



CITY OF WEST ST. PAUL
1616 HUMBOLDT AVENUE, WEST ST. PAUL, MN 55118

REGULAR CITY COUNCIL MEETING

February 22, 2016

6:30 p.m.

MUNICIPAL CENTER COUNCIL CHAMBERS

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. ADOPT THE AGENDA

5. OCWS BRIEFING

6. ROBERT STREET REVIEW

7. CITIZEN COMMENTS

Individuals may address the City Council about any item not included on the regular agenda. Speakers are requested to come to the podium, state their name and address for the Clerk's record. Generally, the City Council will not take official action on items discussed at this time, but may typically refer the matter to staff for a future report or direct that the matter be scheduled on an upcoming agenda.

8. COUNCIL COMMENTS

9. PROCLAMATIONS, PRESENTATIONS AND RECOGNITIONS

10. CONSENT AGENDA

All items on the Consent Agenda are considered to be routine and have been made available to the City Council at least two days prior to the meeting; these items will be enacted by one motion. There will be no separate discussion of these items unless a Council member or citizen so requests, in which event the item will be removed from this agenda and considered under separate motion.

A. City Council Meeting Minutes

Documents: [02-08-16 OCWS MINS.PDF](#), [02-08-16 CC REG MINS.PDF](#)

B. List Of Claims

Documents: [COUNCIL REPORT - LIST OF CLAIMS.PDF](#)

C. January 2016 General Fund Budget Report

Documents: [COUNCIL REPORT - JANUARY 2016 GENERAL FUND BUDGT REPORT.PDF](#), [JAN 2016 GENERAL FUND BUDGET REPORT.PDF](#)

D. January 2016 Investment Report

Documents: [COUNCIL REPORT - JANUARY 2016 INVESTMENT REPORT.PDF](#), [JANUARY 2016 INVESTMENT REPORT.PDF](#)

E. January 2016 OCWS Briefing

E. January 2016 Bank Reconciliation

Documents: [COUNCIL REPORT - JANUARY 2016 BANK RECONCILIATION.PDF](#),
[JANUARY 2016 BANK RECONCILIATION.PDF](#)

F. 2016 Temporary Seasonal Pay Resolution

Documents: [COUNCIL REPORT - 2016 TEMPORARY SEASONAL PAY PLAN AMENDMENT.PDF](#)

G. Approve Purchase Of PW Capital Equipment

Documents: [COUNCIL REPORT-PW EQUIPEMENT PURCHASE MOWER.PDF](#)

11. PUBLIC HEARING

A. Final Reading - Zoning Ordinance Amendment, Section 3.2 Regarding The Definition Of Dwelling Unit – City Of West St. Paul

Documents: [COUNCIL REPORT - FINAL READING.PDF](#), [ORDINANCE.PDF](#)

B. Applications For The Subdivision Of 1636 And 1708 Delaware Avenue: 1) Rezoning 1636 Delaware From C, Conservancy District To R1-C, Single Family Residential; And 2) Plat To Subdivide The Existing Two Lots (1636 & 1708 Delaware) Into Four Lots And One Outlot – Thomas I. Dodge

Documents: [COUNCIL REPORT - DODGE PLAT REZONING.PDF](#), [ATTACHMENT 1 - DODGE PLAT REZONING.PDF](#), [ATTACHMENT 2 - DODGE PLAT REZONING.PDF](#), [ATTACHMENT 3 - DODGE PLAT REZONING.PDF](#), [ATTACHMENT 4 - DODGE PLAT REZONING.PDF](#)

12. NEW BUSINESS

A. City Advisory Committee & Public Agency Appointments

Documents: [COUNCIL REPORT - CITY ADVISORY COMMITTEES.PDF](#), [MAYOR REPORT - COMMITTEE APPOINTMENTS, REAPPOINTMENTS.PDF](#)

B. Alcohol And Tobacco Compliance Check Failures, Hearings

Documents: [COUNCIL REPORT - ALCOHOL AND TOBACCO LICENSE VIOLATIONS.PDF](#)

C. Approve Land Swap At Sports Complex For Project 14-5

Documents: [COUNCIL REPORT-APPROVE LAND SWAP AT SPORTS COMPLEX FOR PROJECT 14-5.PDF](#), [COUNCIL REPORT-APPROVE LAND SWAP ATTACHMENT MAP.PDF](#)

D. Approve Final Payments For Ice Arena Construction Projects

Documents: [COUNCIL REPORT - APPROVE FINAL PAYMENTS FOR ICE ARENA PROJECT.PDF](#)

E. Ordinance Amendment To Chapter 50, Section 50.08 Regarding Discharge Of Prohibited Clear Water Drainage; Sump Pumps And Other Modifications To I/I Program

Documents: [INFLOW AND INFILTRATION INSPECTION LIAISON POSITION DESCRIPTION.DOCX](#), [ORDINANCE AMENDING I-I REGARDING INSPECTIONS 2-17-16.PDF](#), [COUNCIL REPORT-I AND I MODIFICATIONS AND ORDINANCE AMENDMENT.DOCX](#)

F. Resolution Supporting Pollinators And Pollinator Habitat

Documents: [COUNCIL REPORT - RESOLUTION SUPPORTING POLLINATORS AND POLLINATOR HABITAT.PDF](#), [RESOLUTION - POLLINATORS.PDF](#)

G. Temporary Rental License Application For 911 Cherokee Ave - St. James Evangelical

Lutheran Church

Documents: COUNCIL REPORT - ST. JAMES RENTAL LICENSE.PDF,
ATTACHMENT 1 - ST. JAMES RENTAL.PDF, ATTACHMENT 2 - ST. JAMES
RENTAL.PDF

13. OLD BUSINESS

A. Approve Minor Work Orders For Robert Street Improvement Project #11-3

Documents: COUNCIL REPORT - APPROVE MWOS ATTACHMENT.PDF, COUNCIL
REPORT - APPROVE MWOS FOR ROBERT ST.PDF

B. Approve Revision To Consultant Contract With Bolton & Menk Engineering For 2015 Street
Improvement Project #15-1

Documents: COUNCIL REPORT - APPROVE REVISION TO CONSULTANT
CONTRACT ATTACHMENT.PDF, COUNCIL REPORT - APPROVE REVISION TO
CONSULTANT CONTRACT.DOCX

14. ADJOURN

*If you need an accommodation to participate in the meeting, please contact the ADA Coordinator at
651-552-4100, TDD 651-322-2323 at least 5 business days prior to the meeting
www.wspmn.gov EOE/AA*

**City of West St. Paul
Open Council Work Session
February 8, 2016**

1. Roll Call

Mayor David Meisinger called the work session to order at 5:00 p.m.

Present: Mayor David Meisinger and Councilmembers Armon, Halverson, Bellows, Iago, Napier and Vitelli.

Others: City Manager Matt Fulton, Assistant City Manager and HR Director Sherrie Le, Community Development Director Jim Hartshorn, Police Chief Manila Shaver, Fire Chief Mike Pott, Finance Director Joan Carlson, Public Works and Park Director Ross Beckwith, Attorney Korine Land, Fire Chief Mike Pott, City Engineer Darin Rezac and City Clerk Chantal Doriott.

2. Approve Agenda

Council approved the agenda as presented.

3. Review the Regular Meeting Consent Agenda

Council approved the consent agenda items:

- Continue item 11.B. Robert Street Work Orders;
- Continue item 11.D. Bolton and Menk Engineering Contract for 2015 Street Improvement project; and
- Move item 10.H. to New Business 12.G. Travel and Meal Policy.

4. Agenda Item(s)

4.A. Sheriff Tim Leslie

Police Chief Manila Shaver introduced Dakota County Sheriff Leslie. Sheriff Leslie gave a presentation and explained what the Sheriff's department does on their own and in partnership with the West St. Paul police department. The complete presentation is available on the city website www.wspmn.gov.

4.B. Discussion of I/I Program and Recommended Adjustments

Manager Fulton gave an overview. At this time, staff is not happy with the progress being made on the Inflow and Infiltration (I/I) program. In 2015, the City commenced an aggressive and comprehensive effort to effectively eliminate I/I from entering into the sanitary sewer system. This project is required by the Metropolitan Council Environmental Services Division, due to excessive treated clear-water being generated in West St. Paul. The Engineering firm of SEH was retained in 2015 to accomplish this project over a three year period. The project has not gone as efficiently as desired for a variety of reasons which Manager Fulton described.

Changes to this program are necessary and warranted in order to complete and come into compliance. Manager Fulton outlined some suggested solutions. One option is to hire someone to preview the properties. We can put expectation on commercial properties they are taking care of their own.

