

**City of West St. Paul
Open Council Work Session Minutes
October 28, 2019**

1. Roll Call

Mayor Napier called the meeting to order at 5:30 p.m.

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

Absent: None

Also Present: City Manager Ryan Schroeder
City Attorney Kori Land
Interim Police Chief Brian Sturgeon
Fire Chief Mark Juelfs
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

2. Review and Approve the OCWS Agenda

Council approved the OCWS agenda, as presented.

3. Review the Regular Meeting Consent Agenda

Council approved the Regular Meeting Consent Agenda, as presented.

4. Agenda Item(s)

A. Smith/Dodd Overlay District Ordinance Review

At the July 22, 2019 Open Council Work Session, Community & Economic Development Director Hartshorn said Council reviewed a draft of the proposed Smith/Dodd Overlay zoning district as recommended by the Planning Commission. At the meeting, Council provided the following recommended revisions and requested that Staff bring the revised draft back for review once the changes were made:

- Added Nursing/Retirement homes back as a conditional use (commentary was received for and against allowing this use – please provide direction),
- Added Banks back as a permitted use (drive-through lanes are still restricted however),

- Revised minimum off-street parking requirements for commercial uses to zero stalls required if the property complies with the overlay district,
- Revised minimum off-street parking requirements for residential uses to require off-street parking per existing requirements.

Mayor Napier said this looks great. Councilmember Pace agreed and said that Hartshorn did what the Council asked.

Mayor Napier said this will come back to a future meeting for approval.

B. Vacant Property Registration Ordinance Review

Hartshorn said Council reviewed a draft ordinance regarding the adoption of a vacant property registry at their July 22, 2019 OCWS. At the meeting, Council requested the following:

- Creation of two separate ordinances, one for residential properties and one for commercial properties;
- Removal of the military exception due to it being confidential information;
- Removal of the requirement to include a placard on the front of vacant buildings; and
- Require a fee for commercial properties and no fee for residential properties.

Staff has drafted two separate amendments, as requested, which were both included in the Council's packet for review: one for residential properties and one for commercial properties (the proposed revisions from the previously reviewed ordinance were shown in red). Both ordinances remove the military exception language and the placard requirement, Hartshorn said.

Schroeder said a separate fee would have to be adopted for commercial. Councilmember Justen asked if that would also be true for non-filing commercial. Schroeder said the options are that you can do both for commercial. For residential, there is no fee for those who voluntarily register. City Attorney Land said there is a late fee if they do not register. Councilmember Justen said he would be curious to discuss that fee at a later time. Schroeder said we have not gotten that far.

Councilmember Berry questioned if we need information for someone who can take care of the business on site and how we have that local contact information. Schroeder said the Building Official is the authorized representative. Councilmember Berry said she was unclear what the enforcement officer was referring to. She said the main question is if these people are local, do we have a local contact, or if we are reaching out to their corporation entity in another state. Hartshorn said about 90% are owners outside of this area.

Councilmember Berry asked how we verify if they have someone available in an emergency. Hartshorn said this is a requirement on the registration.

Councilmember Justen asked who the enforcement officer is referring to. City Attorney Land said it is referring to City Staff.

Councilmember Justen asked who the Building Official is. Schroeder said this is the City's Chief Building Official.

Councilmember Fernandez asked what the residential aspect looks like, procedurally. He said commercial is obvious but residential has a lot more layers. If it gets adopted, how hard are we going to push? How do you see that happening? Schroeder responded and said the enforcement rigger will ebb and flow over time. He said we might go into it that our enforcement rigger is to this extent but, in five years, someone may decide it needs to be more rigorous. There are times when we will think "that's a vacant property, no one has shoveled the snow," and then we find out it's a snowbird. There will be that sort of thing but the question is how to avoid it, he said.

Councilmember Fernandez said he doesn't like to get into the place to create rules and commercial seems easier. For residential, there is a lot of gray area. Schroeder said the intent is to provide us a tool to resolve a problem. Councilmember Fernandez asked if Schroeder feels those houses that were a problem would have been cured by this. Councilmember Fernandez said why we have this is from irresponsibility and loss of asset from management firms. He said he doesn't know if this mechanism is doing anything besides writing another ordinance.

