

City of North Saint Paul
May 19, 2020
Adopted Regular City Council Meeting Minutes

The May 19, 2020 meeting was held via Zoom and complied with all requirements of Minnesota State Statute 13D.021.

I. CALL TO ORDER

Mayor Furlong called the meeting to order at 6:50 p.m.

II. THE PLEDGE OF ALLEGIANCE

All present recited the Pledge of Allegiance.

III. ROLL CALL

Present: Council Member Thorsen
Council Member Petersen Joined the meeting at 7:24 p.m.
Council Member Walczak
Council Member Sonnek
Mayor Furlong

Staff: City Manager Scott Duddeck, City Engineer Morgan Dawley, Finance Director Jason Zimmerman, City Attorney Soren Mattick, Community Development Administrative Assistant Olivia Boerschinger, Deputy Clerk Mary Mills.

IV. ADOPT AGENDA

On motion by Council Member Sonnek, seconded by Council Member Walczak, with all present voting aye (4-0), Council Member Petersen absent for the vote, motion carried to approve the agenda as submitted.

V. PRESENTATIONS

Arbor Day Proclamation

Council Member Walczak read in full a Proclamation declaring Wednesday April 22, 2020 as Arbor Day in the City of North St. Paul. She urged residents to celebrate Arbor Day, protect local woodlands and forests, and care for all trees.

Council Member Walczak stated the City of North St. Paul has given away thousands of trees through its tree adoption program and was designated a Tree City USA community in 2014. She added City Staff delivered trees to residents' homes this year and provided information about planting and care. She noted Public Works Department indicated that the 2020 tree adoption event was a success.

Council Member Thorsen stated City Forester Josh Bond indicated that he felt the tree delivery process worked well and was more convenient than in years past. He added he would like to volunteer next year to help deliver trees.

VI. APPROVAL OF CONSENT AGENDA

On motion by Council Member Walczak, seconded by Council Member Thorsen, with all present voting aye (4-0), Council Member Petersen absent for the vote, motion carried to approve the consent agenda, Resolution No. 2020-060 consisting of:

- A. May 5, 2020 workshop meeting minutes.
- B. May 5, 2020 regular meeting minutes.
- C. General accounts payable: \$1,676,760.38.
- D. HRA accounts payable: \$13,103.14.
- E. Acceptance of the 2019 CAFR (Comprehensive Annual Financial Report).

VII. MEETING OPEN TO PUBLIC

John Schmahl stated he noticed the Comprehensive Annual Financial Report (CAFR) on the Consent Agenda. He added \$2.5 million is currently owed to the water and sewer funds. He asked when the funds will be paid back. Mayor Furlong stated he is unsure, and City Manager Scott Duddeck was currently offline trying to help Council Member Petersen join the meeting. He requested that staff look into this issue and provide information to Mr. Schmahl.

David Priebe stated he is concerned about a dangerous dog at 2055 North Margaret Street that has bitten people numerous times and attacked an investigator. He added the dog's owner is not a resident of North St. Paul but lives at the house temporarily. He noted the City should undertake the process of declaring this a dangerous dog.

City Attorney Soren Mattick requested additional information as he is unfamiliar with this case. Mr. Priebe stated the dog bit him, and he reported it to the City a month later, because his nephew assured him the dog would soon be gone. The dog attacked a woman more recently, and that was immediately reported and is on file.

Mr. Priebe stated he understood that the North St. Paul City Code stipulates that a dog can be deemed a dangerous dog after it bites someone 2 or more times. He asked why this dog has not been deemed a dangerous dog.

Mr. Mattick stated, in the past, the Community Service Officer has issued a "dangerous dog" designation per City Ordinance. He added the resident can contest the designation before the City Council. He added, in this case, he is not sure what has been issued to this point but agreed to look into it.

Mr. Priebe stated the dog's owner was issued a citation because the dog was not up to date on its vaccines.

Council Member Sonnek stated the responding officer can decide to issue a "dangerous dog" designation, and the number of bites or incidents is not relevant. Council Member Thorsen agreed, adding the designation is established by the Community Service Officer and Police Department.

Mr. Duddeck stated the City Council reviewed this issue at a recent workshop. He added City Staff can follow up on this case. He agreed to provide an answer to Mr. Priebe as soon as possible.

VIII. PUBLIC HEARINGS

There were no scheduled hearings.

IX. CITY BUSINESS ACTION ITEMS & RECOMMENDATIONS

There was a brief recess from 7:12 – 7:19 p.m. while Mr. Duddeck attempted to help Council Member Petersen log in to the meeting.

A. Text Amendment: Keeping of Chickens and Bees

Community Development Administrative Assistant Olivia Boerschinger reviewed an Ordinance amendment for the keeping of chickens and bees. She added City Staff researched chicken and bee Ordinances in 16 municipalities in the metro area and provided a draft text amendment. She noted the text amendment was reviewed by the Planning Commission at two separate meetings.