Comments:

- Mayor brought up comments he has received where property owners don't believe some items dealing with the I/I repairs are outlined in our city code.
- Clpn. Vitelli said based on numbers from SEH he cannot make a recommendation. He does not believe leaky pipes are the reason for our I/I issues.
- Discussion regarding millions of dollars to fix clean water issues ensued.
- Clpn. Bellows believes we need to apply the money and address this issue. SEH reviewed his home and he was told not to do some work as Bidwell St. would be torn up for repairs. He has nothing negative to say about SEH. If we can do something to schedule the SEH reps, that would be good. He is reluctant to give a complete recommendation at this time. He is ok with televising at a later date.
- Clpn. Iago believes we should stop what we are doing. The Met Council has turned over and there is a new rep – maybe we can negotiate new terms - meet with them and discuss this issue. Also, the city has a list of plumbers with business phone numbers on the city handouts and he doubts the engineers have been reviewing these individuals. Plus there may be others who are licensed and wanting to do the repair work. He would like staff to meet with the Met Council, review our ordinance and make changes if necessary. We should also address the financial needs.
- Manager Fulton offered comment on the plumbers listed in the city handout. The plumbers listed have done work in West St. Paul and having someone with experience, help the homeowner, is a good idea.
- Mayor Meisinger is concerned about listing plumbers as there could be a liability. It looks like the city is supporting these people.
- Clpn. Armon suggested starting with priorities which are the sump pumps. Engineer Darin Rezac said we are starting in Ward 3 this year; North on Robert has been inspected. Clpn. Armon endorses review of the “big users” right now.
- Clpn. Halverson is not sure of the recommendation. It would be nice to have someone explain this to people. Attorney Land said the ordinance says you have to provide access and follow the inspection process. It doesn't spell out details such as - move your toilet, clean the roots out of the line, etc. When we initiated this process there were neighborhood meetings and there was a great attempt at getting the word out. Maybe the letter needs to be more explanative and the person knocking at the door could help with questions.
- Clpn. Armon said let's get the higher priority stuff done.
- Clpn. Napier asked if we are moving fast enough for the Met Council. No, we are not. Clpn. Napier supports keeping this moving forward and keep talking about it. He supports bringing in someone to meet with property owners.
- Clpn. Bellows is in favor of moving this forward and educating the public.
- Clpn. Armon asked if CDG funds can be used for corrections. Director Hartshorn said no.

- Manager Fulton will work with the city attorney on an ordinance review and set a meeting with Council for review of the letter going out to property owners. Any comments should be emailed to Manager Fulton. We will work on this with SEH and get an acceptable approach. Whatever the Council decides – let’s review at the end of this year. Council would also like to review a job description for the preview person.
- Also, call the plumbers on the list to make sure they do this type of work and add a disclaimer.

4.C. 2016 City Hall Remodeling

Manager Fulton explained plans for a new City Hall have been discussed for several years due to the deteriorating condition of the building and lack of space, the latter being particularly notable for the Police Department. Because of funding required for Robert Street, the plans have been delayed further. Since a new building is not budgeted or anticipated for at least 2-4 years, staff is requesting support from the City Council to make some improvements.

Police dept. changes center on locker and bathroom issues. The male and female officer bath/locker rooms proposal was discussed in detail.

Director Carlson said we have been saving money for a new city hall. There is about \$700,000 in a fund which would be used for these improvements.

Mayor Meisinger would like Council to be more involved with the consultant. Clpn. Iago said there was a needs study done a while ago and there is nothing about that outlined in this memo. He is concerned about not using something the city has paid for; an architect who did a study with plans. Manager Fulton said we are talking apples and oranges – the study aligned needs for a new facility and the proposed is a quick fix for current issues.

Clpn. Bellows has no issues with the police dept. He is wondering if there might be extra space at the public works facility. He is reluctant to spend the money on a temporary fix. Director Le does not think there is room in the public works facility for additional staff. It is not set up for additional office space. Mayor Meisinger said we can review this for the future.

Manager Fulton said we are talking about office space for current employees. We are looking to reutilize space here to maximize use of existing space for a minimal cost. The recommendation before you is pretty well laid out. Allow staff to solicit specifications from consultants for the work being presented. We do not want to spend more money on this building because we need to get to a new facility.

Clpn. Bellows would like to review space at the public works facility. He is in favor of renovations for the police dept. Clpn. Halverson and Napier are not in favor of moving personnel to another building. Mayor Meisinger said let’s move forward. This will be considered at the regular meeting this evening.

4.D. Private Requests for Traffic/Parking Signs

Clpn. Iago explained the City occasionally receives requests from residents to have official traffic related signs installed at their private properties. These signs could provide for handicapped parking, deaf child, or similar types.

Historically, when these types of requests come up, the item is placed on the City Council's agenda for formal consideration. Two such requests were considered over the past couple of years and the Council has approved each request. The Council's approval included the expectation that the property owner would pay the expense of the sign installation. The installation of the sign is done by City staff to ensure that all applicable requirements for the sign are addressed. This is critical for enforcement purposes.

The City does not have a formal policy or ordinance dealing on this specific issue. Clpn. Iago reviewed costs submitted by staff which he is not in favor. The City should be supplying the handicap and deaf child sign, if legitimate. Attorney Land said it would be good to have a policy.

Clpn. Vitelli said we have always charged for this type of signage. There is a blind spot on Haskell and he believes that sign was paid for by Council (the city).

Clpn. Halverson thinks there is meaning and security to the resident requesting the sign. Could the placement of the sign be tracked with our new software? Possibly said Manager Fulton.

Questions and comments continued. Mayor Meisinger and Clpn. Iago are in favor of charging for materials. Clpn. Armon said it's a good compromise.

Clpn. Iago will come up with policy wording to be discussed and considered at a future meeting

5. Adjourn

The work session adjourned at 6:26 p.m.

David Meisinger
Mayor
City of West St. Paul

**City of West St. Paul
City Council Meeting Minutes
February 8, 2016 at 6:30 p.m.**

1. Call to Order

Mayor Pro Tem Ed Iago called the meeting to order at 6:34 p.m.

2. Roll Call

Mayor Pro Tem Ed Iago and Councilmembers Pat Armon, Jenny Halverson, John Bellows, Dave Napier and Dick Vitelli. Mayor David Meisinger had an excused absence.

Others: City Manager Matt Fulton, Assistant City Manager and HR Director Sherrie Le, Attorney Korine Land, Finance Director Joan Carlson, Community Development Director Jim Hartshorn, Police Chief Manila Shaver, Public Works and Parks Director Ross Beckwith, Assistant Community Development Director Ben Boike and City Clerk Chantal Doriott.

3. Pledge of Allegiance

4. Adopt the Agenda

Motion was made by Clpn. Vitelli and seconded by Clpn. Halverson to approve the agenda with the following revisions:

- Removed item 10. to item 12.G.
- Remove 10.J. to 12.J.
- Add 12.H. Remodel City Hall RFP
- 12.B. and 12.D. will be continued – items removed.

All members present voted aye. Motion carried.

5. OCWS Briefing

Mayor Pro Tem Iago let the public know the Council discussed the following during the work session held prior to this meeting:

- Council saw a presentation from Dakota County Sheriff Tim Leslie
- Information on the I/I program
- Remodeling within city hall
- Signs requested by individuals such as “deaf child”

6. Robert Street Review

Public Works and Park Director/City Engineer Ross Beckwith gave an update:

- Staff met with Zans and Associates and is working on public outreach and a communication plan.

- Why do we have so many signs buried in the median asked a constituent? They are one-way, do not enter, etc. Clpn. Napier thought this should be addressed with the consultant. Clpn. Vitelli said the one-way sign is needed. Mayor Pro Tem Iago asked Director Beckwith to review this with the consultant. Clpn. Halverson said a person can get sign fatigue. Clpn. Vitelli said it might be important for people that are not familiar with the area to have this signage. Mayor Pro Tem Iago suggested putting the sign on the right-of-way rather than the median.

7. Citizen Comments

No one present wished to speak.

8. Council Comments

Clpn. Napier acknowledged Sheriff Leslie did a great job presenting information on what they do in the County and with our police department. It's nice for our community to know what this department is doing for us. It would be nice to have him back to a regular meeting for a more public presentation.

Clpn. Vitelli let residents know Philip (Skip) Stefaniak, a former city engineer who, just before Christmas, found out he is very ill. Skip was our engineer for 30 years and he currently has a caring bridge page if anyone is interested.

Clpn. Armon reminded everyone of the Winter Fun Fest event on Saturday, February 20th. Full details are on the city website www.wspmn.gov.

Clpn. Halverson reminded everyone of the Neighborhood meeting on February 16th at the Community Center at Harmon Park. The event begins at 6:30 p.m.

Clpn. Bellows thanked the kind folks who assisted him in getting his vehicle out of a snowbank last Monday. There was a snow storm he managed to get stuck in a snow bank. He is very thankful and kudos to the citizens of West St. Paul.

Mayor Pro Tem Iago gave a shout out to the girls' basketball team and shared what one resident sent. He also gave information on a school in the Twin Cities that has decided they are going to ban Valentine's Day, Halloween, Christmas and Easter. Last, people around the city have received a postcard about the City I/I program from a plumber. This business is an approved plumber by the state but this is not a plumbing company recommended by the city.

9. Proclamations, Presentations and Recognitions

A. Accept \$992.80 Donation from Sibley Hockey Booster Club for New TV and Software for WSP Ice Arena

City Manager gave an overview of the donation being used for technology needs at the ice arena.

Motion was made by Clpn. Vitelli and seconded by Clpn. Napier to adopt Resolution No. 16-16 accepting a donation in the amount of \$992.80 from the Sibley Hockey Booster Club for the West St. Paul Ice Arena. All members present voted aye. Motion carried.

