

City of North Saint Paul
June 16, 2020
Adopted Regular City Council Meeting Minutes
City Hall – Council Chambers

I. CALL TO ORDER

Mayor Furlong called the meeting to order at 6:30 p.m. The meeting was conducted at City Hall in Council Chambers, and also 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 Walczak
Council Member Sonnek
Mayor Furlong

Staff: City Manager Scott Duddeck, City Engineer Morgan Dawley, City Attorney Soren Mattick, Deputy Clerk Mary Mills.

IV. ADOPT AGENDA

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

V. PRESENTATIONS

There were no presentations.

VI. APPROVAL OF CONSENT AGENDA

On motion by Council Member Petersen, seconded by Council Member Walczak, with all present voting aye (5-0), motion carried to approve the consent agenda, Resolution No. 2020-067 consisting of:

- A. May 30, 2020 Emergency meeting minutes.
- B. June 2, 2020 Workshop meeting minutes.
- C. June 2, 2020 Regular meeting minutes.
- D. General accounts payable: \$1,448,191.64.
- E. HRA accounts payable: \$16,515.74.
- F. Authorization to process Interfund transfers. Resolution No. 2020-068.

VII. MEETING OPEN TO PUBLIC

Antonio Nerios, 2184 Mohawk Road E, stated he had a conversation with Council Member Thorsen in March 2020 regarding the North St. Paul Police Department. He added he is confused about what Council Member Thorsen wants to do about the North St. Paul Police.

Council Member Thorsen stated he did have a conversation with Mr. Nerios, but they did not discuss the future of the Police Department.

Mr. Nerios argued that he remembers the conversation and does not appreciate the implication that he is not being truthful.

Mr. Nerios stated Mayor Furlong owns a liquor store which has been operating at 100%. He added other local businesses were closed and are now open at 50%. He asked what the Mayor has done to get the City's businesses back to 100% operations. He expressed frustration that City Hall has been closed.

Mayor Furlong stated he discussed this issue with Mr. Nerios over the phone. He added the City of North St. Paul, and the State of Minnesota, have been under an Executive Order issued by the Governor.

City Attorney Soren Mattick stated he had this conversation with Mr. Nerios. He added he understands Mr. Nerios does not believe Governor Walz was within his power, but Mr. Mattick disagrees. He noted the City Council did not have the authority to open businesses.

Mr. Mattick stated the opening of local businesses is not in any way related to Mayor Furlong's ownership of a liquor store. He added the closing of businesses was mandated by the Governor's Executive Order.

Mr. Nerios stated he pays taxes, and his kids have not been able to play at the playground for two months. He asked whether he will be reimbursed.

Mayor Furlong stated he has already discussed these issues with Mr. Nerios. He added the City has been under direct orders from the State of Minnesota.

Mr. Nerios stated the Governor did not close City Hall. He added that was done by Mayor Furlong.

Mr. Mattick stated the City of North St. Paul has the right and authority to manage its resources. He added this includes shutting down parks and streets, as well as City Hall. He added he understands that Mr. Nerios disagrees with the decisions that were made. He noted the City of North St. Paul complied with the State Executive Order to protect the health and safety of its residents and City Staff.

Mr. Nerios asked what is being done to open small businesses and get them back to operating at 100%. He added many businesses will have to close.

Mayor Furlong stated he agrees that businesses need to be re-opened. He added all local businesses have re-opened.

Mr. Nerios stated they are open, but they are running at 50%.

Mr. Mattick stated decisions were made at the State level about what types of businesses could be open, and at what capacities. He added he understands that there are people who disagree with those decisions. He noted, however, the City did not have the right to ignore the Statewide Executive Order.

Mr. Mattick stated the City Council drafted a letter in support of re-opening the City's small businesses, which was sent to the Governor. Mr. Nerios requested a copy of the letter. City Manager Scott Duddeck agreed to provide that for Mr. Nerios.

Jackie Rothstein, 2481 19th Avenue, stated she would like to address the City Council on behalf of her family and her neighbors regarding the problem home in her neighborhood. She thanked the Police Department for their continued efforts and response to almost 500 calls over the past 5 years. She urged the City to continue to press hard. She added the quality of life of all the neighbors has been negatively impacted, and especially her family, as she is the closest neighbor.

