

City of North Saint Paul
May 18, 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, Finance Director Jason Zimmerman, Fire Chief Tom Lauth, Police Chief Jason Mallinger, Communications Staff Kari Erpenbach, City Attorney Shana Conklin, Deputy Clerk Jennie Kloos.

IV. ADOPT AGENDA

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

V. PRESENTATIONS

A. Shaughn Erickson Hero Award Presentation

Mayor Furlong gave an introduction regarding the events of May 27, 2021. Shaughn Erickson, a local resident, was outside of his home when he heard a neighbor's daughter call for help, as her nephew, Jack Bruhn, had gone into cardiac arrest. Mr. Erickson, who has first aid training, used his AED (automated external defibrillator) to assist Mr. Bruhn and restart his heart.

Fire Chief Jason Mallinger introduced Assistant Fire Chief Brent Fyksen, Fire Fighter Mai Lee Sky, and paramedics Brittney Bielenberg and Colleen Morchinek, who were on the call that day, as well as Police Chief Tom Lauth.

Chief Mallinger stated Mr. Erickson's quick actions and use of the AED were critical to saving Mr. Bruhn's life.

Mayor Furlong presented Mr. Erickson with a North St. Paul Hero Award for his actions that saved a life.

Mr. Erickson thanked the City for the Hero Award.

Mr. Bruhn stated he cannot express what Mr. Erickson has done for him. He thanked Mr. Erickson.

Jack's grandfather, who was at home at the time, thanked Mr. Erickson and all the emergency responders who saved his grandson's life.

Molly Bruhn, Mr. Bruhn's mother, stated it was fortunate that Jack happened to be at his grandfather's house that day, and not home alone or driving, when he went into cardiac arrest. She thanked Mr. Erickson and the first responders. She urged people to be more aware of where there are AED's around them.

VI. APPROVAL OF CONSENT AGENDA

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, Resolution No. 2021-048 consisting of:

- A. May 4, 2021 workshop meeting minutes.
- B. May 4, 2021 regular meeting minutes.
- C. General Claims: \$1,452,383.10.
- D. Financial Transparency Reporting.
- E. 2019-2022 Metropolitan Council Water Efficiency Grant Modification.

VII. MEETING OPEN TO PUBLIC

John Schmahl, 2750 Chisholm Avenue, stated he logged in for the City Council workshop at 5:00 p.m. but there was no video or audio. He added, at 5:11 p.m., there was a live view of Commissioner Reinhardt but no audio, and then audio came on about five minutes later.

Mr. Schmahl stated there are three agendas for tonight's meeting in the Agenda Center, with no indication of changes or amendments.

Mr. Schmahl stated, in tonight's meeting packet, Nick Fleischacker's name appears multiple times in a document related to the Met Council. He added that document should be updated.

Mr. Schmahl stated the Agenda Item related to rescinding the Emergency Declaration should include information about the CDC.

Mr. Schmahl stated his neighbor has been unable to get a response from Code Enforcement, as he is having a problem with another neighbor. He added it is frustrating when a resident cannot get a call back from City Staff.

VIII. PUBLIC HEARINGS

There were no scheduled hearings.

IX. CITY BUSINESS ACTION ITEMS & RECOMMENDATIONS

A. Approve Ordinance Establishing the Arts and Culture Commission and an Ordinance Abolishing the Design Review Commission

City Attorney Shana Conklin stated the proposed Ordinance has been amended, based on City Council feedback, to require City Council approval of bylaws setting regular meetings and establishing attendance requirements. The City Council also retains the authority to appoint and remove Commissioners.

On motion by Council Member Thorsen, seconded by Council Member Cole, with all present voting aye (5-0), motion approve Ordinance No.798 Establishing the Arts and Culture Commission.

On motion by Council Member Cole, seconded by Council Member Wong, with all present voting aye (5-0), motion carried to approve Ordinance No. 797 Abolishing the Design Review Commission.

Mayor Furlong welcomed former Council Member Tom Sonnek and invited him to address the City Council regarding the newly formed Arts Commission.

Former Council Member Sonnek stated he appreciates the opportunity to be involved in the creation of a new Arts Commission for North St. Paul. He added he looks forward to working with the City to find residents who are interested in being involved in this Commission. He noted, with guidance from the City Council, the Commission will determine what it should be and take that forward to create a presence of arts throughout the City.

Former Council Member Sonnek stated the Arts Commission will have the opportunity to seek grant funds or tax allocation funding for the purposes of public art, including murals, sculptures and paintings to beauty the City's landscape, and potentially performing arts. He added he hopes City Staff can put information on the website, for residents interested in the Arts Commission.