10. Consent Agenda

Motion was made by Clpn. Halverson and seconded by Clpn. Armon to approve the following consent agenda items:

- A. City Council Meeting Minutes – January 11, 2016 OCWS; January 25, 2016 OCWS; January 25, 2016 Regular Meeting
- B. December 2015 Bank Reconciliation
- C. December 2015 General Fund Budget Report
- D. List of Claims
- E. Declare Police Badges as Surplus
- F. December 2015 Investment Report
- G. Revised Light Duty Policy
- H. MOVED to New Business 12.G. Approval of Travel and Meal Policy
- I. Police Department Licensing
- J. MOVED to New Business 12.H. Police Department Licensing - Winter Fun Fest Event

All members present voted aye. Motion carried.

11. Public Hearing

There were no public hearings.

12. New Business

A. Request for Funding for the LOOP Circulator Bus Operations

Assistant City Manager Sherrie Le gave an overview. The LOOP, West St. Paul's circulator bus, is a service developed out of the partnership between the City, Dakota County's Communities for a Lifetime Initiative and Living Longer and Stronger in West St. Paul. The service provides transportation for older adults in West St. Paul to Robert Street businesses and Thompson Park, where senior programming is held. This is the second year of service for the LOOP and our riders greatly appreciate the service. We continue to receive nothing but rave reviews.

Comments:

- Clpn. Halverson is not sure she can support this due to the low ridership and the large amount needed to sustain the program.
- Clpn. Vitelli believes the cost is too high because it not only includes city funds but community donations.
- Mayor Pro Tem Iago said the number 1 stop is CUB Foods and as we redevelop the south side of Robert St. this service could be in need. The people using this service really need this service. SRSBA has made substantial contributions as has CUB and others. These businesses support the endeavor.

- Clpn. Halverson is having a hard time with the high cost. Maybe a consideration is a service that delivers to your door.
- Clpn. Armon – so the \$15,000 is this for the whole year? Director Le said it is up to \$15,000 as we are looking for grant opportunities and it's for the whole year. Maybe the city could help out until the end of the Robert St. construction.
- Clpn. Halverson said the other issue is to label this as Robert St. expenditure. She is not in favor of adding this to the Robert St. budget. Director Carlson said there probably won't be any place to code this because it is a Robert St. fund. Clpn. Halverson is not in favor.
- Clpn. Napier is concerned too and he agrees that he is not in favor due to the low ridership. However, we did make a commitment and he would support through the Robert St. project and then be reviewed.
- Clpn. Bellows said we have assisted various groups in the city for different projects and activities. This is simply providing services for a group who do not have access to this transportation. He is not happy with the cost but he believes there is a benefit. It builds upon support of our Robert St. businesses. He is in favor of continuing the service.
- Clpn. Halverson said that with 80 riders that equals \$15.00 plus per rider per ride. She is not in favor. This is not like we are investing a capital improvement. This is one ride. Mayor Pro Tem Iago said the benefit is that we have people that can't or won't drive on Robert St. but the cost does look high. The businesses are appreciative. Clpn. Halverson said we didn't agree to do this for the term of the project. We did agree to this for the pilot program. She would be more than supportive if it was a benefit for more people.
- Clpn. Vitelli is not sure he is in favor and supports Clpn. Halverson's comments. Director Le explained where the LOOP stops and all the personal assistance. The two buses run congruently every half hour. The buses pick up at various apartment complexes. Director Le said these are people who do not have the ability to get out. Clpn. Vitelli said metro mobility could be used for \$4 or \$6. This is a lot of money for not many people. Director Le said each bus holds 12 people. Clpn. Napier said maybe we can promote it more. Director Le said the people using the service are very appreciative of the service.
- Clpn. Bellows said the businesses are actually contributing \$13,000 and we are considering a max amount because any additional grants or funds received would be taken off the request for up to \$15,000. We should take this through the end of the project.
- Additional comments regarding costs ensued.

Motion was made by Clpn. Armon and seconded by Clpn. Napier to approve up to \$10,000 for the LOOP funding. Motion was amended by Clpn. Armon and seconded by Clpn. Napier to approve LOOP funding for up to \$12,000. Mayor Pro Tem Iago and Clpns. Napier, Armon and Bellows voted aye. Clpns. Vitelli and Halverson voted nay. Motion carried.

B. Approve Minor Work Orders for Robert Street Improvement Project #11-3

This item was continued to a future meeting.

C. Postponement of 2016 Street Improvement projects

Director Beckwith gave an overview of financial and engineering reasons to postpone the 2016 Street Improvement project. The streets that were scheduled for improvements were:

<u>Street</u>	<u>From / To</u>
Humboldt Ave.	from Wentworth Ave. south to Marie Ave.
Kraft Rd.	from Humboldt Ave. east to Livingston Ave.
Runge Lane	from Smith Ave. east to Charlton Ave.
Edith Drive	from Smith Ave. east to Charlton Ave.
Fox Ridge Rd.	from Livingston Ave. north to Livingston Ave. south
Fox Ridge Ct.	from Fox Ridge Rd. west to the cul-de-sac end
Edgewood Lane	from Charlton Ave. east to the cul-de-sac end

Based upon the MN 429 process the timeline to get this project to bid would have put it into May of 2016. Most contractors have their work lined up prior to May every year so the bidding environment would not have been as competitive and higher prices would have been reflected. The current timeline also puts construction beginning in late June or early July. Starting a project that late pushes timelines into fall. If the 2016 and 2017 Street Improvement Projects were combined and bid in winter 2017 there would be more competition and bid prices should be more favorable.

Comments:

- Clpn. Napier said care of our infrastructure is important so to put this off for a year is tough. It does make good fiscal sense to hold off for one more year.
- Clpn. Bellows is in favor but wants to make sure we are in a favorable bidding place next year.
- Clpn. Armon asked about seal coat project. Director Beckwith said we are looking at this now including crack sealing. We could still consider preservation of some streets.

Motion was made by Clpn. Bellows and seconded by Clpn. Napier to approve and formerly accept postponement of the 2016 Street Improvement Project to 2017. All members present voted aye. Motion carried.

A letter will be sent to all affected property owners of this change.

D. Approve Revision to Consultant Contract with Bolton & Menk Engineering for 2015 Street Improvement Project #15-1

The item is continued to a future meeting.

E. Reaffirmation to Move Forward with Safe Routes to School Project #14-5

In early 2014 the City submitted a Safe Routes To School (SRTS) federal grant application for the installation of a trail along the north side of Wentworth Avenue, from Charlton Street to Bellows Street, and a sidewalk along the west side of Bellows Street, from Wentworth Avenue to Thompson Avenue. The City was notified in summer 2014 that we were successful in obtaining

a SRTS grant of \$125,200 toward the project. Dakota County is partner on the project since Wentworth Avenue is a county road.

The City has hired WSB & Associates for the preliminary engineering work on the project. Preliminary engineering typically covers all work prior to construction beginning; this includes right-of-way acquisition. There are additional costs of \$45,000

Comments:

- Clpn. Bellows is troubled by the high cost. Director Beckwith added comments and information on project costs. Could we combine these projects to get the most deliverable bids? Director Beckwith said since there is federal funds involved with this project, it stands alone.
- Clpn. Armon asked can't this be combined with another sidewalk project? When you get into federal aid the scope area of the project is defined. Are we comfortable with the bid time? Again it's not ideal to bid later in the season. This is a small project.
- Clpn. Vitelli what is driving the cost? Director Beckwith identified construction cost and land acquisition right-of-way and the area that is necessary for the project.
- Mayor Pro Tem Iago asked was this something that got missed. Not really and Manager Fulton doesn't believe WSB is at fault.

Motion was made by Clpn. Armon and seconded by Clpn. Halverson to reaffirmation and move forward with the Wentworth Trail/Bellows Sidewalk-Project #14-6 as presented. All members present voted aye. Motion carried.

F. Approve Change Order #3 for Robert Street Landscape Project #11-3

Director Ross Beckwith gave an overview of the third change order. As part of the City's Robert Street Landscape contract with L.S. Black Constructors, there is a bid item called out in the plans which does not have a corresponding pay item in the bid. Filter Topsoil Borrow is required to be installed at all of the bio-retention/planting areas to allow water to infiltrate. The estimated quantity of Filter Topsoil Borrow is 660 cubic yards. In 2015, staff negotiated a price of \$55.64/cubic yard with L.S. Black for Filter Topsoil Borrow.

A summary of the current contract changes for this project is below:

Change order #1 (previous) \$ 10,738.00
Change order #2 (under discussion)
Proposed change order #3 \$ 36,722.40
Total \$ 47,460.40

Comments:

- Clpn. Armon asked if MnDOT reviewed phase 2? Manager Fulton said MnDOT reviewed both phases. This was an item that SRF did not include and this is a negotiated price.
- Clpn. Bellows said this was something that was missed. He gathers that this happens from time to time in construction projects.