Ms. Boerschinger stated the Planning Commission recommended City Council approval of the text amendments, with additional requirements for coops and runs, minimum setbacks and a registration process. She added setbacks would be required to be 15 feet from all property lines with no requirement for distance from existing structures. She noted neighborhood notice would not be required for chickens or bees, which is in alignment with the dog kennel license process.

Ms. Boerschinger stated the on-site sale of produce from chickens or bees would not be allowed. She added City Staff attempted to schedule an expert on this subject to address the Planning Commission and City Council but have been unable to do so.

Council Member Petersen joined the video meeting at 7:24 p.m.

Council Member Walczak requested clarification regarding sale of produce from chickens or bees. Council Member Sonnek stated sale of produce on site would not be allowed. He added the City cannot prevent residents from selling produce off site, but they would need to comply with licensing requirements.

Council Member Walczak asked whether residents would be required to obtain a license from the City to sell their produce. Ms. Boerschinger stated sale of produce would be regulated by the Minnesota Department of Agriculture.

Council Member Thorsen stated, as previously noted, residents would be prohibited from selling produce on their property.

Council Member Walczak stated she believes that neighbors should be notified and have some input, especially if they have health concerns.

Council Member Sonnek stated, in reviewing Ordinances enacted by other municipalities, there is no evidence or documentation to show that the keeping of chickens poses a health risk to adjacent neighbors.

Council Member Walczak asked whether this should be a permitting process rather than a one-time registration. She asked who will handle enforcement issues if there is no permit.

Ms. Boerschinger stated a City Staff are proposing a registration process which would require submission of a site plan and initial inspection. She added Code enforcement would be done on a complaint basis.

Mayor Furlong asked how City Staff decided on the maximum of six chickens. Ms. Boerschinger stated that number was taken from nearby cities that are similar in size and density. She added some ordinances are based on lot size, while others were based on the number of allowed chickens. She noted six chickens was the balance that City Staff arrived at.

Council Member Thorsen stated residents have expressed concern that chickens will have a negative impact on the health of surrounding neighbors. He added there is no clear evidence that the keeping of chickens would have an adverse impact on adjoining neighbors.

Council Member Walczak asked who would handle problems and complaints. Ms. Boerschinger stated enforcement would be complaint-based and would fall under typical Code Enforcement procedures.

Council Member Walczak asked whether Code Enforcement staff would need training to mediate concerns or complaints. She added she is concerned about noise.

Council Member Sonnek stated roosters are not allowed in the Ordinance. He added Code Enforcement would follow the letter of the Ordinance. He added noise issues would be addressed under the Nuisance Ordinance.

Council Member Thorsen stated many residents have expressed a desire to have chickens or bees, and to do it responsibly. He added they deserve the opportunity and have the right to do so on their property. He noted the proposed Ordinance has been twice by the Planning Commission and recommended to the City Council for approval.

Council Member Petersen expressed concern that City resources would be used, and this would put more pressure on Code Enforcement staff. She added she does not see a problem if residents act responsibly and reasonably.

Council Member Sonnek stated the feedback that has been received from other cities that allow chickens indicates that there have been no resident complaints. He added there has been no additional pressure on City resources because there have been no complaints.

Council Member Walczak asked why training is required for beekeeping but not for having chickens. Ms. Boerschinger stated only one of the 16 cities that were reviewed requires a chicken training course. She added there are chicken training courses that are available, and information can be included in the registration packet. She noted beekeeping is a long-term investment which requires more detail in terms of care and maintenance.

Council Member Walczak asked whether it would be appropriate to start off with a smaller number of chickens.

Council Member Thorsen stated this issue has been discussed twice by the Planning Commission and recommended to the City Council for approval. He added City Staff has discussed it and is comfortable with the amendment. He added he supports the recommended amendment.

Council Member Walczak asked whether flyways will be required on a property that has adjacent vacant land when the vacant land is developed.

Council Member Sonnek stated the Ordinance specifies that hives must be a minimum of 20 feet from a property line but does not refer to structures on adjoining property.

On motion by Council Member Sonnek, seconded by Council Member Thorsen, with Council Members Sonnek, Thorsen and Mayor Furlong voting aye, Council Members Petersen and Walczak voting nay (3-2), motion carried to adopt Ordinance No. 791, an amendment related to the keeping of chickens and bees.

B. Development Agreement and Tax Increment Financing Agreement for Uptown Commons, TIF 4-8

Mr. Duddeck reviewed agreements for the City Council's consideration related to Uptown Commons development. He requested flexibility and authority to make necessary administrative changes to the agreements if approved by the City Council.