Mayor Furlong thanked former Council Member Sonnek for his hard work in bringing this issue forward.

B. Purchase Electric Meters

Mr. Duddeck stated Electric Director Brian Frandle is not able to be at this evening's meeting as his mother recently passed away and services will be held tomorrow.

Mr. Duddeck reviewed a proposal for the purchase of 224 electric meters. He added a quote is attached to the staff report.

Council Member Wong asked whether this item is included in the budget.

Mr. Duddeck confirmed this is part of the Electric Utility budget.

On motion by Council Member Thorsen, seconded by Council Member Petersen, with all present voting aye (5-0), to adopt Resolution No. 2021-049 to Purchase 224 Electric Meters.

C. 2020 Street and Utility Improvement Project – Pay Voucher No. 10

Mr. Duddeck stated this item relates to the 2020 Street Utility Project, Pay Voucher #10, which has been reviewed and approved by WSB consultants and engineers. He added City Staff recommends approval of the pay voucher.

On motion by Council Member Wong, seconded by Council Member Cole, with all present voting aye (5-0), motion carried to approve 2020 Street and Utility Improvement Project – Pay Voucher No. 10.

D. Police Tasers and Training Purchase (18)

Police Chief Tom Lauth reviewed the potential purchase of tasers and training for the Police Department, as the current equipment is outdated and many tasers are out of service. Product distribution and training will occur over a 5-year period. The current equipment has been refurbished and is passed its life expectancy. He stressed the importance of having a non-lethal option for force when necessary. The available training program includes virtual mode and cartridge maintenance.

Chief Lauth stated it is important to be cognizant of the life span of this equipment and replacement should occur on a regular basis, so the Police Officers have up to date equipment.

Brandon Hawes, Axon representative, stated the plan would cover the City for 5 years, for training and duty use, cartridges, and virtual reality training for officers for community engagement and simulation. The program will be all-inclusive, and nothing additional would be needed unless additional officers are added to the force.

Council Member Wong asked Mr. Hawes what the benefit is to bundling instead of other methods of selling tasers. Mr. Hawes stated we the purchases can be spread out over 5 years, but the City would be paying more, and bundling ensures that the necessary training is available on an ongoing basis.

Council Member Wong asked how this will be implemented in terms of the City's current use of force policy. Chief Lauth stated currently tasers are included in the policy as an option for intermediate, non-lethal use of force.

Council Member Wong stated she reviewed data regarding taser use policies in North St. Paul. She added there are situations where discharge is forbidden, including the elderly, flammable areas, and when there is a fall involved, as well as people who are pregnant, which is very important. She asked whether there are cases where tasers could be used on juveniles, people who are unconscious, or people experiencing a mental health crisis.

Chief Lauth stated tasers would not be used on someone who is unconscious. He added there are different levels of juveniles but use of tasers would not be a consideration. He noted it is difficult

to determine whether there are mental health issues unless it is a known mental health situation, in which case officers will find alternative solutions and allow time for mental health support experts.

Council Member Wong asked what other options are available instead of tasers, if they are considered an intermediate option. Chief Lauth stated the Police Department follows a continuum of force that includes voice commands and soft force on one end, and potential use of deadly force on the other. He added the use of taser falls just above voice commands.

Council Member Thorsen stated he appreciates Council Member Wong's questions. He added the Police Department's tasers are from 2005 and have reached the end of their useful life. Tasers are a tool that helps keep Law Enforcement safe as well as the people they interact with. He expressed concern that it has taken so long to replace the tasers, and the City has failed to address these urgent needs for public safety tools for Police and Fire. He noted concerns can be addressed during training.

Council Member Wong asked whether the taser training aligns with the City's existing policy. She asked whether the training program can evolve if the City's policy changes.

Mr. Hawes stated the virtual training includes mental illness and juvenile training in its community engagement training, and simulations for use of force. He added, if the City's policy changes, use of force can still be practiced with a trainer. He noted the intent is to allow the officers to train as often and as easily as necessary.

Council Member Wong asked what the current need for use of force in North St. Paul is, and how often tasers have been discharged. She asked whether there is any concern regarding this issue.

Chief Lauth stated he does not have the numbers, but he can have City Staff provide that information. He added there is a low number of deployments, but it is impossible to predict when it will be necessary. He noted the tasers are not purchased with the intent of using them, but rather having them available if they are required.

Council Member Wong stated a lot of information was added to the agenda just before the meeting, and she is trying to learn about the issue. She thanked everyone for their comments and answers.

Chief Lauth stated the Police Department held a Citizens Academy for many years, which was extremely helpful. He added any training information can be made available for the City Council's review and observation.