Councilmember Justen said he feels the intent was less that and more along the lines if an Officer comes by and there is a broken window and no one answers the door. How do we contact the owner in that case? The concern he has is how we are going to message and notify people of this. If I left my house vacant for a year, he said, I would have no idea that this was put into place. Councilmember Justen said this is his concern and why he is also concerned about the non-filing penalty. They must not be aware of it, he said. If we don't have a penalty, there is nothing to compel them to file, but we could be punishing those who are unaware of it.

Councilmember Fernandez said some people in other cities call the Police Department to let them know that they are taking off for the winter. Sturgeon confirmed that some people do that here, as well. Councilmember Fernandez said we are already getting into this, without this ordinance. We could suggest that they notify the Police Department if they are leaving for the winter, he said.

Councilmember Vitelli said he doesn't think there should be a penalty. To him, it's a convenience for the City to compile a list of vacant homes. We could put it in the newsletter if you want us to check on your home, he said. If there are squatters there in the winter, he said it would be good for the Police Department to know.

Councilmember Berry asked Sturgeon if people calling are actual snowbirds or just gone for a week. Sturgeon said we have an average of about 60 rentals on their list that are gone and want the Police Department to check. It increases a little bit over

the winter and ranges from a few days to several months long. Councilmember Berry asked if there have been any instances to reach out to them. Sturgeon said there have been a few instances.

Councilmember Justen asked if it would make the Police Department's job easier if they knew a property should be unoccupied but someone is in there. As well as for the Fire Department, they wouldn't have to check the building to see if someone is in it.

Councilmember Justen agreed to remove the penalty for non-filing because it's more of a safety issue that we ask owners to file.

Councilmember Fernandez clarified that any first responder won't just leave because it says it's vacant. He said his point is that this is busy work.

Councilmember Pace agreed with Councilmember Fernandez. He said he is surprised that there aren't more snowbirds and would like to see an article in the newsletter for owners to be courteous and let the Police Department know that you'll be gone. He said it should be encouraged but not penalized. He is not in favor of any rule written for residential.

Mayor Napier said he can think of a couple of properties where the parents passed away and the house sat vacant for years. Another one has sat vacant for at least ten years. His thoughts are, if you live in another state and leave a vacant house in our community, it's unsafe. There is one he knows that left and the house should have been condemned. He said this is happening in our community, and this would at least get their attention. We can do it voluntarily and just monitor, he said.

Councilmember Vitelli said maybe we don't need an ordinance, but the Police Department and Building Official would like to know that a home is vacant. If we can encourage owners to ask the Police Department to watch their neighborhood, let us know.

Mayor Napier directed Staff to put the residential ordinance in a file somewhere for now and to go ahead with the commercial ordinance. Council agreed.

C. 1010 Dodd Community Garden Initiative

On October 12, 2015, the Economic Development Authority (EDA) authorized the purchase of the property at 1010 Dodd for future economic development purposes. The purchase authorization was in the amount of \$150,000. This was followed by an authorization to demolish an existing structure on January 7, 2016 in the amount of \$26,494. The 12,152 square foot property had been occupied by an Auto Repair business prior to EDA acquisition.

In 2017, the City completed the Smith/Dodd Small Area Plan which included four differing roadway configurations for the area. These configurations show that, for each, a significant portion of this property could be absorbed by roadway infrastructure in the future.

In 2018, the City of Mendota Heights had suggested the use of a portion of the parcel as a memorial location. Ultimately, that proposed use was moved to the Village Marketplace in Mendota Heights. In July 2018, City Staff reviewed if an opportunity existed to create public parking on the parcel. Due to parcel configuration, it was determined that fewer than twenty spaces could be created. Engineering had estimated construction cost at \$150,000 plus lighting and landscaping.

More recently, MnDOT (Minnesota Department of Transportation) used the parcel as a staging area for an adjacent road construction project. Restoration of the parcel was completed within the past few months. The completion of this recent improvement to Smith and Dodd suggests that future roadway realignments are likely several years into the future, absent significant area redevelopments creating increased pressure on area roadways.

