

1 CITY OF ST. ANTHONY
2 CITY COUNCIL REGULAR MEETING MINUTES
3 OCTOBER 10, 2023
4

5 **CALL TO ORDER.**

6
7 Mayor Stille called the meeting to order at 7:00 p.m.
8

9 **PLEDGE OF ALLEGIANCE.**

10
11 Mayor Stille invited the Council and audience to join in the Pledge of Allegiance.
12

13 **ROLL CALL.**

14
15 Present: Mayor Stille, Councilmembers Jenson, Randle, Walker, and Webster.
16

17 Absent: None
18

19 Also Present: City Manager Charlie Yunker, Parks and Environmental Commissioner Lona Doolan,
20 and City Planner Steve Gritman.
21
22

23 **CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION ON ALL OF THE FOLLOWING**
24 **ITEMS.**

25
26 **I. APPROVAL OF OCTOBER 10, 2023 CITY COUNCIL MEETING AGENDA.**
27

28 Motion by Councilmember Randle, seconded by Councilmember and Webster, to approve the
29 City Council Meeting Agenda of October 10, 2023 as presented.
30

31 **Motion carried 5-0.**
32

33 **II. PROCLAMATIONS AND RECOGNITION.**
34

35 A. Unity Day Proclamation.
36

37 Ms. Kathleen Morrison a student from St. Anthony High School introduced the Unity Day
38 Proclamation.
39

40 The City Council and Mayor read the proclamation proclaiming October 18, 2023 as St. Anthony
41 Unity Day.
42

43 **III. CONSENT AGENDA.**
44

45 A. Approval of September 26, 2023 City Council Meeting Minutes.

46 B. Licenses and Permits.

47 C. Claims.

48 D. Resolution 23-052 – Accepting Grants and Donations Received Quarter 3, 2023.

- 1 E. Resolution 23-053 – Certifying Special Assessments for Delinquent Waste Hauler
- 2 Accounts to the 2024 Hennepin County Tax.
- 3 F. Resolution 23-054 – Certifying Special Assessments for Delinquent Waste Hauler
- 4 Accounts to the 20024 Ramsey County Tax.
- 5 G. Resolution 23-055 – Certifying Special Assessments for the 2024 Hennepin County Tax.
- 6 H. Resolution 23-056 – Certifying Special Assessments for Delinquent Utility Accounts to
- 7 the 2024 Ramsey County Tax.
- 8

9 Motion by Councilmember Walker, seconded by Councilmember Jenson, to approve the Consent
10 Agenda items.

11 **Motion carried 5-0.**

12
13
14 **IV. PUBLIC HEARING - NONE.**

15
16 **V. REPORTS FROM COMMISSION AND STAFF.**

- 17
18 A. Resolution 23-057 – Approving the Purchase of a New Playground Structure and Play
19 Surfaces at Silver Point Park.

20
21 Parks and Environmental Commissioner Lona Doolan reviewed City Staff has been working on
22 a replacement plan for the Silver Point Park playground equipment over the last few years, and
23 prioritized the replacement due to its age and non-compliance with current ADA standards. Most
24 notably being the play surface.

25
26 A few years ago, Parks & Environmental Commission members received feedback from users of
27 the park regarding the playground during their annual walk-through of the parks that while the
28 playground equipment is well-liked, it was aging, and a desire to include a swing set was noted.

29
30 An initial replacement quote was obtained but the project did not move forward until funding
31 was identified. When that was ready, the vendor was unresponsive and after multiple attempts to
32 obtain an updated quote staff sought out another vendor and got a response from Minnesota
33 Wisconsin Playground.

34
35 During this time the playground structure replacement was discussed with the Commission and
36 two priorities were identified to include in the new structure under the space constraints:

- 37 • Accessibility over and above ADA standards.
- 38 • Addition of a swing set.

39
40 These priorities were discussed with the vendor, and by slightly reconfiguring the trail and
41 concrete ring, both priorities were able to be integrated into the available space. The project also
42 involves a different play surface to meet accessibility standards and be practical for the volume
43 of storm water that the area is designed to control in large rain events.