Ms. Rothstein thanked Mr. Duddeck for responding to her and providing support. She requested that the City continue to put pressure on the property owner, as progress is being made. She requested better communication from the City Council. She stated she has only received email responses from Council Member Petersen and Mr. Duddeck over the years. She added she understands that her emails are forwarded to City Staff. She noted the neighbors expect better communication and transparency from the City, as well as compassion and understanding.

Ms. Rothstein stated garbage on and near the property should be monitored better, as that is not a police issue. She added she is afraid to leave her kids home alone. She reiterated the fact that they have no quality of life.

Mayor Furlong stated Ms. Rothstein's emails that are sent to the City Council are forwarded directly to City Staff and Mr. Duddeck, who is the point of contact for the City Council.

Council Member Thorsen stated Ms. Rothstein has not sent him any emails. He added he was not aware of this situation as he never received any emails. He noted there is a link on the City Council's webpage that is set up to send an email out to the entire City Council.

Council Member Thorsen stated it is always possible to do a better job of communication. He added the role of the City Council is to represent the citizens of North St. Paul. He noted requests and comments that the City Council receives from residents are forwarded directly to City Staff. He expressed his sympathy for Ms. Rothstein and her neighbors, for all that they have had to deal with over the years. He added the City will do everything possible to get a resolution to this situation.

Council Member Sonnek stated he understands Ms. Rothstein's frustration. He added he received a series of emails in 2018-19, one of which he responded to. He added he forwarded all related emails to the City Manager and Police Chief. He noted there is not a lot of direct action the Council Members can take with homeowners, which is why these types of issues are forwarded to City Staff.

Council Member Sonnek stated it is difficult for the City to take a person's home, for good reason. He added there is a lengthy process for legal action to be taken.

Mr. Mattick stated this item is on tonight's Agenda for discussion. He added the governments' ability to regulate behavior is one of the most difficult things to do. He noted there are some options at the City level, which will be discussed on tonight's Agenda.

Ms. Rothstein expressed her frustration that the owners of the problem property have rights that are being protected, but her family and her neighbors continue to deal with this situation every day.

John Schmahl stated the Fourth of July holiday is coming up soon, and Casey Lake Park parking lot is open. Mayor Furlong stated the events of last year will not happen again.

City Engineer Morgan Dawley stated he is managing the online Zoom meeting, and there are a few attendees on the line. He asked whether anyone wished to address the City Council. There were no responses.

VIII. PUBLIC HEARINGS

There were no scheduled hearings.

IX. CITY BUSINESS ACTION ITEMS & RECOMMENDATIONS

Mr. Duddeck stated there are several liquor license renewals that require City Council approval. He added a credit from liquor store license fees was carried forward by City Council Resolution due to bars and restaurants closings during Covid-19 emergency declaration. He noted license holders are being allowed to pay their license fees on a monthly basis, in an effort to assist and support local small businesses.

Mr. Mattick stated City insurance and regulatory issues are being reviewed with regard to the opening of public streets and sidewalks for bars and restaurants to use for outdoor seating. He added he is working with the Police Department on a review process. He noted it is a routine process for the City's liquor licenses to be approved by the City Council.

Deputy Clerk Mary Mills stated the license approvals have been drafted as separate motions as Mayor Furlong may need to abstain from a vote.

- A. Liquor License Renewals for City 3.2 On-sale Liquor Licenses and On-sale wine licenses.

On motion by Council Member Sonnek, seconded by Council Member Thorsen, with all present voting aye and Mayor Furlong abstaining (4-0), motion carried to adopt Resolution No. 2020-069 approving liquor license renewals for City 3.2 On-sale Liquor Licenses and On-sale wine licenses.

