

**CITY OF FALCON HEIGHTS**  
Regular Meeting of the City Council  
City Hall  
2077 West Larpenteur Avenue  
**AGENDA**  
May 27, 2020 at 7:00 P.M.

- A. CALL TO ORDER:
- B. ROLL CALL: GUSTAFSON   X   ANDREWS   X   LEEHY   X    
                  MIAZGA   X   WEHYEE   X

STAFF PRESENT: THONGVANH   X  

- C. PRESENTATION  
1. Neal Kwong Award – Lillyan Stuart

Mayor Gustafson

This is an annual award through the City. Gary will present the award.

Gary Kwong

His son has died of carbon monoxide at Boy Scout Camp. This award is to honor his memory and volunteering. He volunteered through the Falcon Heights Parks & Rec program, and the City has agreed to do an annual award to honor him. The nominee for 2020, Lillyan Stuart, has done a lot of service through school, church and the community.

Lillyan Stuart

Lillyan is a Senior at Roseville High School. She started the “Sunshine Club,” which provides positive encouragements to students. She is also a spotlight volunteer with the Orpheum Theater and puts on shows for differently abled adults. She also volunteers with the Jewish Community Center and her church.

- D. APPROVAL OF MINUTES:
1. February 5, 2020 City Council Workshop Meeting
  2. May 6, 2020 City Council Workshop Meeting
  3. May 13, 2020 Regular City Council Meeting

Approved 5-0

- E. PUBLIC HEARINGS:

F. CONSENT AGENDA:

1. General Disbursements through: 5/20/20 \$61,511.21  
Payroll through: 5/15/20 \$19,772.83

Council Member Leehy, Approved 5-0

G: POLICY ITEMS:

1. Temporary Outdoor Customer Service Areas

Mayor Gustafson

As businesses begin to re-open, some services inside the building are going to be limited. For example, restaurants and bars can open for sit-down outdoor service beginning on June 1. Other businesses are offering curbside services. To better facilitate business operations and attempt to provide flexibility, staff have drafted a Resolution that allows businesses to use outdoor service areas temporarily.

The Resolution allows any business to use outdoor parking space for their operations, so long as the area is maintained and does not impede traffic or pedestrians. It also allows temporary signage as necessary. No formal permits or application would be necessary.

Establishments with a liquor license have specific areas where it may be consumed. Guidance from the League of Minnesota Cities is that if there is outdoor seating that is not currently covered by the liquor license, a modification should be made to the license. Any additional area must be "compact and contiguous" to the primary business area.

The provisions established in the Resolution will remain in place until the Local Peace Time Emergency is terminated or are superseded by other City Council action.

Council Member Wehyee

Point 2- States businesses must establish a traffic management plan- Do businesses have to present the plan to the City for approval? How will the City verify if a plan exists or not? How formal of a plan should be developed?

Mayor Gustafson

No city permits are required prior to doing it. If the City goes to see how they are implementing it, they should already have a plan in place. This is in regards to traffic flow in the additional seating area. The intent would be that the businesses have their plan sketched out.

Council Member Leehy

Clarifying Council Member Wehyee's question- Should businesses drop off a plan to City Hall prior to opening?

City Administrator Thongvanh

The plan should be submitted in advance.

Council Member Wehyee

Is it the expectation that the outdoor seating should only be operating during standard business hours?

City Administrator Thongvanh

Yes – should be during their hours of operation. Stout’s has an existing outdoor patio. This would allow Stout’s or any other Falcon Heights business to utilize their parking space for outdoor seating. Businesses that serve liquor would need approval prior to utilizing the outdoor seating.

Council Member Wehyee

Point 3- Are there a maximum number of signs that would be sanctioned?

City Administrator Thongvanh

We will work with the businesses on what will work best for them. The signs that are allocated would be multiplied by 2 and allow for a couple more. We are not sure business to business how many signs would be needed. It is best to work with each business individually.

Council Member Leehy

Item 1- Council Member Leehy highlighted “without the need for variance” or “no city permits required”. This shows that businesses can expedite opening and have some level of normalcy.

Council Member Wehyee

Clarify point 2- Have it clear that businesses need to submit a plan in advance. Will be made in the motion.

Council Member Andrews

Clarification needed for “drive-up”-Does this mean that Dino’s can open their drive-through?

City Administrator Thongvanh

This means “curbside pick-up” or ordering inside, not drive-through.

Council Member Wehyee, Approved 5-0

2. Resolution Denouncing Hate Speech-Acts

City Administrator Thongvanh

The City of Falcon Heights is committed to cultivating a caring community and continues to value diversity. We the City, pride ourselves in our increasingly diverse population and value each and every one that lives in our community, but also the residents of the surrounding communities.