44
45 At the Commission Meeting on September 18, 2023 the Commission reviewed the structure
46 replacement proposal and recommended to move forward to the City Council without any
47

1 changes. The Parks and Environmental Commission noted that the replacement was needed for
2 the community, and fully supports the replacement project. Subsequent to the PEC meeting PEC
3 members have informally discussed the plan with park users and feedback has all been positive.
4

5 The project quote, diagram and rendering of the new play structure was provided for City
6 Council consideration. The cost of the new playground structure and addition of safety surfacing
7 in place of the existing material, the total cost of the project will be \$220,500. This is budgeted,
8 and to help defer some of the cost, Staff has submitted a grant, which is in process, and PEC
9 members are also assisting in pursuing additional grant funds. Staff and the Parks and
10 Environmental Commission is recommending approval of the project.

11
12 Councilmember Jenson thanked Ms. Doolan for her presentation and he likes the design. He
13 appreciates it can be expanded. This will enhance the parks on the south side of town.

14
15 Councilmember Webster thanked Ms. Doolan for her presentation and she appreciates the
16 universal design. This will provide multiple opportunities for children.

17
18 Councilmember Randle stated it is great grants are available.

19
20 Councilmember Jenson stated this is very compatible with the t-ball program.

21
22 Commissioner Doolan stated the parking at the park needs to be considered. The Commission
23 will discuss this further.

24
25 Mayor Stille stated more research may need to be done to determine if there is a gap in funding
26 for this.

27
28 Motion by Councilmember Jenson, seconded by Councilmember Webster for approval of
29 Resolution 23-057 – Approving the Purchase of a New Playground Structure and Play Surface at
30 Silver Point Park from Minnesota and Wisconsin Playground.

31
32 **Motion carried 5-0.**

33
34 **VI. GENERAL BUSINESS OF COUNCIL.**

35
36 A. Resolution 23-058 – Approving a Special Event Permit at 3701 Stinson Blvd on October
37 14-15, 2023.

38
39 Mr. Andrew Bauman, owner of The Dive Sports Bar and Grill, reviewed the request for a special
40 event permit. The permit request and a diagram of the event was provided for Council review.

41
42 Staff has created a special event permit to facilitate gathering event information, department head
43 reviews of the event, and staff recommendations to the City Council. The special event permit is
44 used if the event fits one or more of the following criteria:

- 45
- Expected attendance of more than 100 people and open to the general public.
 - The Event is requesting the use of city property and/or street closures.
- 46

- There will be amplified live or pre-recorded music.
- There will be the sale of alcoholic beverages.

The requester is seeking permission in their parking lot to:

- Utilize 5 spaces in their parking lot for games.
- Amplified broadcasting of music and announcements.

Staff has reviewed the special event request and finds it to be reasonable and consistent with previous special events held in their parking lot in past years. Staff recommends the amplified broadcast ends by 8:00 p.m. to comply with the noise ordinance and that Mr. Bauman notifies the adjacent homeowners of the event due to the amplified broadcasting of the game. Staff reviewed the special event request and recommends approval.

Councilmember Jenson stated he appreciates the music will stop at 8:00 p.m. This should mitigate any complaints.

Motion by Councilmember Randle, seconded by Councilmember Walker, for approval of Resolution 23-058 – Approving a Special Event Permit at 3701 Stinson Blvd on October 14-15, 2023.

Motion carried 5-0.

B. Ordinance 2023-06 – Amending the St. Anthony City Code, By Amending Title XI Section 111 Relating to the Regulation of the Sale and Distribution of Cannabinoid Products.

City Planner Steve Gritman reviewed at a recent City Council work session; staff was directed to develop ordinance limitations for cannabis use on public property. The prior Council action on a moratorium ordinance related to businesses involved in cannabis manufacture, distribution and sales, parallel to the 2023 Legislature’s passage of a series of laws opening the state to “Adult-Use Cannabis” and the business aspects of the cannabis industry, the legislature also created an allowance for aspects of private possession and use. These aspects include:

- The allowance of cannabis for personal use on private property;
- Limited possession for personal use; and
- The growing of a limited amount of cannabis plants on one’s private property.
- Prohibition of cannabis use (including smoking and vaping) that would be inconsistent with the restrictions of the Minnesota Clean Indoor Air Act – that is, the act that regulates tobacco in indoor spaces.
- Prohibition of cannabis use in public places that are likely to be frequented by children. This prohibition includes school grounds, parks that have playground-type facilities, or similar locations.