Mr. Duddeck stated it has been one of his initiatives as City Manager to move forward with replacing old equipment and updating training modules as necessary for the protection of officers and residents.

On motion by Council Member Thorsen, seconded by Council Member Cole, with all present voting aye (5-0), motion carried to adopt Resolution No. 2021-050 approving Police Tasers (18) and Training Purchase.

E. Purchase Lexipol Professional Policy Services for Police and Fire

Fire Chief Jason Mallinger reviewed a proposed contract for services with Lexipol to maintain and implement policies, provide updated online training, and utilize administrative services. Lexipol's options include having City Staff maintain various levels of administration, and other cities may have additional staff that can provide support. The City of North St. Paul would receive Lexipol's full implementation of options.

Council Member Thorsen stated he was not in attendance when this was discussed. He added his understanding is that Lexipol provides a service focused on public safety to update all policies that the City is required to have in place and on record. He noted the policy process can get cumbersome or be delayed, and this contract will free up City Staff time. He asked whether there is an annual charge from Lexipol.

Mr. Duddeck stated the annual subscription for Fire is \$9,971.10, and \$2,889 for Police.

Council Member Thorsen asked whether this was included in the 2021 budget. Mr. Duddeck stated funding would come from the Equipment Fund.

Council Member Thorsen asked whether the 2021 budget would need to be modified or revised, and added to OpenGov, to reflect this change.

Finance Director Jason Zimmerman stated City Council approval would be required to modify or adjust a formal budget document, and that has not been completed.

Council Member Thorsen stressed the importance of being cautious with fund balances. He added, however, he sees value in this proposal, and he can support it.

Bruce Bjorge, Lexipol representative, stated policy compliance is the keystone for municipal and public safety organizations. Lexipol has a public safety attorney team and a content team, with a multi-layer review process and on-going examination of current emerging trends in public safety. Local staff can keep up with policies, and Lexipol provides support to comply with required mandates.

Council Member Cole stated the City's information will be available on the Lexipol website. He asked who technically owns the content, and if the City severs ties with Lexipol, whether the City's data will be provided back in a format that will be usable.

Mr. Bjorge stated North St. Paul will have access to all content regardless of source, as well as the ability to obtain electronic and hard copies of all content in our server if the City severs its relationship with Lexipol. He added Lexipol does not take ownership of any content, nor put any claim or restriction on it.

Council Member Wong asked whether the City could use free policies or resources, like the League of Minnesota Cities online resources, rather than incurring this large cost, which will affect the 2021 budget.

Chief Lauth stated Lexipol provides a focused delivery rather than general online information that would require City Staff and legal staff time for implementation.

Mr. Bjorge stated Lexipol works proactively to ensure that legislative changes at the national and state levels are imported and reflected in the City's policies, streamlining the process, and allowing department heads to have access to pertinent and timely information.

Mayor Furlong expressed his support for the Lexipol proposal.

On motion by Council Member Cole, seconded by Council Member Petersen, with Council Members Cole, Petersen, and Thorsen and Mayor Furlong voting aye, Council Member Wong voting nay (4-1), motion carried to adopt Resolution No. 2021-051 approving the Purchase of Lexipol Professional Policy Services for Police and Fire.

Discussion during motion: Council Member Wong asked whether there will be a public hearing on this issue. She added there was a public hearing related to body-worn cameras.

Chief Lauth stated a public hearing is mandated by law for a body-worn cameras policy. He added this is an example of why it is even more important to have a service like Lexipol, as policies are constantly changing.

Mr. Bjorge stated communities can choose to put Lexipol policies on their website in a public forum. He added that would be an option for the city of North St. Paul.

Council Member Wong asked whether that is included in the current bid. Mr. Bjorge stated the subscription price would not change. He added this would be something the City would choose to do on their own platform.

Council Member Wong expressed concern that there is a lack of public input into these policies, given the state we live in now. Community engagement should be a critical component in the decisions made by the City Council.

Council Member Cole expressed appreciation to both the Police and Fire Chief, and to Mr. Duddeck for identifying deficiencies and needs, including body-worn cameras and 15-year-old equipment, and following through with structured policies and procedures. He added he understands Council Member Thorsen's concerns regarding a potential budget amendment, but there could be higher costs if this policy is not put into place.

F. Review of the North St. Paul Housing & Redevelopment Authority and County's Request to Levy

Mr. Duddeck stated a decision is not required on this issue this evening.

Mayor Furlong stated the City Council discussed this issue at length during the Workshop.