The resolution is intended to highlight our commitment with the main points:

- I. Affirm its commitment to denouncing all hate motivated actions and speech.
- II. Reaffirm its commitment to fostering a safe and welcoming community for all of its residents and visitors.
- III. Asserts its adherence to practices of human decency and respect in all conduct and interactions within the city’s limits.

This was presented by Peter Lindstrom and Mark Miazga. The Community Engagement Commission reviewed the resolution and made changes. This then went to the workshop to discuss further changes. After the workshop it went back to Community Engagement Commission and is now at the meeting to be approved.

Council Member Leehy

Appreciative of the work that has been done on this resolution. It shows the continued progress of respect and care in our City.

Council Member Wehyee

This resolution comes at a time of heightened sensitivity and political discourse. This resolution shows our commitment to a caring community. It is one of the many efforts that the City has done to show the community they are valued.

Mayor Gustafson

The resolution goes beyond today's politics and shows the values of our community.

Council Member Wehyee, Approved 5-0

3. Request to Rescind Interim Ordinance 20-04 Prohibiting the Cultivation of Gardens in the Front Yards

City Administrator Thongvanh

I have received a formal request from Council Member Mark Miazga to rescind the interim ordinance prohibiting the cultivation of gardens in the front yard back.

In late February, a Falcon Heights property owner posted on social media the possibility of turning their front yard into a vegetable garden, in collaboration with neighbors and sharing the produce amongst those who helped.

In early March, it was brought to the attention of the City that a property owner was considering installing a community garden in his front yard. The residents express their concerns on the scale of the project, the fact that there are "No Parking" on the road, safety of their neighbors, and how it will be regulated.

Throughout the discussion of native landscaping, vegetable gardens were not considered, and these plants would not fit the definitions approved in the code changes. Gardening is classified as a permitted accessory use in the R-1 zone (so long as no retail sale of products is conducted on the premise). City staff visually surveyed the residential areas of the city and noticed a few small vegetable gardens in front yards, often in raised beds.

During the May City Council Workshop, staff stated that when the City was considering native landscaping (at the request of one property owner), vegetable gardens were not brought up and not considered. After discussion, staff was directed to draft an interim ordinance prohibiting the cultivation of gardens in the front yard to allow for further research, analysis, and create a forum for public feedback.

On May 13, 2020 the City Council discussed and approved the Interim Ordinance prohibiting the cultivation of Gardens in Front Yards. **The adoption of the interim ordinance does allow for property owners that have had gardens in their front yard in the past to be grandfathered in and be allowed to continue.**

Council Member Miazga

The community has been very engaged on this topic. Most concerns came from everyday gardeners. The process that the ordinance will go through will be with the Environment and Planning Commission. Everyone will be able to provide input, similar to the native landscaping ordinance. We always strive to cultivate a caring community but I think in retrospect we made a mistake and think we should have voted for research and ordinance creation first without banning vegetable gardens.

Marlene Vernon-1885 Snelling Ave

Marlene has had a lot of excitement about growth and gardening this year. She is in support for the front yard garden. Edible gardens provide a lot to the community.

Mary Rogers-1427 California Ave

Mary is an associate professor at the U of M. She would like the council to rescind the ordinance. Many people are not able to cultivate in their backyards because of size or shade. Allowing front yard gardens can allow for neighbors to build relationships and they are important during the global pandemic.

Alison Phillips-1911 Snelling Ave

Alison thinks the ordinance should stay in place. The impacts of the front yard gardens include increased traffic, parking issues and auto accidents. There is also the issue of normalizing people in front yards during all hours of the day. Another concern is liability; will the homeowner's insurance cover other gardeners on the property?

Scott Wilson-1889 Snelling Ave

Scott thinks the ordinance should stay in place, and he is on the Planning Commission. The City should set guidelines for community gardens (limit, size, hours of operation, etc.). Neighbors do not support. There is a process and this was done similar to the native landscaping ordinance.

Julie Ebbesen-1889 Snelling Ave

Julie does not think the ordinance should be rescinded. The scale and promotion of this project is large. Neighbors are unsure of the short- and long-term ramifications. The City should research residential front yard vegetable gardens and the effect of community gardens on private property zoned as single family.

Jim Ballentine-1893 Snelling Ave

Jim thinks the interim ordinance should stay in place. The City should follow through with the process. Planning and Environment Commission should research and allow for input from the community.

Marva Ballentine-1893 Snelling Ave

Marva initially heard that the garden would include flowers only. Traffic, hours of operation and parking are some concerns.