Given all of this information, Schroeder said Council is requested to offer thoughts about continuing interim use of the parcel. It is believed any use other than the current use (turf) should be limited in investment due to the eventual probable outcome as roadway. One suggestion received that may meet the low investment "requirement" is as a volunteer community garden or landscape site (an example might be the volunteer maintenance landscape gardens at the 1.4 acre Mears Park in St. Paul).

Councilmember Fernandez said he thinks the end product of this discussion is to point Staff in a direction. One idea was to do raised bed gardens or a bicycle type deal. The point, he said, is to get some activity on that space because it looks like a sore thumb. He is not in favor of a parking lot. This is a temporary thing but it's a way to potentially have some donated goods from businesses. He would hope this group gets Staff thinking about ideas to bring back. Councilmember Fernandez said it would be great to have this happen by spring so we can get a plan in place, identify people with a skill set, and get this rolling.

Before idea generation, Councilmember Eng-Sarne asked how long we have before it changes, which would determine how much to invest in that space. Schroeder said if there is a big redevelopment that causes something to change; however, he thinks we are set for up to 20 years. Mayor Napier said it could be ten to 15 years.

Councilmember Berry suggested building a giant snowman for a happy news story.

If something goes through, Councilmember Pace asked if we are saying that this corner is not suitable for anything commercial and if we will say no to anything that comes in. Schroeder said the road alignments would take up a significant portion of it. He said it is likely that whatever is there will be taken up.

Councilmember Justen suggested that we emphasize that this is temporary because after ten to 15 years of a community garden, residents would be very upset. If we go in any direction of a park or greenspace, we have to continually message that this is not a permanent thing. Councilmember Justen also asked about the soil from the previous auto repair. Councilmember Fernandez said that's why a community garden would have raised beds.

Councilmember Justen asked if the tanks were removed. If there is any problem with the soil and whatever we put in attracts children, we don't want to have contaminated soil. He said that he wants to know if there are any soil issues.

Councilmember Fernandez said we have had people playing golf on it. Councilmember Eng-Sarne said that's not the same as eating vegetables from the ground.

Councilmember Vitelli asked how we police something like a community garden so it doesn't get vandalized. He said his idea is to hire TruGreen or another company next year to cultivate with fertilizer and weed killer and put out a couple of park benches and keep it green and manicured.

Councilmember Fernandez said he talked with Schroeder about community gardens in other cities. You need to have a mechanism so it's not a free for all. There needs to be a management aspect to it. In terms of people going there at night, that is a concern but that type of thing can happen anywhere. He said it seems like it would be creating something there that is really lacking.

Councilmember Justen said community gardens are remarkably self-policing. There are people who will volunteer to help and it organically manages itself because people are really attached to them. If it takes root, there shouldn't be many issues. If it is important to the community, that's the best way to police it, he said.

Councilmember Vitelli asked if the City would take initiative to plot out a community garden and who would bring in the dirt to build it.

Councilmember Fernandez asked City Attorney Land on what to do for the legal aspect of this. He said this is how we get someone like Lowe's or Southview Garden Center to help us with expertise and donated material. Then we find someone interested in doing it and put them together. Doing a different use than what it is zoned for right now and being mindful of that, as well as the neighbor who just moved in next door.

City Attorney Land said you don't currently have seasonal community gardens in the B2 district, so we would have to do that under interim uses. If we choose to develop or sell the property, then it terminates the interim use. There are Cities who do this and it may be on a lottery system. They get a plot and the City manages it. We could follow models from other Cities, she said.

