

**CITY OF NORTH ST. PAUL
PLANNING COMMISSION
REGULAR MEETING MINUTES
WEDNESDAY, SEPTEMBER 5, 2018
6:15 P.M.**

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

I. CALL TO ORDER

Chair Barton called the meeting to order at 6:17 p.m.

II. ROLL CALL

COMMISSION

Elaine Barton, Commission Chair

Trisha Hamm, Commission Vice-Chair

ABSENT

Tom Sonnek, Commission City Council Liaison

Chris Bathurst, Commissioner

ABSENT

Michael Stahlmann, Commissioner

Rick Gelbmann, Commissioner

John Wahl, Commissioner

Allan Worm, Commissioner

STAFF

Erin Perdu, City Planner

Karin Derauf, Commission Secretary

III. ADOPT AGENDA

Motion to adopt agenda by Commissioner Stahlmann, and seconded by Commissioner Gelbmann, with all present voting aye (5-0). Motion carried to adopt the September 5, 2018 Agenda.

IV. APPROVAL OF MINUTES

Motion to approve Minutes by Commissioner Stahlmann, and seconded by Commissioner Wahl, with all present voting aye (5-0). Motion carried to approve the August 2, 2018 regular meeting minutes as submitted.

V. MEETING OPEN TO THE PUBLIC

Resident, John Schmahl, asked if an IUP Hearing would be required to list all possible conflicting ordinances. Chair Barton responded by indicating this is part of the discussion for this evening and it is not particular to the one IUP the City has issued thus far.

VI. PUBLIC HEARINGS

None

VII. COMMISSION BUSINESS ACTION ITEMS & RECOMMENDATIONS

A. Discussion of draft IUP ordinance amendment

Planner Perdu gave a brief summary of a City Council topic that was discussed during a regular meeting, regarding conditions of an IUP, that may present conflict with some of the provisions in the Ordinance. The Council directed staff to bring this discussion to the Planning Commission for a possible amendment that would clarify the conditions of an IUP in general, should it be in conflict with the Ordinance. The IUP would take precedence over provisions of the Ordinance. A draft Ordinance was created for review by the Planning Commission.

Planner Perdu cited an example, that if someone were to apply for an IUP which included parking and loading provisions needing to take place in the driveway, but the provision in the Ordinance states that parking and loading of those vehicles cannot take place in the driveway, this poses a direct conflict. The conditions of the IUP would take precedence and the holder of the IUP should adhere to the conditions of the IUP for compliance. She also mentioned that whenever an IUP or CUP is in conflict with the Ordinance, that should illicit a discussion to clarify the terminology.

Chair Barton asked if this would be in relation to the standard terminology, because there are standards that the City Ordinance is designed to uphold. Chair Barton indicated she is referring to overall permits, not just the particular IUP the City issued. Planner Perdu stated yes, it would refer to any permits issued. The objective would then be to revisit the Ordinance and make a determination of whether or not a text amendment would be justified to change the standard terminology within the Ordinance.

Chair Barton was expressing concern because the Code already indicates, that in the event of conflicting provisions, the stricter provision applies. City Council Liaison Sonnek stated that if the language is kept more general rather than specific, there should be no conflicts, and yes, the stricter provision should apply if a conflict arises.

Planner Perdue indicated that the discussion pertaining to the specific IUP that the City issued is in direct conflict, and we need to remedy this specific problem, however, we should be discussing this topic as it relates to IUP's and CUP's in general.

Chair Barton also indicated that the City needs a processes and procedures follow up plan for the permits that are issued. This would verify that conditions are being met, as well as a follow through if there is non-compliance of the issued permit.

Fire Chief, Scott Duddeck, commented about the specific IUP in regards to the truck and trailer in question and when it becomes a commercial-use vehicle. If the truck and trailer are connected, it is considered a commercial use vehicle based on weight restrictions, if they are separated, it is no longer considered commercial.

Planner Perdu directed the Commission on the discussion and that it is in regards to the text amendment on the Code. She indicated that she can solicit the help of the City Attorney for comments and bring those suggestions back to the Planning Commission for further discussion regarding the Code in general and then specifically as it applies to the issued IUP.