- Clpn. Halverson said she doesn't think we have to check construction details like this. Clpn. Bellows said he did not mean the Council. Director Beckwith meant the owner versus the contractor.
- Clpn. Napier said it falls on the city staff and consultant and occasionally stuff gets missed. It's unfortunate it was missed.
- Clpn. Vitelli said it happens and unfortunately it isn't something you want to happen. Did SRF get back on the conduit and electric? Manager Fulton said staff met last fall and they are just now in the process of working through these issues.

Motion was made by Clpn. Bellows seconded by Clpn. Vitelli to approve Change Order #3 in the amount of \$36,722.40 for the Robert Street Landscape Project #11-3. All members present voted aye. Motion carried.

G. Meal Policy/Travel Policy

Clpn. Bellows asked if this applies to council and staff? Director Le said yes. We are following federal government rules in regarding reimbursement. Attorney Land said the council is not subject to the personnel policy. The council is not subject to this plan but they can adopt it if they want. Clpn. Bellows approves this policy and wants to have this same policy apply to the City Council.

Motion was made by Clpn. Bellows and seconded by Clpn. Vitelli to approve the revised Travel and Meal Policy as part of the City's Personnel Policy and as presented for staff and the Council. All members present voted aye. Motion carried.

Redesign of City Hall

City Manager Fulton gave an overview of a city hall remodel project. As the City Council is aware, plans for a new City Hall have been discussed for several years due to the deteriorating condition of the building and lack of space, the latter being particularly notable for the Police Department. Because of funding required for Robert Street, the plans have been delayed further. Since a new building is not budgeted or anticipated for at least 2-4 years, staff is requesting support from the City Council to make some improvements.

Comments:

- Clpn. Halverson said she is not in support of moving public works employees to another building.
- Clpn. Bellows said in this day of communication he doesn't find the distance cumbersome. He is in support of looking at possible extra space at the public works facility. We are looking at a city hall remodel and he is reluctant to spend a lot. We need to watch our dollars very carefully.
- Clpn. Napier supports efforts to revise this building. This is a temporary fix at this time. He supports staff's recommendation.
- Clpn. Halverson believes there would be lots of costs associated with moving employees to the public works building. There is also a cost to inefficiency.

- Clpn. Vitelli doesn't support the proposed motion below. He supports the staff recommendation.
- Clpn. Bellows said what we are talking about is the administration ... all he is suggesting is "what is the benefit and what is the cost?" I don't know what the issue is with asking the question. We won't know until we ask the question.

Motion was made by Clpn. Bellows and seconded by Clpn. Iago to approve an RFP including review of costs and to add offices in the public works facility for the public works director and staff. Clpn. Bellows and Iago voted in favor. Clpns. Napier, Armon, Halverson and Vitelli voted no. Motion failed.

Clpn. Halverson asked Director Beckwith if it's beneficial to him and his dept. to work in the same building with other staff. Yes, he said. Manager Fulton said there is a great efficiency to be served by having everyone in the same facility. Technology allows us to do many things but having the opportunity to know we are in the same building is good. Clpn. Bellows added comment.

Motion was made by Clpn. Iago and seconded by Clpn. Halverson to have staff develop plans and specifications and solicit sealed bids from a potential contractor to complete the outlined city hall remodel project. Clpns. Napier, Armon, Halverson and Vitelli voted aye. Mayor Pro Tem Iago and Clpn. Bellow voted nay. Motion carried.

12.J. WSP 1st Annual Winter Fun Fest

Police Chief Manila Shaver gave an overview of the 1st Annual Winter Fun Fest events and subsequent application approvals including fees. The event is scheduled for February 20, 2016 from 4:00 p.m. to 8:00 p.m. at Marthaler Park. The South Robert Street Business Association is asking Council to consider approval of the following applications and to waive associated fees.

- Allow Special Event Permit
- Allow alcohol permit
- Allow skating and sledding
- Allow fireworks
- Allow raffles
- Allow a food truck
- Waive any fees associated with the Special Event Permit (no fees have ever been calculated for this type of permit),
- Waive any fees associated with the On-Sale Temporary Outside Service application.

Motion was made by Clpn. Bellows and seconded by Clpn. Halverson to approve all applications outlined above contingent upon all applications and paperwork, including the 5-8 Club Catering Permit, being complete and submitted no later than Friday, February 12, 2016. All members present voted aye. Motion carried.

This is the 1st Annual Winter Fun Fest at Marthaler Park on February 20th at 4:00 to 8:00 p.m. It is open to the public and we will have sledding, skating, music, food and fun.

Clpn. Vitelli asked that *Roles and Responsibilities* be included on an upcoming OCWS agenda. Clpn. Napier said he supports this being on an agenda and so does Clpn. Halverson. Manager Fulton and Mayor Meisinger will work on this said Mayor Pro Tem Iago.

Clpn. Bellows offered thanks for the new technology in the Council Chamber.

13. Old Business

There was no old business to discuss.

14. Adjourn

Motion was made by Clpn. Bellows and seconded by Clpn. Halverson to adjourn the meeting at 8:02 p.m. All members present voted aye. Motion carried.

Ed Iago
Mayor Pro Tem
City of West St. Paul



City of West St. Paul

TO: Mayor and City Council
THROUGH: Matt Fulton, City Manager
FROM: Joan Carlson, Finance Director
DATE: February 22, 2016
SUBJECT: List of Claims

BACKGROUND INFORMATION:

Invoices to be paid

FISCAL IMPACT:

\$1,553,773.45

STAFF RECOMMENDATION:

Approve payment of attached

CITY OF WEST ST PAUL

Summary of List of Claims
Council Meeting of February 22, 2016

PAYROLL CHECK REGISTER:

Payroll Period	2/1/16 - 2/14/16	
Date Paid	2/19/2016	\$145,441.99
Direct Deposit		

Payroll Period		
Date Paid		
Direct Deposit		

TOTAL NET PAYROLL

\$145,441.99

DISBURSEMENT CHECK REGISTER:

Checks	121058 - 121156	\$1,278,327.68
EFTS	729 - 741	\$130,003.78

TOTAL DISBURSEMENT CHECKS

\$1,408,331.46

TOTAL PAYROLL, DISBURSEMENTS, ACH AND WIRE TRANSFERS

\$1,553,773.45

Payment Register

From Payment Date: 2/5/2016 - To Payment Date: 2/22/2016

Number	Date	Payee Name	Transaction Amount
AP - Accounts Payable			
<u>Check</u>			
121058	02/09/2016	FIDELITY SECURITY LIFE	\$146.18
121059	02/09/2016	360 COMMUNITIES	\$150.00
121060	02/09/2016	CHLIC-BLOOMFIELD EASC	\$2,587.75
121061	02/09/2016	DANCO FOOD & ENTERTAINMENT	\$100,000.00
121062	02/09/2016	LAW ENFORCEMENT LABOR	\$1,210.71
121063	02/09/2016	LIUWAH SY	\$6,000.00
121064	02/09/2016	LIVE WIRE ELECTRIC	\$11,600.00
121065	02/09/2016	MN BENEFIT ASSOCIATION	\$885.22
121066	02/09/2016	MN MUTUAL LIFE	\$1,081.75
121067	02/09/2016	MN NCPERS LIFE INSURANCE	\$160.00
121068	02/09/2016	MN TEAMSTERS LOCAL #320	\$1,044.00
121069	02/22/2016	A B M EQUIPMENT & SUPPLY	\$137.73
121070	02/22/2016	ABRAMS & SCHMIDT ATTORNEYS	\$45.00
121071	02/22/2016	ADVANCED ENGINEERING &	\$7,874.30
121072	02/22/2016	ALL METRO EXCAVATING	\$1,335.00
121073	02/22/2016	ALPHA VIDEO & AUDIO	\$1,710.00
121074	02/22/2016	AMERICAN TEST CENTER	\$450.00
121075	02/22/2016	BAUER BUILT INC	\$2,596.94
121076	02/22/2016	BENJAMIN FRANKLIN PLUMBING	\$7,391.50
121077	02/22/2016	CAPRA'S UTILITIES	\$8,975.00
121078	02/22/2016	CARGILL INCORPORATED	\$13,442.03
121079	02/22/2016	CARL BOLANDER & SONS	\$3,000.00
121080	02/22/2016	CENTURYLINK	\$828.08
121081	02/22/2016	CES IMAGING	\$305.00
121082	02/22/2016	CINTAS UNIFORMS	\$113.40
121083	02/22/2016	COMCAST	\$490.63
121084	02/22/2016	COMMERCIAL REFRIGERATION	\$62,986.45
121085	02/22/2016	CORVAL CONSTRUCTORS, INC	\$608.34
121086	02/22/2016	CRAWFORD DOOR SALES	\$268.25
121087	02/22/2016	CUB FOODS	\$157.40
121088	02/22/2016	DAKOTA COUNTY FINANCIAL SERV	\$68,752.64
121089	02/22/2016	DVS RENEWAL	\$661.00
121090	02/22/2016	EUREKA CONSTRUCTION	\$452,504.52
121091	02/22/2016	FARMINGTON, CITY OF/MAAG TEAM	\$572.50
121092	02/22/2016	GB TECHNOLOGIES	\$509.00
121093	02/22/2016	GENERAL SECURITY SERVICES	\$821.10
121094	02/22/2016	GORR, SABRINA	\$75.60
121095	02/22/2016	GRAINGER INC	\$538.14
121096	02/22/2016	INGERSOLL RAND	\$251.90
121097	02/22/2016	INSIGHT	\$963.84
121098	02/22/2016	INVER GROVE FORD	\$621.11
121099	02/22/2016	J P COOKE CO	\$103.25
121100	02/22/2016	JIM MURR PLUMBING	\$1,863.10
121101	02/22/2016	KASTNER, WILLIAM	\$870.75
121102	02/22/2016	KEEPRS, INC	\$134.69
121103	02/22/2016	KENNEDY & GRAVEN	\$30,718.73
121104	02/22/2016	KROGH'S INC	\$6,874.56
121105	02/22/2016	LEAGUE OF MN CITIES	\$760.00
121106	02/22/2016	LEVANDER, GILLEN & MILLER	\$36,329.55
121107	02/22/2016	LILLIE SUBURBAN NEWSPAPERS	\$192.00

