

City of North Saint Paul
July 20, 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.

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: Interim City Manager Brian Frandle, City Engineer Morgan Dawley, City Planner Eric Zweber, Finance Director Daniel Winek, Communications Staff Kari Erpenbach, City Attorney Soren Mattick, Deputy Clerk Jennie Kloos.

IV. ADOPT AGENDA

On motion by Council Member Petersen, seconded by Council Member Wong, 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 Cole, seconded by Council Member Thorsen, with all present voting aye (5-0), motion carried to approve the consent agenda, Resolution No. 2021-069 consisting of:

- A. July 6, 2021 workshop meeting minutes.
- B. July 6, 2021 regular meeting minutes.
- C. July 6, 2021 HRA minutes.
- D. General Claims: \$1,590,461.99
- E. HRA General Claims: \$191.34
- F. Monthly Building Permit Report – June 2021
- G. Resolution to Accept Resignation of City Manager and Appoint Interim City Manager Resolution No. 2021-070.

- H. Resolution Approving Acceptance of Donations Received June 2021. Resolution No. 2021-071.
- I. Application for a Temporary On-Sale Liquor License AND an Application for a Charitable Gambling for Exempt Permit for the Church of St. Peter, North St. Paul, September 26, 2021. Resolution No. 072.
- J. Application for a Temporary On-Sale Liquor License for the Church of St. Peter, North St. Paul, on August 21, 2021. Resolution No. 2021-073.
- K. Cooperative Agreement with Ramsey County – McKnight Road and Anchor Drive Cost Participation
- L. Rotary Park Wayfinding Signage
- M. Declaration of Equipment Surplus

VII. MEETING OPEN TO PUBLIC

Dave Nelson, 2574 East 4th Avenue, stated he and his wife, along with many volunteers, have worked hard for the past four years to restore a portion of Southwood Nature Preserve to prairie habitat and a monarch garden with native plants. He added whoever has been spraying the area with fog has been killing all the plants. He noted he added a split rail fence that has been removed.

Mr. Nelson stated the path needs to be wood chipped again at \$50 per load, which comes out of the Southwood budget. He added more volunteers are needed.

Mayor Furlong thanked Mr. Nelson and his wife for their years of volunteer service at Southwood Preserve. He requested that City Staff contact the Southwood Preserve Committee to determine who is doing the spraying and wood chips.

John Schmahl, 2750 Chisholm Avenue, expressed his appreciation for the media and local newspapers that are willing to take up pleas to look into City activities.

Mr. Schmahl stated he read the note that came with his water bill regarding the City's water situation. He added it will be difficult to change over.

Mr. Schmahl stated he has brought up the issue before regarding digging for cables on his property, and Council Member Thorsen tried to intercede on his behalf to get an answer. He added he does not believe the City of North St. Pau respects property owner's rights.

Mayor Furlong requested that Interim City Manager Brian Frandle reach out to Mr. Schmahl regarding this issue.

Mr. Frandle stated he reached out to Mr. Schmahl in the fall of 2020. He added Mr. Schmahl suggested that Mr. Frandle should dig up his cable line for him, but he told Mr. Schmahl that he would not go to Mr. Schmahl's property and dig up his cable line. He added City Staff are not public contractors and do not have the staff time to do contractor work for all City residents.

Mr. Frandle stated there is no property pin, and it will be difficult to determine where the wire is located. He added the next-door neighbor's service is in the same trench, so the service could be located on his neighbor's property. He noted the line could be 48 inches deep or greater.

Mayor Furlong stated the City will not be digging up Mr. Schmahl's yard at this time to look for the cable.

John Schmahl made a comment from the audience regarding hydraulic systems. He added nobody knows where the line is, but it is on his property and the City needs to find it.

Mayor Furlong stated it is debatable whether the line is on Mr. Schmahl's property. Mr. Frandle agreed.

VIII. PUBLIC HEARINGS

There were no scheduled hearings.

IX. CITY BUSINESS ACTION ITEMS & RECOMMENDATIONS

A. Amend Resolution No. 2021-057 for Flood Hazard Mitigation Grant Funding Assistance to the City of North St. Paul.

Mr. Frandle reviewed a proposed amendment to a Resolution related to flood hazard mitigation grant funding. He added the Resolution states that the applicant has the financial capability to provide matching funds of \$120,000, which is an error and should be changed to \$180,000.

Mayor Furlong asked whether this item is related to the Rivett's property. Mr. Frandle confirmed this.

Deputy Clerk Jennie Kloos stated the Resolution has already passed. She added the only change that is required is to increase the funding from \$120,000 to \$180,000 for the cost share.

City Engineer Morgan Dawley stated adoption of the Resolution does not lock the City Council into moving forward with the grant or allocating funds.

On motion by Council Member Thorsen, seconded by Council Member Petersen, with all present voting aye (5-0), motion carried to adopt Resolution No. 2021-074 amending Resolution No. 2021-057 for flood hazard mitigation grant funding assistance.