Chief Duddeck commented again about the specific IUP, and addressed the issue of weight restrictions. When the truck and trailer are connected, the weight exceeds the 12,000 lb. minimum for residential use and shifts the use into commercial status. The IUP indicates that the IUP holder must park in his driveway rather than the street. When the IUP holder parks on the driveway, there are setbacks in the Code that put him in direct conflict with the standards of the Ordinance. The Ordinance states that the setback is 25 feet. He is following the IUP conditions, but the IUP condition is in direct conflict with the Code. He can park on the street with the vehicles connected as commercial status, but the Code states he can park there for no more than 2 hours. Residential vehicles, including trailers, can be parked on the street for no more than 12 hours and must be moved.

Again, Planner Perdu reminded the Commission, that the discussion tonight is regarding IUP's and CUP's as they relate to Code standards, and not this specific IUP.

Chair Barton indicated that the Commission has time to review this further, as there is no time frame on IUP's so they don't have to make a recommendation on this topic tonight. Commissioner Wahl indicated that he would like to discuss the idea of a time period relating to IUP's and CUP's for example an annual review. Chief Duddeck stated that they will present the processes and procedures later in the meeting and potential change for annual reviews and follow up on IUP's and CUP's as it relates to code enforcement.

Commissioner Wahl stated that language can be included to govern the timeframe of the IUP or CUP in terms of compliance. Commissioner Gelbmann indicated that residents are counting on the consistency of the Code as permits are issued and enforcement is followed up on. Chair Barton agreed, that it is the City's duty to ensure the equitability of the Code and that the idea of an IUP or a CUP is not to provide relief from the standard of the Code, but rather, to add further provisions based on the particular situation and logistics of the permit application.

Liaison Sonnek stated that, other than this specific IUP, the City has no other IUP's in place, and the current language on the proposed Ordinance does not seem to be specific to the situation, but to all IUP conflicts that may arise in the future. The language in the presented potential Code provides some direction for the City, Code Enforcement, and the IUP holder. Chair Barton agrees with this as long as it is not providing relief through the IUP to deviate from the standard of the Code.

Planner Perdu suggested that more information from the City Attorney is necessary to continue the conversation on this proposed Ordinance. She will follow up with the City Attorney regarding the issues as well as direction on a formal review interval or timeframe that can be administered to IUP and CUP conditions.

Planner Perdu summarized the discussion of the Commission to state that the proposed Ordinance be reviewed further, for rewriting, to reflect that if the conditions of the IUP or CUP are in conflict with the standards of the Code, the conditions of the IUP or CUP will govern until the next review interval with the Planning Commission. She will also talk to the City Attorney in terms of the conflict presenting relief from the Code and how the Commission should address those issues if they arise. Planner Perdu will also ask the City Attorney where this Code should be placed; under administration of IUP, other draft IUP amendments that have been previously discussed, as Council Policy, or another location in the Code?

Commissioner Stahlmann suggested that Planner Perdu also bring up the issue of the term "variance" to the City Attorney, to receive further direction on the language and understanding

of these special permits and the thought process of the Planning Commission as it relates to variances.

Chief Duddeck posed the question of how does the City deal with these outcomes in terms of a timeline on particular conflicts, for example, the specific IUP that was discussed? Chair Barton indicated that this is an internal process and not a requirement for Code compliance at this time. However, for this particular situation, it looks like October will be the earliest to address this specific IUP. The indication is to take the time to update any Codes properly.

VIII. REPORTS FROM STAFF

A. Code Enforcement Process

Fire Chief, Scott Duddeck, and Code Enforcement Officer, Ron Koehnle, presented information regarding the code enforcement process that they have in place.