Payment Register

From Payment Date: 2/5/2016 - To Payment Date: 2/22/2016

121108	02/22/2016	LMCIT- INS PREMIUMS	\$42,838.00
121109	02/22/2016	LS BLACK CONSTRUCTORS	\$97,685.65
121110	02/22/2016	LYNDA.COM	\$1,674.95
121111	02/22/2016	MCDONALD CONSTRUCTION	\$4,000.00
121112	02/22/2016	MCMASTER-CARR	\$202.30
121113	02/22/2016	MENARDS	\$275.14
121114	02/22/2016	METRO AREA MGMT ASSN	\$45.00
121115	02/22/2016	METROPOLITAN COUNCIL	\$36,902.25
121116	02/22/2016	METROPOLITAN COUNCIL	\$138,214.18
121117	02/22/2016	MISTER CAR PARTNERS	\$90.16
121118	02/22/2016	MN DEPT OF PUBL SAFTY -EPCRA	\$100.00
121119	02/22/2016	MN DEPT OF TRANS-COMMISIONER	\$1,792.85
121120	02/22/2016	MN GLOVE	\$299.96
121121	02/22/2016	MN LOCKS	\$8.40
121122	02/22/2016	MN OFFICE OF ENTERPRISE TECH	\$323.00
121123	02/22/2016	MN POLLUTION CONTROL AGENCY	\$300.00
121124	02/22/2016	MUNICIPAL'S	\$25.00
121125	02/22/2016	NATURE CALLS	\$316.55
121126	02/22/2016	NEOPOST	\$982.19
121127	02/22/2016	NEW VISION PRINTING	\$24.03
121128	02/22/2016	NORTHERN TOOL & EQUIPMENT	\$129.98
121129	02/22/2016	O'REILLY AUTOMOTIVE, INC	\$90.62
121130	02/22/2016	OFFICE DEPOT	\$65.39
121131	02/22/2016	REGENCY OFFICE PRODUCTS	\$123.12
121132	02/22/2016	RICOH AMERICAS CORPORATION	\$347.94
121133	02/22/2016	ROTARY CLUB W ST	\$204.00
121134	02/22/2016	SELTZ, JOEL , A	\$7,198.93
121135	02/22/2016	SFDMG	\$6,523.44
121136	02/22/2016	SHARROW LIFTING PRODUCTS	\$443.57
121137	02/22/2016	SKADRON ANIMAL HOSPITAL P A	\$204.48
121138	02/22/2016	SPRWS	\$1,612.18
121139	02/22/2016	SPRWS	\$54,713.75
121140	02/22/2016	ST PAUL POLICE DEPARTMENT	\$100.00
121141	02/22/2016	STAPLES BUSINESS ADVANTAGE	\$110.52
121142	02/22/2016	STREICHER'S	\$330.90
121143	02/22/2016	T - MOBILE	\$1,786.98
121144	02/22/2016	TRENCHERS PLUS	\$460.12
121145	02/22/2016	TRI STATE BOBCAT INC	\$136.71
121146	02/22/2016	TRIDISTRICT COMMUNITY	\$1,461.00
121147	02/22/2016	TROJE'S TRASH PICK-UP SERVICE	\$263.06
121148	02/22/2016	TWIN CITY JANITOR SUPPLY	\$402.75
121149	02/22/2016	TWIN CITY SAW	\$187.79
121150	02/22/2016	UNIFORMS UNLIMITED	\$147.46
121151	02/22/2016	UPS STORE	\$10.87
121152	02/22/2016	WRIGHT, PAUL	\$1,000.00
121153	02/22/2016	XCEL ENERGY	\$27,823.76
121154	02/22/2016	ZAN ASSOCIATES	\$243.75
121155	02/22/2016	ZAYO ENTERPRISE NETWORKS	\$4,311.83
121156	02/22/2016	ZIEGLER INC	\$94.53
Type Check Totals:			\$1,278,327.68
<u>EFT</u>			
729	02/08/2016	ANCHOR BANK OF W. ST PAUL	\$48,881.42
730	02/08/2016	DEARBORN NATIONAL	\$425.76
731	02/08/2016	I C M A	\$3,356.45

Payment Register

From Payment Date: 2/5/2016 - To Payment Date: 2/22/2016

732	02/08/2016	I C M A RETIREMENT TRUST-457	\$13,092.38
733	02/08/2016	MII LIFE --- VEBA	\$2,853.46
734	02/08/2016	MN DEPARTMENT OF REVENUE	\$9,755.98
735	02/08/2016	MSRS - 457	\$3,984.44
736	02/08/2016	MSRS HCSP	\$2,486.34
737	02/08/2016	PUBLIC EMPLOYEES RETIRMNT	\$43,672.00
738	02/22/2016	SELECTACCOUNT	\$348.55
739	02/22/2016	SELECTACCOUNT	\$324.88
740	02/22/2016	ANCHOR BANK OF W. ST PAUL	\$460.28
741	02/22/2016	HIGHER STANDARDS INC	\$361.84
Type EFT Totals:			\$130,003.78
AP - Accounts Payable Totals			

TOTAL CHECKS & EFT'S \$1,408,331.46

TO: Mayor and City Council
THROUGH: Matt Fulton, City Manager
FROM: Joan Carlson, Finance Director
DATE: February 22, 2016
SUBJECT: January 2016 General Fund Budget Report



City of West St. Paul

BACKGROUND INFORMATION:

Attached is the January 2016 General Fund Budget to Actual Report for Council review. The revenues are reported by major type and the expenditures are reported by department.

The budget target percentage for January is 8%. Actual revenues total 1% and expenditures total 6%. This report is presented on the cash basis so you will notice some departments, such as Legal and Fire, have no expenditures for January. This is because the January invoices were not received or paid until February and will be on the next month's report.

FISCAL IMPACT: None

		Amount
Fund:		
Department:		
Account:		

STAFF RECOMMENDATION:

Approve the January 2016 General Fund Budget to Actual Report.

City of West St Paul
 General Fund Budget to Actual Report
 January 2016

<u>Account Description</u>	<u>Adopted Budget</u>	<u>Current Transactions</u>	<u>YTD Transactions</u>	<u>Remaining Budget</u>	<u>% of Budget Rec'd/Used</u>
Fund 101 - General Fund					
REVENUE					
Taxes	10,053,785	-	-	10,053,785	0%
Licenses and Permits	519,500	19,702	19,702	499,798	4%
Intergovernmental Revenues	484,500	5,784	5,784	478,716	1%
Charges for Services	639,205	85,076	85,076	554,129	13%
Fines & Forfeits	125,000	8,120	8,120	116,880	6%
Special Assessments and Miscellaneous	231,908	11,952	11,952	219,956	5%
Other Financing Sources	688,000	-	-	688,000	0%
REVENUE TOTALS	<u>12,741,898</u>	<u>130,634</u>	<u>130,634</u>	<u>12,611,264</u>	1%
EXPENSE					
Mayor and Council	120,652	5,048	5,048	115,604	4%
Charter Commission	1,500	-	-	1,500	0%
City Manager / City Clerk	778,375	58,668	58,668	719,707	8%
Elections	28,575	-	-	28,575	0%
Finance	378,370	31,366	31,366	347,004	8%
Legal	360,000	-	-	360,000	0%
Planning & Comm Develop	317,275	17,314	17,314	299,961	5%
Recycling Dept	23,250	-	-	23,250	0%
Information Technology	437,225	46,801	46,801	390,424	11%
City Hall Building	205,610	7,399	7,399	198,211	4%
PW Facility	63,000	826	826	62,174	1%
Police	4,319,675	331,227	331,227	3,988,448	8%
Communications Center	638,065	50,596	50,596	587,469	8%
Fire	2,125,394	-	-	2,125,394	0%
Building Inspections	415,635	22,602	22,602	393,033	5%
Civil Defense	15,295	6,470	6,470	8,825	42%
Traffic Signs	23,900	-	-	23,900	0%
Animal Control	5,150	-	-	5,150	0%
Engineering	204,004	7,257	7,257	196,747	4%
Streets	1,201,698	94,528	94,528	1,107,170	8%
Street Lighting	132,025	-	-	132,025	0%
Human Resources	88,775	6,795	6,795	81,980	8%
Parks and Recreation	823,450	50,848	50,848	772,602	6%
Transfers Out	35,000	-	-	35,000	0%
EXPENSE TOTALS	<u>12,741,898</u>	<u>737,745</u>	<u>737,744</u>	<u>12,004,154</u>	6%
General Fund Totals					
REVENUE TOTALS	12,741,898	130,634	130,634	12,611,264	1%
EXPENSE TOTALS	12,741,898	737,745	737,744	12,004,154	6%
General Fund Net	-	(607,110)	(607,110)	607,110	

TO: Mayor and City Council
THROUGH: Matt Fulton, City Manager
FROM: Joan Carlson, Finance Director
DATE: February 22, 2016
SUBJECT: January 2016 Investment Report



City of West St. Paul

BACKGROUND INFORMATION:

Attached is the Investment Report for January 2016.