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

City Planner Eric Zweber reviewed a Zoning Code text amendment which has been previously reviewed by the City Council. He added a summary Ordinance is proposed, along with a Resolution approving publication. He noted the Ordinance requires a simple majority approval, while the summary Ordinance and publication authorization requires a 4/5 majority in a single motion.

On motion by Council Member Thorsen, seconded by Council Member Petersen, with all present voting aye (5-0), motion carried to adopt Ordinance No. 799 Amending the North Saint Paul City Code of Ordinances Title VII, Traffic Code, Chapter 72 Parking Regulations, Section 04 Truck Parking Restricted, and Title XV, Land Usage, Chapter 154, Zoning Regulations, Section 003 Definitions, Section 006 Residential Districts, Section 007 Mixed Use Districts, Section 008 Overlay Districts, and Section 010 General Regulations.

On motion by Council Member Thorsen, seconded by Council Member Wong, with all present voting aye (5-0), motion carried to:

- Adopt Summary Publication of Ordinance No. 800 Amending North St. Paul City Code of Ordinances Title VII, Traffic Code, Chapter 72 Parking Regulations, Section 04 Truck Parking Restricted, and Title XV, Land Usage, Chapter 154, Zoning Regulations, Section 003 Definitions, Section 006 Residential Districts, Section 007 Mixed Use Districts, Section 008 Overlay Districts, and Section 010 General Regulations; and***
- Adopt Resolution No. 2021-077 authorizing publication of Ordinances Amending the City of North St. Paul Code of Ordinances.***

C. Consideration to Approve Resolution Approving Common Interest Agreement, Water Appropriation Permit Amendment Appeal

Mr. Mattick reviewed a proposed Resolution that would allow the City of North St. Paul to work with surrounding communities to prepare for a water appropriation permit hearing with the Minnesota Department of Natural Resources (DNR). He stated, as a result of litigation with the City of White Bear Lake, the DNR intends to modify water appropriation permits for communities within a 5-mile range. He added the modified permit would include water bans, investigations of surface water and overall reductions in water appropriation. He noted this is objectionable as the DNR has stated that science does not support these requirements. He noted the City has appealed and a hearing is required, and it will be helpful to share ideas with other cities, in terms of strategy and discovery.

Mr. Mattick stated a consolidated appeal or individual hearings are being considered. He added this agreement will allow the communities to communicate with each other to make decisions regarding the appeal. He noted the City Council's original objectives related to the appeal will be pursued, but the agreement will allow for a more efficient process.

Mr. Mattick stated City Staff recommends City Council approval of the Resolution.

On motion by Council Member Thorsen, seconded by Council Member Wong, with all present voting aye (5-0), motion carried to adopt Resolution No. 2021-075 approving a Common Interest Agreement, Water Appropriation Permit and Appeal.

D. Process on Hiring of City Manager

Mayor Furlong stated the City Council discussed the City Manager hiring process in its workshop and expressed agreement on using an outside agency. He asked whether an RFP will be required, or if City Staff has any recommendations for this process.

Mr. Mattick stated an RFP is not required, but City Staff can send out a request for quotes and a firm will be chosen to handle the hiring process. He added the City Council can anticipate that this process will cost approximately \$20,000-25,000 and could take 3-4 months before a City Manager is hired. He noted the RFP process will add an additional 2 months to the process.

Council Member Thorsen stated he agrees that City Staff can work with an outside consultant who will meet with the City Council on an individual basis to discuss process and expectations. He added the consultant can provide a list of candidates for City Council review and selection. Mr.

Mattick agreed. He added a consultant will be experienced in the recruitment process, and candidates can use them as a sounding board about the position. He noted recommendations can be reviewed by the City Council at their August 17, 2021 meeting.

X. REPORTS OF CITY MANAGER AND DEPARTMENTS

Mr. Frandle stated the 7th Street townhomes project is moving along, with the first lift of the road and curb line in, and joint trench digging completed. He added the development contract has been forwarded to the contractor, including and permits and fees.

Mr. Frandle stated the Centennial development downtown is moving along well, and the drainage system under the parking lot will be completed soon. He added the 3rd floor is almost done, and work has started on the 2nd floor. He noted the transformer and power will be complete within 3 weeks.

Mayor Furlong welcomed the City's new Finance Director and invited him to address the City Council.

Finance Director Daniel Winek stated it is an honor to have been selected for the Finance Director role at the extraordinary City of North St. Paul. He added he has over 30 years of government experience, primarily in Ramsey County. He noted his first day on the job was last Monday, and he has a lot to learn, but he has been impressed with City Staff's professionalism, friendliness, dedication and quality.

XI. REPORTS OF COUNCIL, COMMISSIONS & COMMITTEES

Council Member Cole stated the Parks & Recreation Commission will meet July 28, 2021, at McKnight Field in the concession area. He added a community meeting will be held from 6:00-6:30 p.m.

Council Member Cole stated, at the City Council's last meeting, he brought up a question from a resident regarding an area of open space that was thought to be part of Ramsey County. He added the resident reached out to Ramsey County and Maplewood and was told that the open space is North St. Paul property. He noted he asked the resident to contact City Staff regarding this issue.

