

**City of North Saint Paul**  
**June 1, 2021**  
**Approved Regular City Council Meeting Minutes**

North St. Paul City Hall – Council Chambers  
2400 Margaret Street

**I. CALL TO ORDER**

Mayor Furlong called the meeting to order at 6:30 p.m. The meeting was conducted in person and via Zoom.

**II. THE PLEDGE OF ALLEGIANCE**

All present recited the Pledge of Allegiance.

**III. ROLL CALL**

Present: Council Member Thorsen  
Council Member Petersen  
Council Member Cole  
Council Member Wong  
Mayor Furlong

Staff: City Manager Scott Duddeck, City Planner Eric Zweber, Staff Accountant Kyle Stasica, Communications Staff Kari Erpenbach, City Attorney Soren Mattick, Deputy Clerk Jennie Kloos.

**IV. ADOPT AGENDA**

*On motion by Council Member Petersen, seconded by Council Member Thorsen, with all present voting aye (5-0), motion carried to approve the agenda as submitted.*

**V. PRESENTATIONS**

A. Police Chief Tom Lauth Retirement

Mayor Furlong presented a plaque to Police Chief Tom Lauth in recognition and appreciation for his 32 years of service to the North St. Paul Police Department and the community of North St. Paul.

Police Chief Lauth stated it has been great to be a part of the North St. Paul Police Department. He added he has had many good relationships over the years in all the different City departments. He noted it is great to look back at all that has been accomplished, and he is excited for what is to come. He thanked the City Council and City Staff, as well as all the officers.

B. Introduce Acting Police Chief Rozales

Police Chief Lauth introduced the new Acting Police Chief, Ray Rozales and new Sergeant Colin Betts.

Acting Police Chief Ray Rozales stated he began his career at North St. Paul in 2011 as a Reserve Officer, after which he was offered a position as Patrol Officer before moving up to Training Officer Coordinator, Sergeant, and now Acting Chief. He thanked Police Chief Lauth for his guidance and support. He added he looks forward to taking on new responsibilities.

C. Introduce Acting Sergeant Betts

Acting Sergeant Colin Betts stated he was hired by North St. Paul Police Department in 2012 and became a Patrol Officer in 2014. He added he worked for the East Metro S.W.A.T. Team for 2 years. He thanked Police Chief Lauth for his support and all the opportunities he has gained.

Mr. Duddeck congratulate Police Chief Lauth for all his work over the years. He added it is a testament to the City's Police Department, Officers and staff.

## VI. APPROVAL OF CONSENT AGENDA

Council Member Thorsen requested that Item C be removed from the Consent Agenda and addressed under City Business.

***On motion by Council Member Cole, seconded by Council Member Wong, with all present voting aye (5-0), motion carried to approve the consent agenda as amended, Resolution No. 2021-052 consisting of:***

- A. May 18, 2021 workshop meeting minutes.
- B. May 18, 2021 regular meeting minutes.
- C. General Claims: \$539,019.84 **Moved to City Business**

## VII. MEETING OPEN TO PUBLIC

**R.T. Luczak**, Kokoro Volleyball, presented documents that he would like to have entered into the public record related to non-payment of rent as well as communication regarding the signed lease. He added this is an effort to ensure transparency on their part.

**John Schmahl** asked whether there is a decibel noise level that can be enforced, and what residents should do to get the noise down. He added there have been high noise levels at Casey Lake Park. Mayor Furlong stated there is a noise Ordinance that is enforced by the Police Department.

Mr. Schmahl stated people who rent the park facilities should be told that there is a noise Ordinance, and signs should be placed in the park. Mayor Furlong stated that information should be in the rental contract.

Mr. Duddeck stated this is an escalating problem in the community, and City Staff and the City Council will have a comprehensive review of this issue.

Mr. Schmahl stated he listened to the recording of the closed meeting at which the community center was discussed. He added it was stated that the roof can no longer be patched and needs to be repaired. He asked when this will be a City Council meeting agenda item.

Mr. Duddeck stated City Staff has submitted a bonding request for potential renovation of the community center. He added the outcome of request will be one of the guiding factors in any repairs that would be done. He noted the City is not in a situation to replace the roof while the future of the building is uncertain.