FISCAL IMPACT:

There is no fiscal impact.

		Amount
Fund:		
Department:		
Account:		

STAFF RECOMMENDATION:

Approve the January 2016 Investment Report.



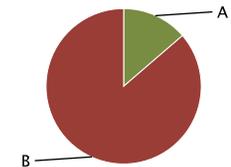
Portfolio holdings

as of January 31, 2016

Summary of Portfolio Holdings

	Cost basis (\$)	Value on 01/31/2016 (\$)	Unrealized gain/loss (\$)	Unrealized gain/loss (%)	Est. annual income (\$)	Current yield (%)	% of portfolio
A Cash	1,578,108.60	1,578,108.60	0.00	0.00%	206.86	0.01%	13.68%
Cash	1,578,108.60	1,578,108.60	0.00	0.00%	206.86	0.01%	13.68%
B Fixed Income	9,891,798.72	9,955,818.16	64,019.44	0.65%	176,970.00	1.78%	86.32%
US	9,406,798.72	9,466,913.60	60,114.88	0.64%	168,702.50	1.78%	82.08%
International	485,000.00	488,904.56	3,904.56	0.81%	8,267.50	1.69%	4.24%
C Equity	0.00	0.00	0.00	0.00%	0.00	0.00%	0.00%
D Commodities	0.00	0.00	0.00	0.00%	0.00	0.00%	0.00%
E Non-Traditional	0.00	0.00	0.00	0.00%	0.00	0.00%	0.00%
F Other	0.00	0.00	0.00	0.00%	0.00	0.00%	0.00%
Total Portfolio	\$11,469,907.32	\$11,533,926.76	\$64,019.44	0.56%	\$177,176.86	1.54%	100%

Balanced mutual funds are allocated in the 'Other' category





Portfolio holdings - as of January 31, 2016 (continued)

Details of portfolio holdings

	Cost basis (\$)	Market value (\$)	Unrealized gain/loss (\$)	Unrealized gain/loss (%)	Est. annual income (\$)	Current yield (%)	% of asset class	% of portfolio
Total Portfolio	\$11,469,907.32	\$11,533,926.76	\$64,019.44	0.56%	\$177,176.86	1.54%	100%	100%

Cash	Quantity	Purchase price (\$)/Avg Price	Price on 01/31/2016 (\$)	Cost basis (\$)	Market value (\$)	Unrealized gain/loss (\$)	Unrealized gain/loss (%)	Est. annual income (\$)	Current yield (%)	% of Cash	% of portfolio
Cash											
UBS BANK USA DEPOSIT ACCOUNT	2,840.66	1.00	1.00	2,840.66	2,840.66	0.00	0.00%	0.00	0.00%	0.18%	0.02%
UBS SELECT PRIME INSTITUTIONAL FUND	76,613.63	1.00	1.00	76,613.63	76,613.63	0.00	0.00%	206.86	0.27%	4.85%	0.66%
Client investment: \$0.00 Reinvested dividends: \$76,613.63 Investment return: \$76,613.63 (0%)											
USD CASH	1,498,654.31	1.00	1.00	1,498,654.31	1,498,654.31	0.00	0.00%	0.00	0.00%	94.97%	13.00%
Total Cash				\$1,578,108.60	\$1,578,108.60	\$0.00	0.00%	\$206.86	0.01%	100.00%	13.68%

Total Cash				\$1,578,108.60	\$1,578,108.60	\$0.00	0.00%	\$206.86	0.01%	100.00%	13.68%
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Fixed Income	Quantity	Purchase price (\$)/Avg Price	Price on 01/31/2016 (\$)	Cost basis (\$)	Market value (\$)	Unrealized gain/loss (\$)	Unrealized gain/loss (%)	Est. annual income (\$)	Current yield (%)	% of Fixed Income	% of portfolio
US											
ALLY BK UT US RT 00.9000% MAT 08/22/16 FIXED RATE CD	240,000.00	100.00	100.13	240,000.00	241,269.40	1,269.40	0.53%	2,160.00	0.90%	2.42%	2.09%
AMERICAN EXPRESS C NY US RT 02.1000% MAT 10/17/18 FIXED RATE CD	240,000.00	100.00	101.14	240,000.00	244,206.87	4,206.87	1.75%	5,040.00	2.08%	2.45%	2.12%
AMERICAN EXPRESS F UT US RT 02.0000% MAT 07/24/19 FIXED RATE CD	240,000.00	100.00	100.69	240,000.00	241,743.25	1,743.25	0.73%	4,800.00	1.99%	2.43%	2.10%
BANK OF HAMPTON RO VA US RT 01.0000% MAT 09/27/17 FIXED RATE CD	240,000.00	100.00	100.06	240,000.00	240,960.49	960.49	0.40%	2,400.00	1.00%	2.42%	2.09%
BARCLAYS BK DE US RT 02.1000% MAT 07/23/19 FIXED RATE CD	245,000.00	100.00	100.65	245,000.00	246,715.07	1,715.07	0.70%	5,145.00	2.09%	2.48%	2.14%
BK OF AMERICA NA NC US RT 01.7500% MAT 09/12/22 STEP RATE CD	240,000.00	100.36	99.79	240,852.61	239,488.80	-1,363.81	-0.57%	4,200.00	1.75%	2.41%	2.08%



Portfolio holdings - as of January 31, 2016 (continued)

Fixed Income	Quantity	Purchase price (\$)/ Avg Price	Price on 01/31/2016 (\$)	Cost basis (\$)	Market value (\$)	Unrealized gain/loss (\$)	Unrealized gain/loss (%)	Est. annual income (\$)	Current yield (%)	% of Fixed Income	% of portfolio
US											
BK OF NORTH CAROLI ME US RT 01.0000% MAT 01/30/17 FIXED RATE CD	200,000.00	100.00	100.17	200,000.00	200,499.86	499.86	0.25%	2,000.00	1.00%	2.01%	1.74%
BMW BANK NORTH AME UT US RT 02.1500% MAT 12/10/19 FIXED RATE CD	240,000.00	100.00	101.11	240,000.00	243,403.92	3,403.92	1.42%	5,160.00	2.13%	2.44%	2.11%
CAPITAL ONE BANK NA RT 02.3000% MAT 07/29/20 FIXED RATE CD	245,000.00	100.00	100.85	245,000.00	247,136.17	2,136.17	0.87%	5,635.00	2.28%	2.48%	2.14%
CAPITAL ONE BK VA US RT 02.1000% MAT 10/01/19 FIXED RATE CD	245,000.00	100.00	100.49	245,000.00	247,910.40	2,910.40	1.19%	5,145.00	2.09%	2.49%	2.15%
CIT BK SALT LAKE C UT US RT 02.1000% MAT 11/13/19 FIXED RATE CD	240,000.00	100.00	100.77	240,000.00	242,943.65	2,943.65	1.23%	5,040.00	2.08%	2.44%	2.11%
COMENITY BANK DE US RT 01.3500% MAT 12/12/17 FIXED RATE JUMBO CD	200,000.00	100.00	100.14	200,000.00	200,481.12	481.12	0.24%	2,700.00	1.35%	2.01%	1.74%
COMPASS BANK AL US RT 01.3000% MAT 12/11/17 FIXED RATE CD	245,000.00	100.00	99.90	245,000.00	245,207.68	207.68	0.08%	3,185.00	1.30%	2.46%	2.13%
DISCOVER BANK DE US RT 02.5500% MAT 08/27/21 FIXED RATE CD	240,000.00	100.00	102.01	240,000.00	247,444.44	7,444.44	3.10%	6,120.00	2.50%	2.49%	2.15%
FFCB BOND 01.900 % DUE 121721 DTD 121712 FC 06172013	500,000.00	100.00	100.00	500,000.00	501,161.11	1,161.11	0.23%	9,500.00	1.90%	5.03%	4.35%
FHLMC MED TERM NTS 02.000 % DUE 042921 DTD 102915 FC 04292016	500,000.00	100.00	100.32	500,000.00	504,170.56	4,170.56	0.83%	10,000.00	1.99%	5.06%	4.37%
FIRST AMER BK IL US RT 02.0000% MAT 09/12/22 STEP RATE CD	245,000.00	100.00	100.01	245,000.00	245,024.50	24.50	0.01%	4,900.00	2.00%	2.46%	2.12%
FIRST BK HIGHLAND IL US RT 01.9500% MAT 07/24/19 FIXED RATE CD	240,000.00	100.00	100.30	240,000.00	240,804.95	804.95	0.34%	4,680.00	1.94%	2.42%	2.09%
FNMA NTS 01.000 % DUE 122617 DTD 122612 FC 06262013	250,000.00	100.00	100.11	250,000.00	250,505.56	505.56	0.20%	2,500.00	1.00%	2.52%	2.17%
FNMA STEP UP CALL NTS 1.2500% DUE 013020 DTD 013013 FC 07302013	500,000.00	100.25	99.99	501,250.00	503,085.00	1,835.00	0.37%	6,250.00	1.25%	5.05%	4.36%
GE CAPITAL BANK UT US RT 01.3500% MAT 08/29/17 FIXED RATE CD	240,000.00	100.00	100.10	240,000.00	241,607.74	1,607.74	0.67%	3,240.00	1.35%	2.43%	2.09%