Left unlegislated was the use of cannabis – effectively smoking of marijuana – in many public places. Various communities have adopted a wide array of prohibitions on public use, ranging from specifically City-owned property to public trails and sidewalks, to private property that is typically open to the public – such as areas near commercial building entrances, restaurant

1 outdoor patios, and multi-family building common areas. There are other statutory restrictions,
2 including a prohibition of driving or use while driving (similar to the “open container”
3 prohibition on alcohol).

4
5 The Code Committee discussed the code impacts of the issue, and identified two options for
6 addressing cannabis use in public places. The first was a “public intoxication” approach, which
7 compared public cannabis use to public alcohol consumption. While there are similarities based
8 on public behaviors, there are a number of issues with both that make enforcement difficult –
9 particularly since edibles will be an aspect of cannabis consumption (and are already allowed for
10 Hemp-THC products).

11
12 The alternative approach was a “public nuisance” aspect, in which the outward impacts of
13 cannabis smoking could raise issues for nearby members of the public. This approach
14 incorporates the larger issue of tobacco smoking in public places. The Code Committee
15 recommended following this nuisance approach as being more tangible and enforceable.

16
17 The Council is asked to consider the issue of cannabis use in public spaces. The prohibition
18 requirements for use in other public spaces would presumably expand on the spacing
19 requirements of the “sensitive” land use categories. Several cities are adopting ordinances that
20 create, or extend, a prohibition of tobacco use in these areas, as a companion action to
21 controlling cannabis use in public areas.

22
23 Currently, smoking or vaping of tobacco products is not banned by the City in public open
24 spaces. Under Section 111.059 of the City Code, smoking is banned in indoor spaces, as the
25 definition of Public Place is specific to confined areas within buildings. Schools are customarily
26 tobacco free, but other public parks or sidewalk spaces are not restricted. Consumption of
27 alcohol is typically not permitted in public spaces, with exceptions for special event licenses
28 issued specifically for those locations and purposes.

29
30 The City Code currently prohibits the smoking or vaping of marijuana in indoor spaces used by
31 the public (basically an extension of the Clean Indoor Air Act).

32
33 Extending the prohibition of marijuana smoking to outdoor spaces requires a definition of which
34 outdoor spaces would be include and which would not be included. As discussed by the Code
35 Committee, a nuisance-based approach would assume that the City would also extend a
36 prohibition on tobacco smoking in those spaces.

37
38 An “intoxication” based approach would presumably follow the general Minnesota statutory
39 prohibition on public alcohol consumption, which generally prohibits open container
40 consumption in public, except where specifically licensed. Currently only the City of Anoka
41 under special legislation this year, has a “Social Zone” where individuals can drink alcohol in
42 public.

43
44 The ordinance for consideration follows the nuisance approach, which would prohibit smoking
45 in specific public places, including all City and County parks; parking lots adjacent to such
46 parks; trails within City parks; on the main city campus – including City Hall and Fire Station;

1 on other City-owned property including the Public Works Maintenance Facility and adjacent
2 parking lots to each of these facilities. Omitted from this prohibition would be other public areas,
3 such as public sidewalks, or trails that are not with City parks.

4
5 This ordinance is drawn from Roseville’s recently adopted ordinance. For most of the
6 surrounding cities and agencies that have adopted prohibitions, these areas are uniformly
7 included. A table showing what other cities have done was included for Council consideration.
8

9 Mr. Gritman reviewed the ordinance for consideration follows the “nuisance” approach to the
10 smoking issue, prohibiting cannabis use in specific public spaces, and incorporates a companion
11 prohibition of tobacco smoking in those same spaces. This expands the City’s current regulation
12 of tobacco smoking from indoor spaces to those identified outdoor spaces. The ordinance
13 refrains from expanding the prohibition to all outdoor public spaces, such as public sidewalks,
14 along roadways, etc. Tobacco and cannabis smoking would be legal in these locations, although
15 alcohol use in those areas would continue to be prohibited by State law. It further refrains from
16 extending the prohibition to privately-owned quasi-public spaces (such as restaurant patios) as
17 some communities have done. The individual property owner has the right to prohibit smoking –
18 tobacco and/or cannabis – on its own property.