City Attorney Soren Mattick stated these types of changes are routinely allowed if they are routine in nature and not substantive.

Mr. Duddeck welcomed Terry Heaton and Mikayla Huot from Baker-Tilly, as well as the developer, Jim Winkels, and other members of the development team.

Jim Winkels thanked Mr. Duddeck, City Staff and the City Council for their efforts and support with this project. He added development is comprised of 89 market-rate apartment units and 3,000 square feet of retail, with low-grade parking. He added the purchase agreement relates to the balance of the site, which is City-owned property. He noted the scope of the project includes utilities, stormwater systems, adjacent street work on 7th Avenue and Margaret Street, and a new stoplight.

Mayor Furlong thanked Mr. Winkels for his involvement in this project with the City of North St. Paul. He added this is a great group of investors and North St. Paul welcomes the support and partnership.

Council Member Thorsen asked for an update on the retail space. Mr. Winkels stated the retail aspect of the project has been on hold due to the uncertainty of the retail market during the pandemic. He added, in his experience, retailers will begin to express interest when construction begins.

Mr. Duddeck stated the overall project, with a \$18.2 million value, is a significant investment in the downtown area. He added \$5.2 million in TIF funds will be designated to the project, with \$3 million for public improvements and \$2.2 million for private development and property acquisition. He noted the purchase agreement for \$425,000 is for the sale of City land to the developer.

Mikaela Huot, Baker-Tilly, the TIF district was approved by the City Council in 2019, providing the authority to use TIF financing for this project. She added TIF financing is necessary for this project to succeed, and the district can be closed when project costs have been fulfilled.

Duddeck the infrastructure in this new development was not planned, nor would it be happening without this project. So that brings a significant value to the community and financing mechanism to make it happen.

Mayor Furlong asked whether there is a timeline for construction. Mr. Winkels stated construction should begin in early July 2020 and the project will take approximately 14 months to complete.

On motion by Council Member Sonnek, seconded by Council Member Thorsen, with all present voting aye (5-0), motion carried to approve the Development Agreement (Private Development Contract) for Uptown Commons, TIF 4-8.

On motion by Council Member Sonnek, seconded by Council Member Walczak, with all present voting aye (5-0), motion carried to approve the TIF Agreement 4-8 (Disbursement Agreement) for Uptown Commons.

C. Purchase agreement for property to develop Uptown Commons

On motion by Council Member Petersen, seconded by Council Member Thorsen, with all present voting aye (5-0), motion carried to approve the Purchase Agreement for Property to develop Uptown Commons.

D. Sale of the 2020A and 2020B Bonds

Finance Director Jason Zimmerman reviewed the award of the 2020A and 2020B bond series. He added series 2020A relates to TIF District 4-8 for the old City Hall site. He noted series 2020B relates to the utility portion of the 2020 street and utility project and covers wastewater and half of the surface water improvements, with the other half funded by the MSA advance.

Terry Heaton, Baker-Tilly, reviewed the sale of bonds undertaken that day on behalf of the City of North St. Paul. She added markets have stabilized and rates are the lowest in 20 years. Three bids were received for the first bond with a low bid from Robert Baird. Three bids were also received for the second bond with a low bid from Northland Securities.

Ms. Heaton stated the low bond issue for both bonds is recommended.

On motion by Council Member Thorsen, seconded by Council Member Sonnek, with all present voting aye (5-0), motion carried to adopt Resolution No. 2020-061 approving the sale of the 2020A bonds.

On motion by Council Member Sonnek, seconded by Council Member Walczak, with all present voting aye (5-0), motion carried to adopt Resolution No 2020-062 approving the sale of the 2020B bonds.

X. REPORTS OF CITY MANAGER AND DEPARTMENTS

Mr. Duddeck stated the Anchor Commons site redevelopment continues, including street and utility improvements. He added a sales agreement with the convenience store is being reviewed, and similar considerations are under way for the apartments and the storage facility. He added City Staff expects to bring these items to the City Council's first meeting in June for consideration.

Mr. Duddeck stated the City is scheduled to close on the Former BP gas station site on May 26, 2020, and clean-up of the site will continue.

Mr. Duddeck stated agreements have been completed on the Veterans' home, and transfer of property is complete. He added Lennar Homes intends to begin construction on May 26, 2020, and the Margaret Street lane shift will be set up to facilitate a construction staging area. He noted the lane shift will remain in place for the duration of construction.

Mr. Duddeck stated a minimal ground-breaking ceremony is planned at the Veterans home for May 23, 2020 at 11:00 a.m.

Mr. Duddeck stated City Staff have had discussions with the School District about graduation recognition, which could include a small parade around the high school that would be filmed. He added details are being organized with the School District. He noted this would probably happen the last week of May or early June.