Chief Duddeck discussed the Sharepoint software program and some of its functions. He specifically discussed how the Code Enforcement team uses Sharepoint to track code compliance issues in the following manner:

1. A call is received.
2. The date and property address of concern are entered into the Sharepoint system.
3. The manner in which the complaint is received is documented, for example, it was a walk-in complaint, or a phone call complaint, or even when Code Compliance Officers are on patrol as a proactive measure.
4. The complaint or concern of issue is documented; for example, trash and debris, tall grass/weeds, snow removal, etc.
5. The property type is documented; for example, single family home, vacant property, multi-family building, etc.
6. The status of the case is documented in one of three ways; open, incomplete, or closed.
7. A compliance due date is issued.
8. A date of closing the case is issued.
9. Staff members are assigned to the case and the Sharepoint system automatically sends an email to the assigned staff member with the complaint information.
10. An indication of “yes” or “no” is documented to indicate if there were Code violations.
11. A narrative paragraph is documented to indicate which particular Codes were violated. All narratives are automatically time stamped and dated, as well as, who wrote the narrative.
12. A narrative paragraph is documented containing the Code Compliance Officer’s notes and tasks that were completed to lead to a resolution. All narratives are automatically time stamped and dated, as well as, who wrote the narrative.
13. The property owner’s name, address, phone number, and email address are documented.
14. The complainant’s information is documented for follow up notification.

Chief Duddeck indicated that the Sharepoint software system has the capability of producing reports based on the above categories for tracking purposes. For example, criteria can be entered to run a report on locations of violations based on zones. If a particular zone within the City has more reports of violations, the City has the necessary information to become proactively

involved in addressing and potentially determining why that may be. This can ultimately lead to a program or activity being developed by the City to encourage the resident to become more involved in caring for their property.

The Sharepoint system can also track multiple violations on any specific property to better understand the owner's reluctance to comply with the City Codes. The Code Compliance Officers visit these sites in a proactive manner to give the owner a chance to bring their property up to Code. The objective is not to fault the owner, but rather encourage them or assist them in a self-help manner to understand their ownership responsibilities as it pertains to the City Code. Voluntary Compliance is the ultimate goal.

Chief Duddeck indicated that he would like to create a full and uniform process for Code Compliance follow up issues based on the Planning Commission and Council expectations. He also indicated that he would like this process to include CUP's and IUP's.

Chair Barton asked if we have a database of CUP's for example to start with. Commission Secretary, Karin Derauf, stated that the summary list of all Planning Commission activity, is documented on a spreadsheet and presented to Council annually at year-end, so the CUP's, for example, have been captured in this list. Commission Secretary Derauf offered to create a list of all the CUP's indicated on the summary spreadsheet for the next meeting.

Chief Duddeck indicated the Code Compliance Officer could look at what the conditions of the CUP were, and go take a look at the property to ensure those conditions are still being met as well as look at any other common complaints that might not be addressed with the CUP conditions follow up. They could start at the beginning of 2016, for example, and work forward from there. Timeframe would be based on the suggestion of the Planning Commission and Council.

Chair Barton asked if there is a process for the complainant who wants follow through information reported back to them. Chief Duddeck stated that there is a space on the Sharepoint data entry page that allows for complainant name, phone, email, etc. to account for follow up.

Commissioner Stahlmann inquired about the Building Permit expiration process and Chief Duddeck stated that is an issue currently being addressed in terms of Code language and what is allowable based on permit expiration dates. The Code currently states that the permittee has 180 days before a permit expires, however as long as there is continued progress, the permit will not expire. The Code needs review and revision, because hammering one nail can be interpreted as "progress", depending on who is interpreting the Code.

Discussion revolved around the complaint process in regards to electronic complaints. Chief Duddeck stated that we have a complainant process already online that can also be accessed as part of this process. He then explained the process and indicated that the complainant has a chance to indicate that they would like to be contacted regarding their complaint.

Liaison Sonnek asked what the City staff needs to achieve voluntary compliance to the Codes? Some items that he thought should be included are clear accessible Codes, clear communication, and regular reminders or updates. He asked if those processes can be set up online. He also asked what a Code violation citation looks like. Chief Duddeck indicated that it is a County Citation and it resembles a speeding ticket. He also indicated that there are fines associated with this citation. If the case goes to court, there is a minimum of approximately \$120 to \$130 in fines. Liaison Sonnek asked if the citation process is online to give a clear step-by-step process

of what happens. Chief Duddeck said it currently is not, however, language could be drafted and that can be added to the website. Liaison Sonnek stated that it might be helpful to the resident to understand all this information and how the process works.