Council Member Thorsen stated the City Council should meet as HRA to discuss operations and potential changes, as well as instituting new policies. He requested that this issue be tabled as there is no hard deadline with Ramsey County.

Commissioner Victoria Reinhardt stated the levy must be certified by July 1, 2021 to be effective in 2022.

Mr. Duddeck agreed to schedule an HRA meeting during a City Council meeting in June 2021.

Commissioner Reinhardt stated it would be preferable if the City Council could review this issue at their June 1, 2021 meeting to ensure that all paperwork is completed by July 1, 2021.

Mayor Furlong stated City Staff will take that into consideration.

G. RESCIND – COVID-19 Pandemic Local Emergency Declaration Established March 17, 2020

On motion by Council Member Thorsen, seconded by Council Member Petersen, with all present voting aye (5-0), motion carried to Rescind the COVID-19 Pandemic Local Emergency Declaration Established March 17, 2020.

Discussion during the motion: Council Member Cole asked whether there will be any funding issues that will be affected by rescinding the declaration, as the Governor's executive order has not yet been lifted.

Ms. Conklin stated no federal or state funding has been contingent upon the local emergency declaration. She added, at this point, there is no financial impact to lifting the state of emergency on a local level.

X. REPORTS OF CITY MANAGER AND DEPARTMENTS

A. Monthly Building Permit Report (April 2021)

Mr. Duddeck presented a building permit report that provides details regarding ongoing redevelopment in the community, showing a total of \$792,425.38 in value of work completed in North St. Paul in April 2021. He added he intends to continue to provide this monthly report.

Council Member Wong asked whether the report will be added to OpenGov. Mr. Dud deck confirmed this.

B. City Clean-Up Event on Saturday, May 8

Mr. Duddeck stated the City Clean-up Event was a huge success with over 500 cars, and a number of positive comments have been received from residents. He thanked City Staff for their hard work, and the City Council for their support.

C. CivicClerk Implementation

Communications Staff Kari Erpenbach stated this was the first meeting packet that was created in CivicClerk. She added the goal is for City Staff to be more planful for the City Council and build packets early as information is received. She noted there will be a webinar for elected officials that the City Council can complete.

Recording of City Meetings

Mr. Duddeck requested City Council direction regarding the City's procedure for recording all public meetings.

Mayor Furlong stated meetings should be recorded whenever possible, which would include all meetings held in City Hall. He added the Parks Commission meets in the parks, and the meeting location for the newly formed Arts Council has not been determined.

Council Member Thorsen stated any meeting, including remote meetings, can be recorded, and the City has the technology to do so. He added the minutes of a recent City Council Workshop did not accurately reflect a detailed discussion and, as a policy, all meetings should be recorded. He noted the most important issue is residents' access to information.

Council Member Petersen stated she agrees with Council Member Thorsen that transparency is important. She added she likes the idea that the Parks Commission is back in the parks, which is very important, and there are ways to record those meetings.

Council Member Wong stated an increase in access is a huge benefit to the public and that is a good direction to go.

Council Member Cole stated meetings should be recorded wherever possible, but there could be criticism about poor audio or video quality if the recording is done outside. He added it is more important to hold the meetings outside whenever possible.

Mr. Duddeck stated it might be difficult to pick up sound in a park setting without individual microphones.

Council Member Thorsen suggested a microphone could be passed around. He added it can be done.

Mayor Furlong stated he agrees with Council Member Cole that the Commission should not be scrutinized if the audio doesn't pick up the meeting.

Mr. Duddeck stated he hopes to have a policy in place for the Arts Board.

Council Member Thorsen stated there is technology that will make it possible to record Parks Commission meetings in the parks. He added it should not be problematic to get accurate recordings in an outdoor setting. He noted it is not a legitimate excuse that there is inadequate technology to capture audio outside.

Mr. Duddeck stated a City iPad could be used as a recording device.

Mayor Furlong stated it is important for the Parks meetings to be held in the parks, so the Commissioners can receive public input.

Council Member Cole stated he is fine with recording but does not want the Parks Commission to be criticized for poor audio quality.

Mayor Furlong stated there seems to be a consensus to move forward with audio and/or video recording of City Commission meetings, including Parks & Recreation meetings held in the parks.

Council Member Cole stated he cannot support Council Member Thorsen's request for the audio taping of all meetings. He added there is great benefit to the community to be able to have meetings in the parks.

Kwik Trip

Mr. Duddeck stated Kwik Trip is preparing for construction to start at the end of May. He added Kwik Trip management has asked whether they can use a meeting room at City Hall for job fairs to be held every Tuesday beginning on June 8, from 8:00 a.m. – 4:30 p.m.