19
20 If the Council agrees with the approach and scope, staff recommends approval of First Reading
21 of Ordinance 2023-06.

22
23 Councilmember Walker asked about the Committee’s look at cannabis use in public places and
24 its decision to consider it a public nuisance versus public intoxication. He asked if it’s because of
25 the external harm that cannabis can have on people in the vicinity where it is being used. Mr.
26 Gritman stated that is how the Code Committee was looking at it. The nuisance approach is
27 more easily enforced.

28
29 Councilmember Webster stated she appreciates how the language was aligned with the use of
30 tobacco.

31
32 Mr. Yunker stated Salo Park is a privately owned park and this would not apply. The owners of
33 Salo Park could prohibit if desired.

34
35 Mayor Stille asked about Silverwood Park and Mr. Yunker stated they will self-regulate.

36
37 Councilmember Randle asked how this can be enforced. Mr. Yunker stated it will be complaint
38 based.

39
40 Motion by Councilmember Webster, seconded by Councilmember Walker, for approval of First
41 Reading of Ordinance 2023-06 – Amending the St. Anthony City Code, By Amending Title XI,
42 Section 111 Relating to Regulation of the Sale and Distribution of Cannabinoid Products.

43
44 **Motion carried 5-0.**

1 C. Emerald Ash Borer Management Plan.

2
3 City Manager Yunker reviewed City Staff has been working with WSB to compile an Emerald
4 Ash Borer Management Plan. Staff received the final version very recently and will be utilizing
5 the information and recommendations to guide routine operations and project prioritization going
6 forward.

7
8 The objective behind drafting the plan is to inform the City's EAB efforts from best practices
9 over the coming 5-10 year timeframe. Having a plan in place also makes the City eligible for
10 grant funding for EAB management. For example, the City recently was awarded a grant from
11 Hennepin County for tree removals and replacements. The project submitted was for removals
12 and stump grindings by a contractor, as well as replacement trees for our Public Works staff to
13 install at around 20 locations in the Hennepin County portion of the city on city property, or
14 within city right-of-way. The total value of the project is \$28,040 with the city being responsible
15 for matching 25% or \$7,010.

16
17 Staff presented this plan to the Parks & Environmental Commission for review at their
18 September 18, 2023 meeting. The Commission asked if a contractor could be identified to
19 provide a discounted rate for property owners to treat and manage privately-owned trees. Staff is
20 working with WSB to explore options. The complete plan was provided for Council review.

21
22 No Staff recommendation is offered as this is presented to the Council for informational
23 purposes to be utilized for future policy discussions as the Council desires.

24
25 **VII. REPORTS FROM CITY MANAGER AND COUNCIL MEMBERS.**

26
27 City Manager Yunker reported that Fire Chief Mark Sitarz received Fire Officer of the Year
28 from the Minnesota Fire Chief's Association.

29
30 Councilmember Webster stated Ms. Morrison was the 2023 Excel Award at St. Anthony High
31 School. She attended the Climate Plan Expo on Saturday and it was wonderful. She thanked Ms.
32 Doolan and the Parks and Environmental Commission for hosting the event.

33
34 Councilmember Randle had no report.

35
36 Councilmember Jenson stated on October 5 he attended the Ramsey County Local League of
37 Governments Collective Action Sub Committee on Climate Action. On October 14, 2023 there
38 will be a program meeting. He also attended the Open House at the Fire Department.

39
40 Councilmember Walker attended the Open House at the Fire Department on October 7, 2023.

41
42 Mayor Stille attended the Fire Department Open House and the Climate Plan Expo. Earlier
43 today, he attended The Legacy 10 year anniversary event.

44
45 **VIII. COMMUNITY FORUM - NONE.**

1 **IX. INFORMATION AND ANNOUNCEMENTS - NONE.**

2

3 **X. ADJOURNMENT.**

4

5 Mayor Stille adjourned the meeting at 7:48 p.m.

6

7

8 Respectfully submitted,

9 Debbie Wolfe

10 *TimeSaver Off Site Secretarial, Inc.*

11

Mayor

12

13 ATTEST: _____

14 City Clerk

Approved