- B. Liquor License Renewals for City Off-sale Intoxicating Liquor Licenses
- C. Liquor License Renewals for On-Sale Intoxicating Liquor Licenses, including Sunday Sales On-Sale Intoxicating Liquor Licenses with patio or outdoor serving areas

- D. Liquor License Renewals for Applications for renewal of On-Sale Intoxicating Liquor Licenses, including Sunday Sales On-Sale Intoxicating Liquor Licenses w/o patio or outdoor serving areas

On motion by Council Member Petersen, seconded by Council Member Sonnek, with all present voting aye (5-0), motion carried to adopt Resolution No. 2020-070 approving liquor license renewals for City Off-sale Intoxicating liquor licenses; adopt Resolution No. 2020-071 approving Liquor License Renewals for On-Sale Intoxicating Liquor Licenses, including Sunday Sales on-sale intoxicating liquor licenses with patio or outdoor serving areas; and adopt Resolution No. 2020-072 approving Liquor license renewals for applications for renewal of on-sale intoxicating liquor licenses, including Sunday Sales on-sale intoxicating liquor licenses without patio or outdoor serving areas.

- E. City Council Meeting Calendar related to National Night Out and additional remote workshop meetings

Mr. Duddeck stated National Night Out is usually held the first week in August. He added a new nation-wide date of October 6, 2020 has been designated due to the Covid-19 pandemic. He noted the City Council's August 4, 2020 meeting can be moved back in place.

On motion by Council Member Walczak, seconded by Council Member Sonnek, with all present voting aye (5-0), motion carried to adopt Resolution No. 2020-073 approving the 2020 City Council Meeting Schedule.

- F. Contract for Private Development and Purchase Agreement for storage facility at Anchor Commons with IP4 AF St. Paul, LLC

Mr. Duddeck reviewed a contract for private development and purchase agreement for the proposed storage facility at Anchor Commons. He added this is the final step in moving forward with the development of a 104,000 square foot, 3-story building to be constructed on the northeast corner of the Anchor Commons site. He noted a minimum assessment has been set to ensure that the TIF funding will work properly. He recommended City Council approval of the documents.

On motion by Council Member Sonnek, seconded by Council Member Thorsen, with all present voting aye (5-0), motion carried to adopt Resolution No. 2020-075 approving Contract for Private Development and Purchase Agreement for storage facility at Anchor Commons with IP4 AF St. Paul, LLC.

Council Member Walczak asked when Anchor Road will be finished. Mr. Duddeck stated the road will remain closed for general use until mid-August, after traffic signals, turn lanes, sidewalks and streetlights have been completed.

- G. Hazardous Building Order 2487 19th Avenue

Mr. Duddeck reviewed an ongoing issue with a problem home at 2487 19th Avenue, which was discussed at a City Council Workshop tonight, and also at tonight's Public Open Forum. He added City Staff and the Police Department have been involved in calls to this home for many years.

Mr. Duddeck stated both the City Attorney and City building official have been involved in this process. The property is currently boarded up and secured as it has been deemed unfit for human habitation. He noted the City intends to move forward with this order.

Mr. Mattick stated the City building official entered the home and determined that it is unfit for human habitation. Upon making that determination, the building official has the legal authority to board up the facility and prohibit people from entering it. He added the building official has forwarded his report, and the City will pursue a “hazardous building” process in Minnesota State Statutes.

Mr. Mattick stated the City Council’s permission to initiate the hazardous building action is requested, to initiate action against the property owner and occupant to require them to complete certain repairs. He added the property owner, under law, is given a certain amount of time to comply with the action; in this case, 20 days. If compliance is not achieved, it is his intention to file with the court. He noted, in his opinion, the city has a strong enough case moving forward regarding the condition of the property. He urged the City Council to approve the Resolution.

Council Member Sonnek asked, if approved, when the 20-day period will begin. He asked how the property owner will access the property to begin cleaning it out. Mr. Mattick stated the property owner will work through the building official.

Mr. Duddeck stated the property owner has indicated he will start the process of removing personal items tomorrow.

The building official stated the house has been posted as an unsafe structure. He added there is a checklist of 10 or 11 items that includes clean-up and repair, and during that time the property owners are not allowed to live in the house. He noted they are required to provide a plan, and tonight’s action of the City Council will reinforce and require additional action if the plan fails or is not carried out.