Council Member Cole stated the EDA met recently to discuss the Redevelopment Master Plan and downtown parking needs. He added the EDA and Planning Commission met in a Joint Session two days later to review these issues, and no City Council action is required. He noted he attended the Joint Session along with Council Member Wong and Mayor Furlong.

Council Member Wong stated, at their Joint Session, the EDA and Planning Commission expressed a consensus to update the Redevelopment Master Plan. She added the meeting was well-attended, with many Planning Commissioners and EDA members in attendance.

Council Member Wong stated the Planning Commission's next meeting will be the first Thursday in August.

Council Member Petersen stated the League of Minnesota Cities has welcomed some new members, and she will serve one more year on the League Board. She added a policy meeting on

State revenues was held last week which was very informative. She noted League Policy Committee met today, and dues were reduced 1%.

Mayor Furlong stated, at the EDA/Planning Commission Joint Session, there was a discussion about the need for downtown parking, and the parking lot behind K&J is being considered for renovation. He added that is part of the Capital Improvement Plan and should be considered sooner rather than later.

Mayor Furlong stated he attended a recent meeting regarding the new Arts Commission to review applications for new members. He added he was joined by Council Member Wong and Arts Commission Chair Tom Sonnek. He noted 8 applications have been received.

XII. GENERAL BUSINESS

Council Member Cole stated last week he and Mayor Furlong and Council Member Wong worked the grill for North St. Paul firefighters and their families. He added it was a great opportunity and attendance was fantastic. He noted the event did not happen in 2020 due to Covid, and it was great to see everyone out there.

Council Member Cole stated he attended a meeting to discuss the last car show, along with local bar owners, the car show director, Police Chief, City Manager and Mayor Furlong. He added bar owners love having extra outdoor seating, and they are open and willing to consider extra measures including self-policing to ensure this opportunity can continue. He noted he attended the car show on Friday night, and the bars had barriers and signage designating drinking areas.

Council Member Petersen stated the car show was phenomenal.

Councilmember Petersen stated National Night Out is August 3, and City Staff are taking neighborhood event applications through OpenGov. She added so far 11 applications have been received. She noted an open house will be held at City Hall, hosted by the Police and Fire Departments, for any residents who do not have a scheduled neighborhood event. She encouraged residents to come out and meet their neighbors.

Mayor Furlong stated he will not be available on August 3 to attend National Night Out neighborhood events due to a family commitment.

Councilmember Thorsen asked when Council Chambers will get back to normal seating. He added the audience section is half back to normal. Mayor Furlong stated he does not see why Council Chambers should not go back to normal.

Council Member Thorsen stated, at a City Council meeting in June, he asked City Staff to include litigation documents in the meeting record. He added this item was on the regular agenda and was not added to the meeting record. He asked whether these documents could be included in tonight's meeting record.

Council Member Thorsen stated, at the June meeting, he asked what the cost of the litigation was. He added the total cost to the city for the frivolous lawsuit was \$28,870.45. He noted it is important for the public to know and understand when these things happen. These documents (LMC file GL 104939) were then handed to the City Clerk to be added to the minutes.

Mr. Mattick stated, when a document is submitted for the record, it becomes part of the meeting record that the City is required to maintain. He added minutes are a summary of meeting proceedings, and whole documents are not traditionally added to the minutes, in an effort to reduce the size of the documents. He noted things can be done differently if there is a desire to do so.

Council Member Thorsen stated, with all the recent technology upgrades, it should not be difficult to add a link and reference within the minutes. He added it will reduce the number of data requests and increases transparency.

Communications Staff Kari Erpenbach agreed that attachments and links can be added on electronic services.

Mr. Mattick stated the solution may be to embed a link in the minutes, rather than attaching documents.

Mayor Furlong stated this issue can be discussed at an upcoming workshop. Council Member Thorsen agreed.

Mayor Furlong requested that the issue of outdoor furniture for downtown businesses be added to an upcoming workshop for further discussion by the City Council.

Mayor Furlong stated the Business Association's picnic is scheduled for August 10, 2021 at Casey Lake Park.

Mr. Frandle requested that Mr. Dawley give an update on drought conditions and water conservation.

Mr. Dawley stated City Staff have posted a public service announcement on the City website requesting that residents exercise measures to conserve water based on information from the Minnesota Department of Natural Resources. He added 50% of Minnesota is in extreme drought conditions and Ramsey County is in moderate drought conditions, although there are no water shortage issues and a water supply plan is not currently necessary. He noted City Staff are requesting that residents conserve water and refer to suggestions listed on the City website.

Mayor Furlong requested that this information be added to the City emails. Ms. Erpenbach stated this item has already been added to tomorrow's e-news bulletin.

XIII. CLOSED SESSION

There was no closed session.

XIV. ADJOURNMENT

There being no further business, on motion by Council Member Thorsen, Seconded by Council Member Cole, with all present voting aye (5-0), Mayor Furlong adjourned the meeting at 7:43 p.m.

/s/ Terrence J. Furlong, Mayor

Attest:

/s/ Brian Frandle, Interim City Manager/ Clerk