Commissioner Gelbmann suggested the best avenue is to simply talk to your neighbor for building relationships and building better neighborhoods. He wonders if there is a way to promote this idea. Chief Duddeck stated that the staff makes an effort to encourage the complainant to speak to their neighbor first. This generally poses a challenge because often the resident wants to remain anonymous in their complaint.

Chair Barton stated that a few items to note might include updating the website in regards to ease of use and understanding for the residents when they access this information online. Using a visual representation for Code compliance violations, or layman's translation of the Codes may be helpful. Also, changing some of the terminology can seem less threatening for the resident. For example, using the word "report" in place of "complaint" might be perceived as less confrontational to the resident. Chief Duddeck indicated that his department has been very mindful of the terminology they use when dealing with a resident in terms of any complaints they receive. For example, his form shows "property address of concern" instead of "property address of violation" and they use the word "compliance" instead of "enforcement".

Commissioner Wahl commented that he appreciates all the efforts the Code Enforcement team is making to improve the City.

B. Comprehensive Plan Update

Planner Perdu provided a matrix that shows all the edits to the Comprehensive Plan and gives account for all the comments that have been generated by the Planning Commission. She will have a revised draft, potentially by November. There have been no comments from adjacent cities. The document will be submitted to the Metropolitan Council after all the adjacent communities have finalized their review. It will be submitted to the Metropolitan Council after all the local community comments are returned.

C. Census Complete Count Roundtable

This is a roundtable discussion regarding the upcoming 2020 Census. The Planning Commission was designated as the group to participate in the Complete Count Committee and all Commission members received an email regarding this designation forwarded from Debra Gustafson, Strategic Operations Director, via Planner Perdu. It appears as though the former City Manager designated the Planning Commission as the participants in this roundtable discussion. Planner Perdu indicated that this is an advisory role and participation is optional. Staff has already worked on LUCA (Locate Update Census Address), to ensure that addresses have been updated and maps are current.

IX. REPORTS FROM COMMISSIONERS

City Council Liaison reported that the Volunteer Ice Cream Social is planned and the Commission should have received their invitations this year. The Commission discussed having a "Taco Fiesta" instead of Ice Cream in November.

The Richardson Elementary Site Plan passed at the last City Council meeting.

There has been some discussion to develop the old City Hall site location. Anchor Block developments are moving forward with a Purchase Agreement that has been delivered to the City, as well as a Letter of Intent. Planner Perdu indicated that she has received a pre-application from the developer for the south end of the parcel, and that the Applicant wants to be on the Agenda as soon as possible, potentially in October. The pre-proposal is for upscale townhomes. There is also potential for a possible storage unit north of the Gateway Trail on the eastern portion of the same Anchor Block site. This has the potential to create a buffer between T. A. Shifsky's and any other businesses or dwellings on the northwest portion of the property.

Kyle Mestead, Doctoral Candidate from Hamline University, has been working with the City Manager, Craig Waldron and City staff, to create a performance metric for the City. This is information that may be helpful to the citizens of North St. Paul as well as facilitate decisions the Council or other Commissions may face. Liaison Sonnek feels that the components of data/information, knowledge/wisdom, and action are important in the transparency of Government functions, both internally and externally.

There is a mid-September launch of Community Engagement Platform. There will be additional information to follow on this topic when it becomes available.

There is also a new intern that will be joining the City to offer assistance and gain an understanding of economic development on the local level.

Chair Barton asked about the Downtown Plan and any updates on that. Planner Perdu indicated that the landscape architect staff has completed work on it. Planner Perdu will review the status and potentially bring it to the October meeting.

Commissioner Gelbmann reported that the Silver Lake Wine Tasting event is scheduled to take place on Friday, September 7, 2018 at 6:30 p.m. to 8:30 p.m.

X. ADJOURNMENT

There being no further business, motion to adjourn by Commissioner Gelbmann, and seconded by Commissioner Wahl, with all present voting aye (7-0). Motion carried to adjourn the meeting at 8:07 p.m.

The next regularly scheduled Planning Commission Meeting is Thursday, October 4, 2018 at 6:15 p.m.

Members, please notify any planned absences to:

Karin Derauf
Planning Commission Secretary
651-747-2400
karin.derauf@northstpaul.org