Quentin Nguyen-1875 Snelling Ave

Quentin has stated that the intent of the garden was not to be a community garden. Quentin wants to use the garden to give back to the community. The purpose is for him to do all of the garden maintenance and to give the vegetables back to neighbors/community.

David Greenwood- Sanchez-1111 Argyle St. St. Paul

David wants the ordinance rescinded. David thinks the ordinance was passed with discrimination based on a social media post and limited community input.

Jessica Wahto-1865 Simpson St

Jessica thinks the ordinance should be rescinded. Jessica said that other neighbors did not receive letters about their front-yard gardens. Jessica believes the community should be allowed to share their gardens.

Ruth Marston-1920 Roselawn Ave

Ruth thinks the garden should be rescinded. The ordinance can prevent future Falcon Heights residents that would like to have a front yard garden.

John Larkin-1725 St. Mary St

John is chairman of the Planning Commission. The Commissions have a process. John thinks the process that is currently in place is best. The Commissions can do research and allow public feedback. The ordinance should be kept in place so process can be followed.

Nina Semmelroth-1888 Arona St

Nina was on the Environment Commission in the previous years. The resolution to the issue should be win-win. Nina has a garden in her front yard and thinks the ordinance should be rescinded.

Rolf Olson-1859 Simpson St

Rolf is a Pastor at Roseville Lutheran Church. Rolf appreciates that the ordinance allows front yard gardens to be grand-fathered in. Hopes there will be some agreement made on the ordinance.

Haudy Kazemi-1879 Tatum St

Haudy thinks the process should include community input. Concerns about traffic and plants species are already addressed by other regulations. Edible gardens should be allowed based on our community. The ordinance should be rescinded.

Kristina Schatz-1892 Arona St

The ordinance should be rescinded because edible gardens are important. All Falcon Heights residents should grow their own food sources.

Serena Jones-1445 Larpenteur Ave

Serena would like the ordinance rescinded. Serena has vegetables in her front yard because her backyard is shaded. She did not receive a letter.

Jim Kielsmeier-1892 Tatum St

Jim thinks there is the opportunity to rescind the ordinance and provide the community with the opportunity to provide their own input. In 2006 Jim was part of the Community Garden feasibility study. Jim has left copies of the garden study from 2006 for City staff to look through.

Colin Cureton-1270 Van Buren Ave, St. Paul

Colin has worked in local food policy development for a decade. Colin thinks the ordinance should be rescinded so front gardens can be allowed in the community.

Beth Mercer Taylor-2231 Folwell Ave

Beth is a former City Council Member (2007-2015) and Planning Commission member. Community is committed to sustainability and their gardens/doing what is right for others. Food supplies are threatened and people should be allowed to garden.

Gary Kwong-1700 Fry St

Gary thinks the ordinance should be rescinded. He does not think the City should prohibit the number of plants allowed in the front yard. An ordinance should be developed with community input.

Mark & Millie Ascerno- 1871 Tatum St (Letter)

No objection to a homeowner growing vegetables in their front yard as long as they follow garden practices. Gardener should practice weed management, timely harvest, limiting hours of operation, avoiding damage and regular clean-up. The City should seek expert gardening advice to build an ordinance that will be fair to the community.

April & Brian Anderson- 1523 Hoyt Ave (Letter)

The ordinance should be rescinded. April & Brian think it is important to have gardens in front yards because it shows youth the importance of gardening. Gardens have many social-economic benefits. The City should conduct further research.

Ari Bargil Institute for Justice (Miami, FL)- Letter

Ari is an attorney. The ordinance should be rescinded. The State of Minnesota has rights to allow property owners to utilize their property to grow and share food (Minnesota Constitution Statute 13). It is healthy and economical and cultivates a stronger community.

Pam Harris- 1865 Snelling Ave (Letter)

The garden is extensive and seems to be more like a business rather than residential use. A business type land use seems to be happening on the property. The Planning Commission of the City should work on the process of developing an ordinance. Ordinance should remain.

Les Everett- 1794 Tatum St (Letter)

The ordinance should be rescinded. Some people have shaded backyards or minimal space in their back yards. General guidelines should be set for all gardens. The native landscaping ordinance should be reviewed.

Council Member Miazga

Council Member Miazga appreciates the public input. At the beginning, mediation should have been sought with the neighbors. Planning and Environment Commission have a process of researching and providing feedback from the community.

Council Member Wehyee

The community of Falcon Heights has the commitment to fostering inclusion and diversity. The garden ordinance should benefit all in the community. The ordinance should be rescinded as it places too broad of restriction at a time when community gardens are needed. The majority of the community does not support the ordinance. Staff should continue to conduct research for possible guidelines.