Mr. Duddeck stated the City continues to deal with a home at 19th Avenue and Helen Street, working with the City Attorney and nearby residents. He added hopefully the City can come to a resolution with the homeowner.

Mr. Duddeck stated parks and playgrounds opened May 15, 2020. He added park users are asked to continue to follow social distancing guidelines. He added beach openings are still under review.

Council Member Sonnek stated local little league baseball players are hoping to use the fields in some capacity for practices. Mr. Duddeck stated fields can be used with adherence to social distancing guidelines including groups of 10 or less. He added no organized teams or leagues are allowed, but the fields are available for small group practices.

Mr. Duddeck stated it is hoped that the City can open up as much as possible in early June, including local restaurants and City Hall, using State guidelines. He added Ramsey County beaches will not be open, and there are no lifeguard staff in place at this point.

Council Member Thorsen stated he supports having City Council meetings back in City Hall. He asked whether there is a plan in place. He added many other cities are having meetings in their Council Chambers. He noted a hybrid of participation can be accommodated.

Mr. Duddeck agreed but stressed the importance of adhering to guidelines for social distancing, and under 50% capacity. He noted a plan will need to be in place. Mr. Mattick agreed, adding protocols are being developed as many City Councils are anxious to get back into their Council Chambers. He added the easiest method is to adopt a mix of remote access and in-person attendance, including remote public input, for the short term.

Mayor Furlong stated the 2nd meeting in June might be enough time to figure out the logistics and audio/visual requirements. Mr. Duddeck agreed. He stated City Staff can put together a plan for accommodating City Council meetings while following guidelines.

Mr. Duddeck agreed to work on getting the City Council meetings back in City Hall for the June 16, 2020 meeting, or sooner if possible.

Council Member Thorsen stated he believes the June 2, 2020 City Council meeting should be held in City Hall. Council Member Walczak agreed. Council Member Petersen stated she would like to get back into City Hall, as she has been having technical difficulties.

Mr. Duddeck stated he would work with City Attorney Mattick to ensure compliance with guidelines for regulating how many people can enter City Hall, and other requirements. Mr. Mattick agreed.

XI. REPORTS OF COUNCIL, COMMISSIONS & COMMITTEES

Council Member Thorsen stated the EDA meeting scheduled to be held last Tuesday was cancelled due to scheduling conflicts. He added there has been no communication about rescheduling the meeting.

Council Member Thorsen stated Business Association meetings have been suspended as the American Legion is not allowed to be open to the public.

Mr. Duddeck stated he will look into getting the EDA meeting rescheduled.

Council Member Sonnek thanked and congratulated Mr. Duddeck and City Staff for their hard work in getting the Uptown Commons development up and running. He added this is a major accomplishment.

Council Member Walczak requested an update on removal of graffiti in the Gateway Trail tunnels.

Council Member Thorsen stated he emailed State and local representatives regarding this issue and was contacted by a representative of the Department of Natural Resources, who indicated they would support having the City take action to remove the graffiti. He added he has forwarded all communication regarding this issue to the DNR representative, who will hopefully contact City Staff.

Mr. Duddeck agreed to follow up on this issue. He stressed the importance of working with the DNR on these types of projects. He stated the City has hoped to install surveillance cameras in the tunnel but was prohibited from doing so by the DNR.

Council Member Thorsen stated he mentioned the possibility of surveillance cameras to the DNR representative, who indicated he believes the DNR would be in full support of that initiative. He agreed to contact the DNR representative again and report back to the City Council.

XII. GENERAL BUSINESS

Council Member Petersen wished everyone a safe and happy Memorial Day. She thanked Dan Fisher for his diligence in lowering and raising the flag at Veteran's Park.

Council Member Thorsen stated for the record that he is opposed to continuing the Emergency Declaration, but he respects that the majority of the City Council disagrees. He added he is glad to see there is support for re-opening small businesses.

Council Member Thorsen thanked Mr. Duddeck for his work on getting the Uptown Commons construction project under way, and for his dedication to the City of North St. Paul. He also thanked the developer for taking a risk and investing in the community.

Mayor Furlong stated Police Week was observed May 10-16 with many virtual events, including a national candlelight vigil on Police Officer Memorial Day. A virtual Memorial Day event was filmed at Veteran's Park and will be shown on social media. In 2019, 146 police officers lost their lives in the line of duty. In past years North St. Paul Law Enforcement Officers Walter Hause and Richard Crittenden died in the line of duty. A moment of silence was observed.

XIII. CLOSED SESSION

There was no closed session.

XIV. ADJOURNMENT

There being no further business, on motion by Council Member Walczak, Seconded by Council Member Sonnek, with all present voting aye (5-0), Mayor Furlong adjourned the meeting at 9:12 p.m.

/s/ Terrence J. Furlong, Mayor

Attest: /s/ Scott A. Duddeck, City Manager/Clerk