Council Member Thorsen stated, with regard to the noise Ordinance, there must be a sustained decibel level which can be measured to determine what enforcement is required. He added residents can call the Police Department.

Mr. Duddeck stated City Staff will meet soon to ensure that procedures are in place before July 4 fireworks so there is not a repeat of last year. He added the rental process could include routine courtesy visits from the Police Department.

## **VIII. PUBLIC HEARINGS**

There were no scheduled hearings.

## **IX. CITY BUSINESS ACTION ITEMS & RECOMMENDATIONS**

### **A. Liquor License Renewals for City 3.2 On-sale Liquor Licenses.**

***On motion by Council Member Thorsen, seconded by Council Member Cole, with all present voting aye (5-0), motion carried to adopt Resolution No. 2021-053 Approving 3.2 On-sale Liquor License renewals effective July 1, 2021 - June 30, 2022.***

Discussion during the motion: Council Member Cole asked whether any of these applicants have been nuisance locations with multiple police calls. Mr. Duddeck stated there have not been any problems with these businesses.

Council Member Wong asked whether there is standard procedure that would trigger a revocation. Mr. Duddeck stated these licenses originate from the Police Department, and any recommendations would come from them.

### **B. Liquor License Renewals for City Off-sale Intoxicating Liquor Licenses.**

Mayor Furlong requested clarification regarding a license application for Pizza Factory, and why they would need both types of licenses. Mr. Mattick stated there would be concerns related to issuing both types of licenses simultaneously. Mr. Duddeck stated that is an error.

***On motion by Council Member Petersen, seconded by Council Member Wong, with all present voting aye (5-0), motion carried to adopt Resolution No. 2021-054 approving Off-sale Intoxicating Liquor License for BrightWines with the removal of Pizza Factory.***

Discussion during motion: Council Member Thorsen asked whether Target should be on the list since they have off-sale operations. Mr. Duddeck agreed to follow up with the Police Department about liquor licenses for Target and Pizza Factory.

Council Member Wong asked whether a brewery would require both licenses. Mr. Mattick stated that is a different type of license.

Mr. Mattick stated, with regard to Target, he believes they have submitted a license application which is under review by City Staff.

C. Liquor License Renewals for On-Sale Intoxicating Liquor Licenses, including Sunday Sales On-Sale Intoxicating Liquor Licenses with or without patio or outdoor serving areas.

***On motion by Council Member Petersen, seconded by Council Member Thorsen, with all present voting aye (5-0), motion carried to adopt Resolution No. 2021-055 approving Liquor License Renewals for On-Sale Intoxicating Liquor Licenses, including Sunday Sales On-Sale Intoxicating Liquor Licenses with or without patio or outdoor serving areas.***

D. Variance to Construct a Screen Porch within the Shoreland Setback at 2612 Swan Avenue E

City Planner Eric Zweber reviewed a request for a shoreland variance to construct a screen porch at 2612 Swan Avenue E. The current setback is 75 feet from ordinary high water level mark, and the variance is requested to create a new setback of 57 feet to construct a porch over the existing deck.

Mr. Zweber stated the Planning Commission reviewed the request at their May 6, 2021 meeting, and agreed that enclosing the deck would be reasonable, and that a screened porch is a residential use of riparian property that is consistent with City plans. The Planning Commission held a public hearing and recommended conditional City Council approval of the request on a 3/2 vote, with the primary structure to be located no closer than 57 feet from the ordinary high-water level.

Mr. Zweber stated Minnesota Department of Natural Resources (Mn-DNR) Area Hydrologist Dan Scollan contacted City Staff and indicated that he does not plan to comment on this application.

Council Member Thorsen asked whether the term “adjacent properties” is defined. Mr. Zweber stated there are two standards for adjacent properties, and one for “vicinity”. The setback is 75 feet or the average of the setback of adjacent properties on either side. A variance would be required if conditions are unique to the property compared with other properties in the vicinity.