Council Member Thorsen asked whether there is a policy or rental fee. Mr. Duddeck stated civic groups have met in City Hall often. He added Kwik Trip would probably be willing to pay or donate to use the space.

There was a consensus to allow Kwik Trip to use a meeting room in City Hall to hold job fairs.

Street Overlays

Mr. Duddeck stated City Staff are working with the City of Maplewood and WSB consultants regarding an overlay on Ariel Street, which is a border street.

Mr. Duddeck stated the parking lot in the downtown is due for an overlay but may be reviewed further due to potential building acquisition that could change access, traffic flows and curb lines.

Council Member Thorsen expressed concern that these conversations should have started earlier. He asked what the time frame for the overlay is, adding he hopes the City can avoid postponing construction due to winter weather.

Mr. Duddeck stated the parking lot in the downtown area will not be a project in 2021, as City Staff will not have information related to the outcome of the building until late August or early September. He added contractors are parking there during construction of the Uptown Commons building.

Silver Lake Aerator

Mr. Duddeck stated he met today with representatives of Ramsey County, Valley Branch Watershed District and the City of Maplewood regarding the Silver Lake aerator. The aerator has been serviced and maintained by Ramsey County, but the County plans to relinquish control as the lake is not part of their system. The Watershed District does not have the staff necessary to take responsibility for the aerator. Ramsey County has said they would contribute \$10,000 to whoever takes over the pump. Electric costs run approximately \$4,000 per season.

Mr. Duddeck stated this is an important issue for the City in terms of water quality and fish kill in Silver Lake. The City of Maplewood and Valley Branch Watershed District will continue their internal discussions, and a meeting is scheduled in two weeks for further review to consider a joint solution.

Mr. Duddeck stated the pump is a permanent structure located on Maplewood park property, in Joy Park.

Council Member Thorsen stated maybe there could be an agreement where Maplewood transfers the park to North St Paul. He added the pump is on Maplewood property, but it benefits the City of North St. Paul.

Mr. Duddeck stated that could be an option. He added there has not been a lot of support for all the groups coming together to find a solution. He noted the pump is just outside the City's electric utility service area.

Sidewalk Construction in the Downtown Area

Mr. Duddeck stated sidewalk construction will begin next week. He added a soft opening is planned for Extra Space Storage. He noted City Staff is working with Extra Space to plan a grand opening and building tour.

XI. REPORTS OF COUNCIL, COMMISSIONS & COMMITTEES

Council Member Cole stated the Parks & Recreation Commission is scheduled to meet on May 26, 2021 at 6:30 p.m. at Hause Park. The community meeting will begin at 6:00 p.m., and all are welcome.

Mr. Duddeck invited the City Council to attend a Police Department swearing-in to be held at Casey Lake Park on May 25, 2021 at 6:30 p.m.

Council Member Wong stated the Planning Commission will hold a special meeting on May 20, 2021 at 6:30 p.m. via Zoom. She added the Commission's previous meeting included two variance applications: a screened-in porch and an interim use request.

Council Member Petersen stated Ramsey Parks & Recreation are planning a deer hunt early in the fall, possibly in Maplewood.

Council Member Petersen stated the League of Minnesota Cities will meet in person on May 20, 2021. She added she is on a few awards committees.

Council Member Thorsen stated the recent EDA meeting was cancelled, and he was unable to attend Business Association meeting due to work conflicts.

Mayor Furlong stated the Special Meeting scheduled for tomorrow night was not posted.

XII. GENERAL BUSINESS

Council Member Cole thanked City Staff and all who volunteered during Spring Clean-Up on May 8, 2021, which was a huge success. He stated many residents do not take advantage of this free service, as was evidenced by sofas and mattresses sitting curbside around town. He requested a review of City Ordinances, as he would like to gain a better understanding of what efforts the City makes to keep the community looking beautiful.

Council Member Petersen stated she stopped at a few garage sales, which were very successful. She wished everyone a happy and safe Memorial Day. She congratulated Mr. Mr. Duddeck on the wedding of his daughter this weekend.

Mayor Furlong offered condolences to the Berwald family on the loss of Geraldine Berwald, as well as Brian Frandle, Electric Director, on the loss of his mother.

Mayor Furlong stated he enjoyed Spring Clean-up, which was a great success.

Mayor Furlong stated the Car Show starts July 2, 2021.

XIII. CLOSED SESSION

There was no closed session.

XIV. ADJOURNMENT

There being no further business, on motion by Council Member Cole, Seconded by Council Member Petersen, with all present voting aye (5-0), Mayor Furlong adjourned the meeting at 9:17 p.m.

/s/ Terrence J. Furlong, Mayor

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