

**MINUTES
PUBLIC SAFETY COMMISSION MEETING
MAY 5, 2016**

The meeting was called to order at 6:00 p.m.

Present: Linn, Pozzini-Stedman, Timmers; Town Board Liaison: Prudhon; Staff Liaison: Short; Attorney: Kelly.

Absent: Brueckner, Hawkins, LeBlanc, Lee with notice.

APPROVAL OF AGENDA (Additions/Deletions): Pozzini-Stedman moved approval of the agenda with the following amendments: Add: 9A) Solicitor License – Renewal by Anderson; 9B) Joint Powers Agreement – Ambulance Service. Timmers seconded. Ayes all.

APPROVAL OF MINUTES OF APRIL 7, 2016: Pozzini-Stedman moved approval of the April 7, 2016 Meeting Minutes. Timmers seconded. Ayes all.

CONSENT AGENDA: Pozzini-Stedman moved approval of the Consent Agenda as follows: 4A) Receive Animal Control Reports; 4B) Receive Ramsey County Sheriff's Report; 4C) Receive Sheriff Contract Group Minutes; 4D) Receive White Bear Lake Fire Department Report. Timmers seconded. Ayes all.

COMMISSIONER'S REPORT – TOWN BOARD ACTION: **Movie in the Park:** The Town was approached by a local company, Twilight Zone Cinema, who owns a large portable movie screen, about showing movies in Polar Lakes Park for training purposes. They would put up the screen and take it down. The only expense to the Town would be a license fee, dependent on the type of movie to be shown. They would like to put up a screen on Saturday, May 21, 2016. The Park Board reviewed the request and recommended the use of Polar Lakes Park for this purpose. They feel that this is in line with what they envision as a use of the park for family and community events. The Town Board approved the Movie in the Park request and a scope of services for Deb Stender, Township Day Coordinator to coordinate the event. The Town Board also authorized a vendor to sell food for that event. **New Development:** A preliminary plat for a 28 single family residential home site project has been approved by the Town. The development is located on County Road H-2 between Centerville Road and I-35E. **Tamarack Nature Center:** The Town approved modifications at the Tamarack Nature

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Center. The access to the nature center will be re-aligned so that it will be across from Lorane Avenue. Seventy parking spaces will be added; a gravel parking lot for non-programmed vehicles and buses; relocation of the dumpsters; and handicapped access to the building.

OTTER LAKE ELEMENTARY SCHOOL CARNIVAL – REVIEW: It was the consensus that the event went well. Comments and questions included:

- Do the kids even know why the Public Safety Commission is there?
- No one looks at the safety materials that are available.
- Should we continue participating?
- Would it be better to focus on Night-to-Unite and have more visibility there?
- What can we do to make the PCS presence more safety oriented at the Otter Lake Elementary School Carnival?

The matter of the Otter Lake School Carnival will continue to be on the annual agenda.

NIGHT-TO-NIGHT – AUGUST 2, 2016: The Night-to-Unite event will be August 2, 2016. It was noted that the PSC needs to spend more time with those hosting the events and not just have them pick up their materials and provide a sheet if there is a problem. This may ensure that the PSC would be recognized. It was the consensus that the PSC needs to determine how they would like to engage the Ramsey County Sheriff's Office for a way to better integrate the PSC into the event. It was suggested to see how other communities' Public Safety Commissions participate in Night-to-Unite.

ANNUAL TOUR – DISCUSS LOCATION: It was the consensus that October would be a good month to have the annual tour. Suggestions include: 1) Water Gremlin (although they are in the midst of a construction project); 2) Schwing; 3) Heraeus. The Clerk will look into those possibilities.

LIAISON REPORTS: There were no liaison reports.

NEXT MEETING DATE / ITEMS FOR DISCUSSION: The next meeting will be Thursday, June 2, 2016. Items for discussion will include: 1) Night-to-Unite; 2) tour.

SOLICITOR LICENSE – RENEWAL BY ANDERSON: The Clerk reported that the initial request was for nine individuals to solicit for one applicant. The application for Renewal by Anderson was complete except for a few individual license applications where they did not complete every part of the application, particularly the criminal history. Some of the individuals did indicate that they had violations in the past few years but background checks were not received at the time the Town Board reviewed the solicitor license request. The Town Board referred the matter to the Public Safety Commission for review and report.

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The Town Attorney reported that an incomplete application should not be accepted and the non-acceptance of the application does not initiate the time requirements. Section 5-3 states: "The conviction of the applicant within the past five years from the date of application for any violation of any federal or state statute or regulations, or of any local ordinance, which adversely reflects on the person's ability to conduct the business for which the license is being sought in an honest and legal manner. Those violations shall include, but are not limited to, burglary, theft, larceny, swindling, fraud, unlawful business practices, and any form of actual or threatened physical harm against another person.

Licensing is the exercise of the police power in protecting and promoting public welfare. Cities have adequate legislative authority for any licensing ordinance, as long as it is constitutional, reasonable and not pre-empted by state regulation. This is according to the League of Minnesota Cities.

The Town Attorney reported that MN Statute 412.221 contains what is known as the "general welfare clause". Minnesota Courts have given broad interpretation to the general welfare clause. As a general rule cities and towns may have authority to regulate by license any activity which if unregulated might adversely affect the public health, morals, safety or comfort of citizens in the community. Before denying a license the Town must make a finding of fact of the condition that exists and must be able to support that finding with evidence. The courts are reluctant to overturn a decision of denial provided that the Town has a clear record supported by evidence justifying its action. Failure to have a "findings of fact" supported by evidence makes it easier for an unsuccessful applicant to claim his or her due process rights were violated and that the Town acted arbitrarily and capriciously. Some of the reasons that may be sufficient grounds for denying a license are 1) the applicant did not comply with the pre-requisites and conditions in the ordinance; 2) the applicant is not of good moral character and the occupation that affects public health, safety, morals or general welfare. The Town cannot disqualify a person from a licensed occupation because of a prior conviction of a crime, unless a crime directly relates to the occupation for which the person is seeking a license; 3) granting a license would be a menace to safety, health, morals and welfare of the public; and 4) there has been a material misrepresentation in the application. In the event of the denial of a new license there should be an opportunity for the applicant to have a fair hearing.

Patrick Prokosch, Renewal by Anderson, reported that their original list of applicants has been reduced to three from the original list of nine: Thong Thao, Brandon Martinez, Patrick Prokosch; and two new applicants: Chris Olson and Ashely Anderson. He reported that Renewal by Anderson eliminates applicants for any violence involving assault, including domestic violence.

There was discussion regarding the application process and the request for solicitor license for the five individuals. It was the consensus that the Town's application process is thorough and that the five individuals meet the criteria for approval.

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Linn moved to recommend to the Town Board that the following applicants for Renewal by Anderson be approved for Solicitor License: Thong Thao, Brandon Martinez, Patrick Prokosch, Chris Olson, and Ashley Anderson because they meet the criteria for approval. Timmers seconded. Ayes all.

JOINT POWERS AGREEMENT – AMBULANCE SERVICE: Prudhon noted that some communities are working with a joint powers agreement for ambulance services. If a community's service cannot respond promptly, a neighboring community's service could be used. This may provide a faster response time. It was the consensus that this may be something for continued update.

OPEN TIME: No one appeared for the open portion of the meeting.

The meeting adjourned at 7:26 p.m.

Respectfully Submitted,

Joan J. Clemens
Recording Secretary