Council Member Thorsen stated there were photos in Mr. Zweber’s presentation that were not included in the packet. He asked whether there is an existing deck. Mr. Zweber confirmed there is an existing deck that was improved recently, and the footings were moved 1 foot closer to the lake.

Council Member Thorsen stated he is unsure why the homeowner would need a variance to add onto their deck. He added he is glad this has been vetted by the Planning Commission and he supports their recommendation of approval.

***On motion by Council Member Petersen, seconded by Council Member Wong, with all present voting aye (5-0), motion carried to adopt Resolution No. 2021-056 approving a variance request for a shoreland setback of 57 feet for screen porch at 2612 Swan Avenue E.***

E. Level 2 Home Occupation Interim Use Permit for Bradley Plumbing at 2018 Park Row

Mr. Zweber reviewed a request for an Interim Use Permit for a Level 2 Home Occupation at 2018 Park Row. He added the applicant operates an existing business out of his home for 37 years, and the permit relates specifically to the truck that is parked in his driveway. He noted other Code violations will need to be addressed through Code Enforcement.

Mr. Zweber stated the applicant will be required to adhere to all City standards for the Interim Use Permit as it relates to the Comprehensive Plan. He added the Permit will expire when Mr. Bradley ceases to run his business or sells his house. He noted new parking standards will apply if the Zoning Code amendments are approved under the next Agenda Item.

Mr. Zweber stated the Planning Commission reviewed this item and held a public hearing at their May 6, 2021 meeting, and unanimously recommended conditional City Council approval of this request.

Council Member Petersen stated she lives in that neighborhood, and there have been many complaints over the years about the applicant's property, the truck and his business practices. She added she hopes he can comply with Code Enforcement, and that City Staff will monitor the situation. She noted she is just trying to protect the neighborhood.

Council Member Thorsen asked whether this issue was raised because of the size of the truck. Mr. Zweber confirmed the issue is the size of the truck and the fact that the applicant runs a plumbing business from his home.

Council Member Thorsen stated the City Council has had discussions about the issue of home occupancy businesses in the past. He added parking your work vehicle in your driveway does not constitute a home business. He noted he thought some changes were already adopted related to home occupations.

Mr. Duddeck stated there have been many ongoing Code compliance issues at this property, even in the recent past.

Mr. Zweber stated Code Compliance staff requested that the applicant apply for the permit. He added, in this case, the applicant does not have an office at another location, and the house is his business address.

Council Member Cole stated a photo that was not included in the meeting packet showed the applicant's driveway with three parked cars that appeared to be a Code violation. He added he has concerns with granting the applicant the opportunity to continue to park there until he moves or sells the house, when there are current Code issues. He noted he would like the permit to be time bound or a review required, if additional Code violations occur. He asked whether the City can rescind the applicant's ability to park his vehicle there.

Mr. Duddeck stated any Code violations are not part of this request. He added a report could be requested on this property from Code Compliance and the Fire Chief.

Mr. Mattick stated this item could be tabled to the City Council's next meeting for further review, and to potentially add conditions that would trigger a review of the permit, as well as conditions to incentivize the applicant to clean up the appearance of the property.

***On motion by Council Member Petersen, seconded by Council Member Cole, with all present voting aye (5-0), motion carried to table this item to the City Council's June 15, 2021 meeting.***

F. Zoning Code Text Amendments to Implement the 2040 Comprehensive Plan

Mr. Zweber stated the Planning Commission began reviewing potential Zoning Code text amendments after the Comprehensive Plan was adopted in December 2019, to bring the Zoning Ordinance into alignment with Comprehensive Plan goals and policies. He reviewed proposed changes to 6 sections, including an update to the Traffic Code requiring truck parking restrictions; adding and amending definitions; and revising three tables related to Residential districts.

Mr. Zweber stated the Planning Commission reviewed the proposed changes and held a public hearing at their April 1, 2021 meeting. the Planning Commission unanimously recommended conditional City Council approval of an Ordinance amending the Zoning Code.

Council Member Cole stated he is not comfortable making a decision on this issue, especially regarding residential parking and length of driveways. He added this is the first time he has seen or read the amendments, and it is a lot for him to absorb. He noted his recommendation would be to table this item and move it to a workshop so the City Council can have more dialogue and he can get a better understanding.