Portfolio holdings - as of January 31, 2016 (continued)

Fixed Income	Quantity	Purchase price (\$)/ Avg Price	Price on 01/31/2016 (\$)	Cost basis (\$)	Market value (\$)	Unrealized gain/loss (\$)	Unrealized gain/loss (%)	Est. annual income (\$)	Current yield (%)	% of Fixed Income	% of portfolio
US											
GOLDMAN SACHS BANK NY US RT 02.0500% MAT 07/23/19 FIXED RATE CD	200,000.00	100.00	100.52	200,000.00	201,131.86	1,131.86	0.57%	4,100.00	2.04%	2.02%	1.74%
GOLDMAN SACHS BANK UT US RT 01.8500% MAT 08/31/16 FIXED RATE CD	40,000.00	100.00	100.66	40,000.00	40,574.59	574.59	1.44%	740.00	1.84%	0.41%	0.35%
HSBC BANK , NA DE US RT 01.2500% MAT 03/30/20 STEP RATE CD	240,000.00	100.33	99.60	240,798.61	239,042.40	-1,756.21	-0.73%	3,000.00	1.26%	2.40%	2.07%
JPMORGAN CHASE & C DE US RT 01.2500% MAT 11/30/18 FIXED RATE CD	200,000.00	100.00	99.03	200,000.00	198,492.66	-1,507.34	-0.75%	2,500.00	1.26%	1.99%	1.72%
NEW YORK CITY TRANSITION TAX C-3 RV BE/R/ 1.280 110118 DTD 120412	500,000.00	100.00	100.13	500,000.00	502,265.00	2,265.00	0.45%	6,400.00	1.28%	5.04%	4.35%
NEW YORK CITY TRANSITION TAX C-3 RV BE/R/ 2.400 110123 DTD 120412	500,000.00	97.63	98.15	488,145.00	493,725.00	5,580.00	1.14%	12,000.00	2.45%	4.96%	4.28%
SALLIE MAE BK UT US RT 01.5000% MAT 10/10/17 FIXED RATE CD	240,000.00	100.00	100.50	240,000.00	242,312.12	2,312.12	0.96%	3,600.00	1.49%	2.43%	2.10%
SUN NATL BK NJ US RT 01.0000% MAT 10/03/17 FIXED RATE CD	240,000.00	100.00	101.04	240,000.00	242,673.53	2,673.53	1.11%	2,400.00	0.99%	2.44%	2.10%
SYNCHRONY BK UT US RT 02.6500% MAT 08/23/21 FIXED RATE CD	240,000.00	100.00	102.01	240,000.00	247,639.59	7,639.59	3.18%	6,360.00	2.60%	2.49%	2.15%
THIEF RIVER FALLS MN TAX SR B BE/R/ 3.000 020125 DTD 060112	375,000.00	101.27	100.75	379,752.50	383,448.75	3,696.25	0.97%	11,250.00	2.98%	3.85%	3.32%
THIRD FED S&L ASSN OH US RT 02.0000% MAT 11/25/19 FIXED RATE CD	247,000.00	100.00	100.71	247,000.00	249,666.62	2,666.62	1.08%	4,940.00	1.99%	2.51%	2.16%
TWO RIVERS ST BK NE US RT 01.2500% MAT 07/18/19 FIXED RATE CD	169,000.00	100.00	98.19	169,000.00	166,021.41	-2,978.59	-1.76%	2,112.50	1.27%	1.67%	1.44%
WEBSTER FIVE CENTS MA US RT 02.0000% MAT 12/17/19 FIXED RATE CD	245,000.00	100.00	100.05	245,000.00	245,310.45	310.45	0.13%	4,900.00	2.00%	2.46%	2.13%
WORLD'S FOREMOST B NE US RT 02.3000% MAT 08/06/20 FIXED RATE JUMBO CD	200,000.00	100.00	99.26	200,000.00	198,839.08	-1,160.93	-0.58%	4,600.00	2.32%	2.00%	1.73%
Total US				\$9,406,798.72	\$9,466,913.60	\$60,114.88	0.64%	\$168,702.50	1.78%	95.09%	82.08%



Portfolio holdings - as of January 31, 2016 (continued)

Fixed Income	Quantity	Purchase price (\$)/ Avg Price	Price on 01/31/2016 (\$)	Cost basis (\$)	Market value (\$)	Unrealized gain/loss (\$)	Unrealized gain/loss (%)	Est. annual income (\$)	Current yield (%)	% of Fixed Income	% of portfolio
International											
ORIENTAL BANK PR RT 01.2500% MAT 08/31/17 FIXED RATE CD	240,000.00	100.00	100.09	240,000.00	240,458.79	458.79	0.19%	3,000.00	1.25%	2.42%	2.08%
STATE BK OF INDIA NY US RT 02.1500% MAT 09/11/19 FIXED RATE CD	245,000.00	100.00	100.57	245,000.00	248,445.77	3,445.77	1.41%	5,267.50	2.14%	2.50%	2.16%
Total International				\$485,000.00	\$488,904.56	\$3,904.56	0.81%	\$8,267.50	1.69%	4.91%	4.24%
Total Fixed Income				\$9,891,798.72	\$9,955,818.16	\$64,019.44	0.65%	\$176,970.00	1.78%	100.00%	86.32%
				Cost basis (\$)	Market value (\$)	Unrealized gain/loss (\$)	Unrealized gain/loss (%)	Est. annual income (\$)	Current yield (%)	% of asset class	% of portfolio
Total Portfolio				\$11,469,907.32	\$11,533,926.76	\$64,019.44	0.56%	\$177,176.86	1.54%	100%	100%

Total accrued interest (included in market values): \$38,025.30



Disclosures applicable to accounts at UBS Financial Services Inc.

This section contains important disclosures regarding the information and valuations presented here. This report presents information since December 31, 2002. This report does not include complete account activity or performance of your accounts before this date. All information presented is subject to change at any time and is provided only as of the date indicated. The information in this report is for informational purposes only and should not be relied upon as the basis of an investment or liquidation decision. UBS FS accounts statements and official tax documents are the only official record of your accounts and are not replaced, amended or superseded by any of the information presented in these reports.

UBS FS offers a number of investment advisory programs to clients, acting in our capacity as an investment adviser, including fee-based financial planning, discretionary account management, non-discretionary investment advisory programs, and advice on the selection of investment managers and mutual funds offered through our investment advisory programs. When we act as your investment adviser, we will have a written agreement with you expressly acknowledging our investment advisory relationship with you and describing our obligations to you. At the beginning of our advisory relationship, we will give you our Form ADV brochure(s) for the program(s) you selected that provides detailed information about, among other things, the advisory services we provide, our fees, our personnel, our other business activities and financial industry affiliations and conflicts between our interests and your interests.

Please review the report content carefully and contact your Financial Advisor with any questions.

The account listing may or may not include all of your accounts with UBS FS. The accounts included in this report are listed under the "Accounts included in this review" shown on the first page or listed at the top of each page.

Portfolio: For purposes of this report "portfolio" is defined as all of the accounts presented on the cover page or the header of this report and does not necessarily include all of the client's accounts held at UBS FS or elsewhere.

Percentage: Portfolio (in the "% Portfolio" column) includes all holdings held in the account(s) selected when this report was generated. Broad asset class (in the "% broad asset class" column) includes all holdings held in that broad asset class in the account(s) selected when this report was generated.

Tax lots: This report displays security tax lots as either one line item (i.e., lumped tax lots) or as separate tax lot level information. If you choose to display security tax lots as one line item, the total cost equals the total value of all tax lots. The unit cost is an average of the total cost divided by the total number of shares. If the shares

were purchased in different lots, the unit price listed does not represent the actual cost paid for each lot. The unrealized gain/loss value is calculated by combining the total value of all tax lots plus or minus the total market value of the security.

If you choose to display tax lot level information as separate line items on the Portfolio Holdings report, the tax lot information may include information from sources other than UBS FS. The Firm does not independently verify or guarantee the accuracy or validity of any information provided by sources other than UBS FS. As a result this information may not be accurate and is provided for informational purposes only. Clients should not rely on this information in making purchase or sell decisions, for tax purposes or otherwise. See your monthly statement for additional information.

