Ordering Project and Awarding Contract of Maintenance of Robert Street Sidewalk Snow Removal 2019-2020.

Vote: 6 ayes / 0 nays. Motion carried.

D. Final Reading – Zoning Ordinance Amendment Regarding Banquet Halls – City of West St. Paul

Mayor Napier opened the Public Hearing at 8:29 p.m.

Seeing no one wishing to speak, Mayor Napier closed the Public Hearing at 8:29 p.m.

Motion was made by Councilmember Berry and seconded by Councilmember Justen to approve Ordinance No. 19-16 Amending West St. Paul Ordinance Sections 153.004, 153.051 and 153.171 by Defining Banquet Halls and Allowing Them in the R1 and B3 District.

Vote: 6 ayes / 0 nays. Motion carried.

E. Public Hearing – Implementation of Body Camera Program – Public Input

Mayor Napier opened the Public Hearing at 8:38 p.m.

Seeing no one wishing to speak, Mayor Napier closed the Public Hearing at 8:38 p.m.

Discussion only; no motion made on this item.

F. Final Reading – Amending City Ordinance 113.05 and 113.07 Prohibit Sales of Tobacco and Tobacco Products to Individuals Under 21

Mayor Napier opened the Public Hearing at 8:43 p.m.

The following person(s) addressed the Council during the Public Hearing:

- Robert Hansen, Teacher at Henry Sibley High School
- Students of Henry Sibley High School
- Amanda Jansen, ClearWay Minnesota

Mayor Napier closed the Public Hearing at 8:15 p.m.

Motion was made by Councilmember Vitelli and seconded by Councilmember Fernandez to adopt Ordinance No. 19-15 Amending Section 113.05 and 113.07 of the West St. Paul City Code Regarding Tobacco Sales to Persons Under the Age of 21, with amendments as listed by City Attorney Land.

Vote: 6 ayes / 0 nays. Motion carried.

11. New Business

A. First Reading – Ordinance Amending Section 111.04 of the West St. Paul City Code Regarding Massage Therapy Licenses

Interim Police Chief Sturgeon introduced the following ordinance for its first reading:

“An Ordinance Amending Section 111.04 of the West St. Paul City Code Regarding Massage Therapy Licenses”

Motion was made by Councilmember Pace and seconded by Councilmember Eng-Sarne to approve the first reading and call for a second reading of the ordinance to be held at a Public Hearing at the October 28, 2019 City Council meeting.

Vote: 6 ayes / 0 nays. Motion carried.

12. Old Business

A. Final Reading – Rezoning of 938 Robert Street from B5 – Gateway North Mixed Use to Planned Residential Development (PRD), with B5 Underlying Zoning

Motion was made by Councilmember Justen and seconded by Councilmember Eng-Sarne to approve Ordinance No. 19-17, An Ordinance Rezoning 938 Robert Street from B5 – Gateway North Mixed Use to PRD, Planned Residential Development, With B5 – Gateway North Mixed Use Underlying Zoning.

Vote: 6 ayes / 0 nays. Motion carried.

13. Adjourn

Motion was made by Councilmember Justen and seconded by Councilmember Eng-Sarne to adjourn the meeting at 8:58 p.m.

All members present voted aye. Motion carried.

A handwritten signature in black ink, appearing to read 'D. Napier', with a large, stylized initial 'D'.

David J. Napier
Mayor
City of West St. Paul