***On motion by Council Member Cole, seconded by Council Member Thorsen, with all present voting aye (5-0), motion carried to table this item to an upcoming City Council workshop.***

Discussion during the motion: Mr. Zweber agreed to put together an exhibit reviewing the proposed amendments.

Council Member Cole stated this has been a year-long project of the Planning Commission, and it is not his intention to discount their hard work and efforts.

G. Flood Hazard Mitigation Grant Funding Assistance to the City of North St. Paul

Mr. Duddeck stated the City submitted an application for DNR grant funding assistance for 2483 2<sup>nd</sup> Avenue. He added the DNR is requesting a Resolution of the City Council with documentation confirming availability of City funds. The total funding required by the City, if approved, would be \$180,000 of the \$300,000 grant total. He noted the DNR will be flexible in terms of negotiations for this grant opportunity.

Council Member Thorsen stated the DNR representative indicated in his email that this property was an excellent candidate for this funding. The photos that were included were helpful, and clearly there are issues at this property. He noted he is concerned about the cost, but he hopes a reasonable agreement can be reached. He expressed his support of the Resolution so the DNR can process the application.

Mr. Duddeck stated the property would be required to be kept as an open space in perpetuity with acceptance of the grant from the DNR.

Council Member Wong asked whether neighboring homes have similar issues. Council Member Petersen stated there are 2 other homes in this area that have frequent flooding, although not as bad as this property.

Mr. Duddeck stated the elevation of the home is lower than any other home in the area. He added the home to the west was sold last year, renovated and reoccupied.

Council Member Wong asked whether City Staff has the capacity to do the necessary reporting for the grant. Mr. Duddeck confirmed this.

***On motion by Council Member Thorsen, seconded by Council Member Petersen, with Mayor Furlong and Council Members Petersen, Thorsen and Wong voting aye and Council Member Cole voting nay (4-1), motion carried to adopt Resolution No. 2021-057 approving flood hazard mitigation grant funding assistance to the City of North St. Paul.***

#### H. American Legion Special Event Car Show

Mr. Duddeck stated the American Legion is planning a car show that will be held on their site. He added they are requesting City Council approval. He noted this is a well-received community event.

***On motion by Council Member Thorsen, seconded by Council Member Cole, with all present voting aye (5-0), motion carried to adopt Resolution No. 2021-xxx in support of the American Legion Special Event Car Show.***

#### I. Church of St. Peter Special Event Permit

Mr. Duddeck stated the Church of St. Peter has applied for a special event permit to have a procession around North St. Paul, with three prayer stops at Polar Park, St. Mary's Cemetery, and Silver Lake Park. He added the church hopes to encourage community involvement and outreach.

***On motion by Council Member Thorsen, seconded by Council Member Petersen, with all present voting aye (5-0), motion carried to adopt Resolution No. 2021-xxx approving Church of St. Peter Special Event Permit.***

#### J. Consent Agenda Item

Council Member Thorsen requested clarification regarding WSB bills on page 37 of the packet that are dated March 2021.

Staff Accountant Kyle Stasica stated the invoices relate to services performed in March 2021, which were not received until April and following City Council meeting Statutes, are stamped and submitted 35 days after they are received. He added, for example, the invoice for McKnight access is stamped with the date of May 20, 2021.

Council Member Thorsen asked why Items H and I were not on the Consent Agenda. Mr. Duddeck stated they were placed on the Regular Agenda to ensure that the City Council was fully aware of the issues.

***On motion by Council Member Thorsen, seconded by Council Member Cole, with all present voting aye (5-0), motion carried to approve General Claims of \$539,019.84, Resolution No. 058.***

## **X. REPORTS OF CITY MANAGER AND DEPARTMENTS**

Mr. Duddeck stated City Staff working to reconcile and track escrow accounts, so the City can recoup costs invested in projects. He added Lisa Ritchie has been working on this project.

Mayor Furlong asked whether a damage deposit fee will be collected for park rentals, and whether that can be tracked better. Mr. Duddeck stated that is a problematic issue that City Staff hopes to get a handle on very quickly.