Council Member Leehy

When creating gardens, it is important to abide by codes and our fellow neighbors. The current ordinance puts a pause on the situation and will provide the opportunity for research and guidelines so that everyone can benefit. There have been concerns of traffic and hours of operation (someone should not always be on watch of who will be at the garden). The expectation is that research and guidelines won't take up to a year but rather a number of months.

Council Member Andrews

Council Member Andrews likes the level of community response that was provided on this topic. We have a community that is caring and welcoming. A temporary ordinance puts the issue in a time frame that will allow community input in a variety of ways including the process that is used through the Environment and Planning Commission. Before rescinding the ordinance there needs to be a better plan of what is going to happen (guidelines).

Mayor Gustafson

When a new ordinance goes into effect it cannot go back and change what is already in place. The grand-fathered clause allows front yard gardens that were in place before the ordinance. The code needs clarification as to what we are going to do and allow. Commercial gardens are currently not allowed (currently in code).

City Administrator Thongvanh

Native landscaping had a process from the various Commissions and included community input. From the staff's perspective, we value everyone's perspective.

Council Member Wehyee

Why was Mr. Nguyen the only one to receive the letter in regards to the front yard garden versus others that had gardens?



Mayor Gustafson stated that the notification was sent out perhaps because there was a public statement that he was going to institute a large project in contrast to what the City was doing. The project had attention drawn to it.

City Administrator Thongvanh stated that the claims addressed by the City are complaint based. Someone makes a comment/concern and we address it.

Grand-fathered clause is a statute.

Council Member Miazga

If we did not receive any complaints or pass the ordinance would we be on solid footing of saying this is a violation?

Once the ordinance was passed it allowed for the letter to be sent.

City Administrator Thongvanh states this is debatable. Garden ordinance does not provide specifics.

Council Member Leehy

Interim ordinance is different from final ordinance?

City Administrator Thongvanh states this is correct. Final ordinance will provide feedback.

Council Member Miazga moved to rescind Ordinance 20-04, Motion fails 2-3

H. INFORMATION/ANNOUNCEMENTS:

Council Member Wehyee

- May 16<sup>th</sup> was the CEC meeting. Commission talked about events and social distancing events.
- Philando Castile Peace Garden has begun.
- The loss of George Floyd is tragic and change needs to be made.

Council Member Miazga

- UCC concert played hymns on Memorial Day. There were about 45 people that showed up.
- The Community Park building is still in line for the bonding bill.
- The loss of George Floyd is tragic and change needs to be made.

Council Member Leehy

- Ramsey County's Commission for Criminal Justice is collecting organizations and information for people while having to social distance.
- Sheriff's Office COVID-team is starting to see an increase in callers who need assistance. Team can be contacted at 651-448-3874 or by email at [helpteam@co.ramsey.mn.us](mailto:helpteam@co.ramsey.mn.us).

Monday- Friday 8AM-8PM and Saturday-Sunday 10AM-4PM. They coordinate food donations or with tasks that need to be completed. Open to everyone in Ramsey County.

- The loss of George Floyd is tragic and change needs to be made.

Council Member Andrews

- The loss of George Floyd is tragic and change needs to be made. Community will need time to recover.

Mayor Gustafson

- The loss of George Floyd is tragic and change needs to be made. Every person should feel safe in their community.
- Fire Relief Association owns the pop machine in the Fire Department.
- Fire Department audit was completed by Roseville Fire Department (see May 6 workshop).
- City of Lauderdale agreed to fire services with the City of St. Paul.
- Planning Commission will meet June 2 via zoom.

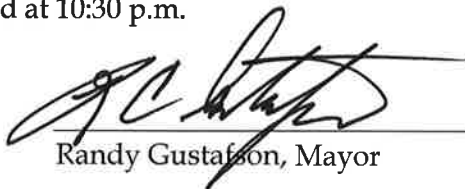
City Administrator Thongvanh

- Next council meeting will have conduit bonding (public hearing), pavement management program.
- State fair is not happening.
- Street patching has happened over the last couple of weeks. Streets that have been prolonged will need to be reconstructed.
- Basketball court is still on the agenda.

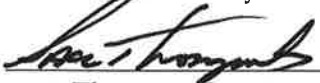
I. COMMUNITY FORUM:

*Please limit comments to 3 minutes per person. Items brought before the Council will be referred for consideration. Council may ask questions for clarification, but no council action or discussion will be held on these items.*

J. ADJOURNMENT: The meeting adjourned at 10:30 p.m.

  
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Randy Gustafson, Mayor

Dated this 27th day of May, 2020

  
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Sack Thongvanh, City Administrator