Council Member Sonnek asked what would happen if the property owner does not comply with these requirements. He asked if City Staff knows what the property owner’s intention is. Mr. Duddeck stated he believes their intention is the sell the property.

Mr. Mattick stated this cause of action is not intended to bar the property owner from entering their home. He added the City does not have the right to evict residents from their homes and is not in the business of renovating homes.

Council Member Thorsen stated he understands there needs to be a plan, and it seems like it will be a lot of work. He asked whether the house will be open for them to make repairs. He asked, if the repairs are made, whether the property owners will be allowed to move back in.

Council Member Thorsen stated there has been no good faith on the part of the current occupants. He added it is difficult to believe they will act in good faith now. He asked whether there is an enforcement plan to ensure that the owners are doing the necessary work, that they leave the house every night, the house is locked, and the work is completed. He asked whether the City would step in to do repairs if they are not completed by the homeowner, with associated

costs assessed to the property. He added he understands the City is limited in what it can do, but this has been going on for five years. He noted the house is deemed unfit for habitancy.

Mr. Duddeck stated the homeowner would not be allowed to move back until the City is satisfied that it meets current Code regulations. He added the property owner has indicated his intention to sell the property, and the City's intentions to pursue purchase of the property has been made known to the property owner. He added the property owner is also seeking other private buyers.

The building official stated he could not fully assess the structural defects of the property as inspections were limited due to its contents. He added after structural components are assessed, there could be additional necessary actions on the part of the City.

Mayor Furlong asked whether there will be someone there to monitor the progress, when the property owner goes in to remove personal belongings, and what course of action is available if illegal items are found.

Mr. Duddeck stated the search warrant to enter house was to inspect the conditions, not to look for illegal substances.

Mr. Mattick stated the action that will be brought is a civil action and not a criminal action.

Mr. Duddeck stated the decision will be made within the 20-day time frame. He added they will be making decisions fairly quickly.

Council Member Walczak asked whether the City inspector will do another inspection at the end of the 20 days. The inspector stated there is no time frame, but once the house is cleaned out of its contents, there will be structural issues to address. Mr. Duddeck stated they will be required to go through the permitting process for necessary structural work. He added it is not expected that the current property owner will re-occupy the house.

Mr. Mattick stated the City's intent with this action is to simultaneously clean up the home and address outstanding repair issues. He added the interior of the home is unsafe, but repairs and cleaning do not equate to occupancy. He noted the City is taking the best available course of action.

Council Member Sonnek why the City could not have taken this action sooner. Mr. Mattick stated it was necessary to gain entry into the building, and the City was able to obtain a search warrant after Police calls to the home.

Council Member Sonnek stated the home's windows were broken out and boarded up. He asked whether the City has any action that can be taken with regard to Code compliance. Mr. Mattick stated the City has been using administrative fines to address the property's Code compliance issues. He added criminal prosecution is typically not used for Code enforcement issues as it is not received well in court.

Mr. Duddeck stated this ongoing situation has been extremely frustrating for City Staff as well as the neighbors, although obviously not at the same level. He added the City hopes that this action will begin to address the problem and bring resolution for the neighborhood and the City.

On motion by Council Member Petersen, seconded by Council Member Walczak, with all present voting aye (5-0), motion carried to adopt Resolution No. 2020-074 ordering demolition, repair, or removal of a hazardous building at 2487 19th Avenue E.

X. REPORTS OF CITY MANAGER AND DEPARTMENTS

Mr. Duddeck stated City Staff have been busy with development projects, moving forward with the purchase agreement discussed earlier in the meeting and starting construction on Anchor North. He added road construction in the downtown area continues. He apologized to residents and businesses for the disruption due to construction.

Mr. Duddeck stated City Staff is working on a plan to re-open the city's park facilities in compliance with guidance from the Governor's office related to Covid-19. He added some residents have expressed interest in renting park facilities, and the intention is to get that going again tomorrow.

Mr. Duddeck stated food trucks and vendors around the community have been very well received by residents and have gotten a lot of business. He added City Staff is doing as much as possible to help the City's small businesses that have re-opened, and portable businesses that have been shut down with fairs and carnivals that were cancelled. He noted these efforts have been well-received by the community.