Mr. Duddeck stated sidewalk work continues in the downtown area, and City Staff are notifying businesses about the ongoing progress and providing support for them, including temporary signs for businesses to ensure customers know where to go.

Mr. Duddeck stated Kwik Trip's pre-construction meeting was held this week and held their first job fair in City Hall. He added Kwik-Trip plans to hire at least 55 employees for the North St. Paul location.

Mr. Duddeck stated construction at the Anchor View Apartments site is moving along well. He added the apartment building in the downtown area has over 40 potential tenants. He noted downtown businesses are excited to get the sidewalk back in place.

Mr. Duddeck stated City Staff are undergoing the process of hiring a new Police Chief, with interviews being conducted by the Civil Service Commission. He added the Finance Director position is opening soon, the application process for which was closed last week.

Mayor Furlong requested an update on the 7<sup>th</sup> Street townhomes. Mr. Duddeck stated the foundation of the first townhome duplex is in place, and the contractor is backfilling.

Mr. Duddeck requested City Council feedback on the continued use of Zoom, as City meetings are being restored back to Council Chambers again. He added the option of joining a meeting remotely gives residents the opportunity to interact with the City Council and be a part of meetings.

Mayor Furlong agreed, adding it is a way for residents to be involved and view meetings from home, and make their comments. He added some Commissions may want to continue doing their meetings remotely. Mr. Mattick stated, effective July 1, 2021, the legislature has passed a law regarding use of Zoom for City meetings, and there will be some limitations, but he is not aware of any restrictions regarding the remote participation of citizens.

Council Member Petersen stated she likes that the online meetings are transparent and efficient, and another tool that cities can use.

Council Member Thorsen stated he supports the online meeting format as it is a way to increase access to the public. He added there have been some technical difficulties with the remote meetings.

Council Member Wong stated online meetings increase transparency and create ways for the City to take into consideration barriers that community members may have. She added, at the last Planning Commission meeting, a resident joined the remote meeting just to listen.

Council Member Wong asked whether there is a timeline for the hiring of a new Police Chief, and how many candidates have been identified for the Finance Director position.

Mr. Duddeck stated 6 applications were received for the Finance Director position, and there were 20 candidates for Police Chief, which was narrowed down to 9 candidates.

Council Member Wong asked whether there are tentative hiring dates. Mr. Duddeck stated the Police Chief position will be finalized this week, and Finance Director interviews have not yet been conducted.

#### Clean-Up Event Summary

Mr. Duddeck reviewed the recent City-wide Clean-up Event, with total expenses of \$8,135.33, including hauling and disposal costs for Tennis Sanitation for 14 full dumpsters. He reviewed items that were collected, including 150 mattresses, 14,500 pounds of electronics, and 50 lawn mowers. Collection of appliances was down from previous years. The event represented a potential savings to residents of over \$13,000, as opposed to the bulk collection program. Residents were appreciative of the well-organized event. Mr. Duddeck expressed his thanks to City Staff for all their hard work on this event.

Mr. Duddeck stated there was not a great demand for shredding of documents, so that may be reviewed in future. He added different lines for each type of item would streamline the process.

Council Member Thorsen asked whether the event is included in the City's contract with Tennis. Mr. Duddeck confirmed this, adding it is not cost-neutral. Council Member Thorsen stated other cities that use Tennis have said that City Staff does not get involved in the clean-up event. Mr. Duddeck stated there are different options and prices.

#### CivicClerk Implementation Update

Communications Staff Kari Erpenbach gave a review of the next phase if implementation of CivicClerk information software. She stated City Staff is committed to bringing resources together for the City Council and residents. She added elected officials will now have access to the portal, as well as residents who have subscribed to the "notify me" module on the City website.

Ms. Erpenbach encouraged the City Council to reach out to City Staff with questions and ideas. She added she likes being able to tag different elements in the meeting packet for search purposes. She noted it is easier to search and find information.

Mayor Furlong stated the system takes getting used to. Ms. Erpenbach stated City Staff are committed to make this work for the City and residents, and are already experiencing ease of use and time savings.