Mayor Napier said he has a lot of experience with community gardens. People are passionate about their gardens, hoses, and everything. Even in the internal part of the Dodge Nature Center, they had to be fenced and locked. There are a couple of concerns: 1) watching community gardens for all the years he has, it's very family oriented. In that intersection, which we said is not the safest for pedestrians, now we would be putting families with little kids out there without a fence. With a fence, it becomes a different look and feel; and 2) water supply concerns. There are some challenges, knowing what he knows about community gardens. But we could think about what else could go there. He suggested that we think about it. Mayor Napier said he was also thinking about the golf course parking lot, having a community garden near that with a water supply. That might be a great place for it because the infrastructure is there. He said he would challenge us to get a little creative and think of other ideas for that corner. We could also create an environment for a food truck or ice cream truck, without interfering too much with other businesses. He suggested that we take two weeks to think about it and come back to discuss ideas and any challenges. He asked Staff to think about the challenges with the space.

Councilmember Eng-Sarne suggested that this be forwarded to the Environmental Committee, also. She said they have a meeting next week and they may have a lot of ideas and passion around the issue. Another idea, she said, could be a demonstration zone for native plantings. It could be an educational opportunity for what you could have in your yard in West St. Paul. It may take less resources to manage, and there could be a descriptive placard at each planting to educate people.

Councilmember Justen said the benches Councilmember Vitelli suggested could tie in with the pollinator friendly area and Councilmember Eng-Sarne's idea for native plantings and a demonstration area. Especially with the big initiative that came down about all of this and reclaiming lawns and things like that, this could be a useful tool, if we have someone who could identify native plants.

Schroeder said Mears Park has volunteers that manage and maintain the landscaped areas. They provided the landscaping and pull weeds. An offshoot of this, he said, is it could be a landscaped area that is maintained by volunteers. With the pollinator or native trees, as well, it could be a small arboretum.

Councilmember Fernandez said this is what he meant. This could be temporary, we could grow flowers, things that need maintenance, and people could learn how to do those things. Something that is growing over there would be a good thing and beautifies it. In terms of water, he said there is water stubbed out there because the garage had water. He suggested that Staff find that. He said there needs to be some action over there or his fear is it will look like it does for 15 years.

Councilmember Vitelli said he likes Councilmember Eng-Sarne's idea with native plants and perennials. Add a couple of benches and sit down to read a book.

Councilmember Fernandez said it could be a butterfly garden.

Councilmember Justen encouraged Staff to reach out to the West St. Paul Green Thumbs organization, which would be a great resource for this, as they are incredibly knowledgeable.

Mayor Napier agreed that the Environmental Committee could take off with this as an initiative.

Councilmember Pace agreed with the pollinator garden versus a vegetable garden, and the Environmental Committee would be great for this.

Councilmember Fernandez said we should have specifics for what we need from Staff. Water, budget, technicalities without breaking our own rules, probabilities, resources, a realistic timeframe, and how we market behind it.

Mayor Napier asked who owns the fence. Councilmember Fernandez said the pickets are owned by the nearby home. Mayor Napier suggested a mural on the fence.

Councilmember Pace said he would like to see Staff look at where the water is and the budget. He said it would be cool to have a short decorative fence around the perimeter like on Robert Street, separated from the sidewalk and the street. Councilmember Vitelli said that would be 330 feet. Councilmember Pace said there will be young kids and it would be best to keep them safe.

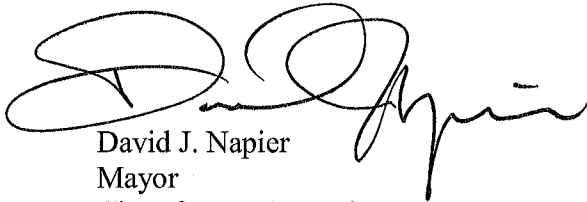
Mayor Napier thanked Staff for bringing this item up and said it would be nice to get this rolling.

Councilmember Vitelli asked who owns the shopping center. He asked if Hartshorn considered taking that down and building a high rise where Oxendale's is currently. Hartshorn said we have talked about that briefly. Councilmember Vitelli suggested approaching the owner. He said it would be a perfect place for a high rise with a grocery store beneath. Hartshorn said he will connect with the owner.

5. Adjourn

Motion was made by Councilmember Vitelli and seconded by Councilmember Fernandez to adjourn the meeting at 6:11 p.m.

All members present voted aye. Motion carried.



David J. Napier
Mayor
City of West St. Paul