Mr. Duddeck stated the next phase of re-openings will involve sports facilities, following State guidelines.

Mr. Duddeck stated upcoming City Council meetings will continue to be held in Council Chambers. He added City Council workshops will continue to be held in Council Chambers on the nights that a Regular Meeting is held, with additional workshops to be held on alternating weeks by Zoom only. He noted City Staff will not attend the regular Zoom workshops unless there is an Agenda item that requires their presence.

XI. REPORTS OF COUNCIL, COMMISSIONS & COMMITTEES

Council Member Sonnek stated the Planning Commission's next meeting is scheduled for July 2, 2020 at 6:15 p.m. He added there has not been any discussion about whether the Planning Commission meetings will be back in Council Chambers, or if Zoom will still be used. Mr. Duddeck stated the Planning Commission could certainly meet in Council Chambers in the same format as tonight's City Council meeting. He agreed to look into it.

Deputy Clerk Mills asked whether the Planning Commission meeting location would need to be noticed in the paper. Mr. Mattick confirmed this, adding people should be kept informed regarding the meeting format, as well as the opportunity to continue to attend meetings via Zoom if they choose.

Mr. Duddeck stated the City Council could hold a Special Meeting to review development agreements. He added public notice would be given.

There was a majority Consensus of the City Council to schedule a Special Meeting to review development agreements.

Council Member Petersen stated the next Parks and Recreation Commission meeting is scheduled for June 24, 2020. She added it is hoped that the July 2020 meeting will be held in a park.

Council Member Petersen stated she plans to attend a League of Minnesota Cities virtual conference on June 25, 2020.

Council Member Petersen stated the City of North St. Paul received special recognition from the GreenStep Cities initiative. She thanked City Staff for their hard work on this important effort.

XII. GENERAL BUSINESS

Council Member Petersen wished a Happy Father's Day to dads, and a happy and safe Fourth of July celebration.

Council Member Petersen stated she has heard from several residents who want to have a dialogue about the Police Department and racial equality. She added she believes the Police Department does a great job. She noted this type of dialogue can be helpful and requested that the City Council think about it, to promote safety awareness and inclusiveness.

Council Member Petersen congratulated the graduates of the class of 2020. She added they have shown their resilience and strength.

Council Member Thorsen thanked City Staff for their hard work and efforts in getting the City Council meetings back into Council Chambers.

Council Member Thorsen expressed his gratitude and support for the North St. Paul Police Department. He stated, in response to a residents' comments earlier, he fully supports the Police Department and its Officers, who do a great job under sometimes difficult circumstances. He noted he has heard from many residents who agree.

Council Member Thorsen stated residents have expressed an interest in having a meeting to review the Police Department's methods. He added, in his opinion, people should not assume that Police Departments or Police Officers are not trained properly or that they fit a negative stereotype. He noted there has never been a case in North St. Paul of a Police Officer accused of brutality or racism.

Council Member Thorsen stated he is open to having a conversation about North St. Paul Police training and practices for informational purposes, but a meeting should not be held just because everyone else is doing it. He added the City's successful community policing model has been in place for many years. He noted he is glad to see that the Police Department is fully staffed.

Council Member Thorsen encouraged residents to schedule a police officer drive-along when Covid-related restrictions are lifted. He added community Neighborhood Watch programs are a great way to get involved. He stressed the importance of ensuring that a shadow is not cast upon the men and women who serve and protect the residents of the City of North St. Paul.

Mayor Furlong agreed, adding he would support a special meeting or workshop to address these issues and provide information for residents. He added this conversation is being echoed around the country. He noted it would be a good discussion to have.

Mr. Duddeck stated City Staff are moving forward with providing body-worn cameras for the Police Department. He added Officers want them, and it is an important protection for them as well as residents. He added there will be a public meeting to take input, and the intention is to move forward and have the program in place as soon as possible.

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 Petersen, with all present voting aye (5-0), Mayor Furlong adjourned the meeting at 7:59 p.m.

/s/ Terrence J. Furlong, Mayor

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