Mr. Duddeck stated the Civil Service Commission has been used in the past for hiring purposes. He added the goal is to have regular quarterly meetings under the new Police Chief, with public agendas, meeting recordings and minutes available for public review.

## **XI. REPORTS OF COUNCIL, COMMISSIONS & COMMITTEES**

Council Member Cole stated the Silver Lake Improvement Association meeting is scheduled for June 7, 2021. Information is available on their Facebook page and the meeting is posted on the City website.

Council Member Wong stated the Planning Commission has been very busy. She added their next meeting is scheduled for June 3, 2021, via Zoom.

Council Member Petersen stated the League of Minnesota Cities virtual annual conference is scheduled for June 23-25, 2021. She encouraged the City Council to tune in. Guest speakers include P.J. Fleck of the Minnesota Gophers and Justice Alan Page. She noted Minnesota Women in City Government chose their awards for appointees and elected officials.

## **XII. GENERAL BUSINESS**

Council Member Cole stated he attended the recent pinning of new Police Officers, which was held in North High School's gym, and was a phenomenal event. He added it was a sizable group that was sworn in.

Mr. Duddeck stated the Police Department wanted to ensure that the swearing in took place under Police Chief Lauth before he retired. He added the new Officers were very appreciative of the special event.

Council Member Wong stated, with regard to the Planning Commission's last meeting, there was a proposal for outdoor storage and screening from Schifsky's. She added they have been asked to provide different options for fencing and screening.

Mr. Duddeck stated Schifsky's hopes to replace their silo with three silos on site, and to re-align the entrance to their site to line up with 3<sup>rd</sup> Street.

Council Member Wong stated there was some discussion about the potential for public art on the new silos, and the applicant seemed amenable to that possibility, which could involve the newly formed Arts and Culture Commission.

Council Member Petersen stated the swearing in of new Police Officers was awesome. She added North St. Paul will be well served by the new candidates.

Council Member Petersen stated Silver Lake Beach has been getting busy. She wished everyone a safe summer, and all fathers a Happy Father's Day.

Council Member Thorsen requested a review of City fees, as the City's new permitting software might require less staff time and less expense for the City. He added the City loosened restrictions to allow consumption of alcohol in the right of way, and the issue of City fees could also be revisited and discussed.

Council Member Thorsen stated, as discussed at the last City Council meeting, there should be a new City policy in place to regulate the recording of all City meetings. He added he would like the City Council to give this additional consideration and potentially a vote.

Council Member Thorsen requested clarification regarding the costs to the City of a recent lawsuit involving the 7<sup>th</sup> Street townhome development. He presented documents related to the lawsuit and requested that they be added to the meeting record. Mr. Mattick stated the League appointed an attorney, and his involvement was minimal. Mr. Duddeck stated he does not have the numbers but agreed to provide the cost once it is received.

Council Member Thorsen stated, in the interests of transparency, it is appropriate make it publicly known that this frivolous lawsuit cost the City's taxpayers a significant amount of money. Mr. Duddeck agreed to add the documents to the meeting record and after the meeting added the total the City paid for this lawsuit was \$28,870.45.

Mayor Furlong offered condolences to the families of B.J. Hack and Roger Ball, both of whom passed away recently.

Mayor Furlong stated the Memorial Day event at Veteran's Park was well received by those in attendance. He added the event started a little early, and some people were disappointed to have missed it. He added the event is planned to be repeated next year.

### **XIII. CLOSED SESSION**

- A. The meeting will be closed as permitted by section 13D.05 Subd. 3 (a) to evaluate the performance of the City Manager.

***On motion by Council Member Thorsen, seconded by Council Member Cole, with all present voting aye (5-0), motion carried to enter Closed Session at 9:05 p.m.***

### **XIV. ADJOURNMENT**

***There being no further business, on motion by Council Member Thorsen, Seconded by Council Member Cole, with all present voting aye (5-0), Mayor Furlong adjourned the meeting at 10:35 p.m.***

/s/ Terrence J. Furlong, Mayor

Attest: /s/ Brian Frandle/ Interim City Manager