Pricing: All securities are priced using the closing price reported on the last business day preceding the date of this report. Every reasonable attempt has been made to accurately price securities; however, we make no warranty with respect to any security's price. Please refer to the back of the first page of your UBS FS accounts statement for important information regarding the pricing used for certain types of securities, the sources of pricing data and other qualifications concerning the pricing of securities. To determine the value of securities in your account, we generally rely on third party quotation services. If a price is unavailable or believed to be unreliable, we may determine the price in good faith and may use other sources such as the last recorded transaction. When securities are held at another custodian or if you hold illiquid or restricted securities for which there is no published price, we will generally rely on the value provided by the custodian or issuer of that security.

Cash: Cash on deposit at UBS Bank USA is protected by the Federal Deposit Insurance Corporation (FDIC) up to \$250,000 in principal and accrued interest per depositor for each ownership type. Deposits made in an individual's own name, joint name, or individual retirement account are each held in a separate type of ownership. Such deposits are not guaranteed by UBS FS. More information is available upon request.

Margin: The quantity value may indicate that all or part of this position is held on margin or held in the short account. When an account holds a debit balance, this debit balance is incorporated into the account's total market value and deducted from the total value. When calculating the percent of portfolio on each security, the percentage will be impacted by the total market value of the account. Therefore, if the account's market value is reduced by a debit value of a holding the percent of portfolio will be greater and if the account's market value is increased by a holding then the percent of portfolio will be less.

Mutual Fund Asset Allocation: If the option to

unbundle balanced mutual funds is selected and if a fund's holdings data is available, mutual funds will be classified by the asset class, subclass, and style breakdown of their underlying holdings. Where a mutual fund or ETF contains equity holdings from multiple equity sectors, this report will proportionately allocate the underlying holdings of the fund to those sectors measured as a percentage of the total fund's asset value as of the date shown.

This information is supplied by Morningstar, Inc. on a monthly basis to UBS FS based on data supplied by the fund which may not be current. Mutual funds change their portfolio holdings on a regular (often daily) basis. Accordingly, any analysis that includes mutual funds may not accurately reflect the current composition of these funds. If a fund's underlying holding data is not available, it will be classified based on its corresponding overall Morningstar classification. All data is as of the date indicated in the report.

Equity Style: The Growth, Value and Core labels are determined by Standard and Poor's using a price-to-book ratio methodology. The Growth, Value and Core labels are based on how a company's price-to-book ratio compares to the median price-to-book ratio for its industry based on the company's assigned Industry Sector. If the company's ratio is greater than or equal to the industry median, it is classified as a growth stock. If the company's ratio is less than the industry median, it is classified as a value stock. If a security includes both growth and value attributes, it is classified as a core stock. If price-to-book is not available or the industry's median is not available, this item will be Unclassified.

Equity Capitalization: Market Capitalization is defined as the number of shares outstanding times the market value. Equity securities are classified as Large Cap if they have a capitalization of 8 billion or above. Securities with capitalization between 1.8 and 7.9 billion are classified as Mid Cap. Securities with capitalization below 1.79 billion are classified as Small Cap. Unclassified securities are those for which no capitalization is available or applicable.

Equity Sectors: The Equity sector analysis may include a variety of accounts, each with different investment and risk parameters. As a result, the overweighting or underweighting in a particular sector or asset class should not be viewed as an isolated factor in making investment/liquidation decisions; but should be assessed on an account by account basis to determine the overall impact on the account's portfolio.

Classified Equity: Classified equities are defined as those equities for which the firm can confirm the specific industry and sector of the underlying equity instrument.

Estimated Annual Income: The Estimated Annual Income is the annualized year to date per share dividends paid and multiplied by the quantity of shares held in the selected account(s).

Current Yield: Current yield is defined as the estimated annual income divided by the total market value.

Credit/Event Risk: Investments are subject to event risk and changes in credit quality of the issuer. Issuers can experience economic situations that may have adverse effects on the market value of their securities.

Interest Rate Risk: Bonds are subject to market value fluctuations as interest rates rise and fall. If sold prior to maturity, the price received for an issue may be less than the original purchase price.

Reinvestment Risk: Since most corporate issues pay interest semiannually, the coupon payments over the life of the bond can have a major impact on the bond's total return.

Accrued Interest: Interest that has accumulated between the most recent payment and the report date may be reflected in market values for interest bearing securities.

Gain/Loss: The gain/loss information may include calculations based upon non-UBS FS cost basis information. The Firm does not independently verify or guarantee the accuracy or validity of any information provided by sources other than UBS FS. In addition, if this report contains positions with unavailable cost basis, the gain/(loss) for these positions are excluded in the calculation for the Gain/(Loss). As a result these figures may not be accurate and are provided for informational purposes only. Clients should not rely on this information in making purchase or sell decisions, for tax purposes or otherwise. Rely only on year-end tax forms when preparing your tax return. See your monthly statement for additional information.

Account changes: At UBS, we are committed to helping you work toward your financial goals. So that we may continue providing you with financial advice that is consistent with your investment objectives, please consider the following two questions:

- 1) Have there been any changes to your financial situation or investment objectives?
- 2) Would you like to implement or modify any restrictions regarding the management of your account? If the answer to either question is "yes," it is important that you contact your Financial Advisor as soon as possible to discuss these changes. For MAC advisory accounts, please contact your investment manager directly if you would like to impose or change any investment restrictions on your account.

ADV disclosure: A complimentary copy of our current Form ADV Disclosure Brochure that describes the advisory program and related fees is available through your Financial Advisor. Please contact your Financial Advisor if you have any questions.



Disclosures applicable to accounts at UBS Financial Services Inc. (continued)

Important information for former Piper Jaffray and McDonald Investments clients:

As an accommodation to former Piper Jaffray and McDonald Investments clients, these reports include performance history for their Piper Jaffray accounts prior to August 12, 2006 and McDonald Investments accounts prior to February 9, 2007, the date the respective accounts were converted to UBS FS. UBS FS has not independently verified this information nor do we make any representations or warranties as to the accuracy or completeness of that information and will not be liable to you if any such information is unavailable, delayed or inaccurate.

For insurance, annuities, and 529 Plans, UBS FS relies on information obtained from third party services it believes to be reliable. UBS FS does not independently verify or guarantee the accuracy or validity of any information provided by third parties. Information for insurance, annuities, and 529 Plans that has been provided by a third party service may not reflect the quantity and market value as of the previous business day. When available, an "as of" date is included in the description.

Investors outside the U.S. are subject to securities and tax regulations within their applicable jurisdiction that are not addressed in this report. Nothing in this report shall be construed to be a solicitation to buy or offer to sell any security, product or service to any non-U.S. investor, nor shall any such security, product or service be solicited, offered or sold in any jurisdiction where such activity would be contrary to the securities laws or other local laws and regulations or would subject UBS to any registration requirement within such jurisdiction.

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TO: Mayor and City Council
THROUGH: Matt Fulton, City Manager
FROM: Joan Carlson, Finance Director
DATE: February 22, 2016
SUBJECT: January 2016 Bank Reconciliation



City of West St. Paul

BACKGROUND INFORMATION:

Attached is the summary bank reconciliation for January 2016.

FISCAL IMPACT:

There is no fiscal impact.

		Amount
Fund:		
Department:		
Account:		

STAFF RECOMMENDATION:

Approve the January 2016 bank reconciliation.

**CITY OF WEST ST. PAUL
BANK RECONCILIATION
January 31, 2016**

ANCHOR BANK BALANCE:

Ending Balance - Checking Account	\$	2,992,956.89
Deposits in Transit		7,311.05
Outstanding Disbursements & Checks		(2,998,793.04)
Petty Cash		2,600.00
RECONCILED BALANCE	\$	4,074.90

CITY TREASURER'S BALANCE:

Previous Month's Reconciled Balance	\$	752,000.75
Daily Receipts Posted		1,018,077.47
Disbursement Checks Issued		(6,027,139.96)
Payroll Checks and Direct Deposits		(299,386.69)
Cash Journal Entries (net)		4,560,513.48
Adjustments:		
Reverse Prior Months Adj.		437.00
Dec Adjustment		(427.00)
January Adjustment		(0.15)
RECONCILED BALANCE	\$	4,074.90

CASH ACCOUNT BALANCE:

	\$	4,502.05
Adjustments:		
		(427.15)
RECONCILED BALANCE	\$	4,074.90

CITY OF WEST ST. PAUL

01/31/16

FUND NUMBER AND NAME		CURRENT MONTH'S ACTIVITIES		
		BEGINNING BAL	NET REV / (EXP)	ENDING BAL
101	General Fund	8,133,439.97	794,809.75	8,928,249.72
209	Economic Development Authority	392,662.90	(15,641.74)	377,021.16
212	Insurance Fund	673,391.94	(938.50)	672,453.44
213	Innovation Fund	68,131.07	-	68,131.07
323	2006 GO Bonds	152,743.11	-	152,743.11
324	2008 GO Bonds	(7,139.14)	-	(7,139.14)
325	2009 GO Refunding Bonds	626,481.57	-	626,481.57
327	2008 Capital Note	558,674.37	-	558,674.37
328	2009 Capital Note	892,923.91	(181,806.25)	711,117.66
329	2012 GO Bonds	824,488.55	(423,850.00)	400,638.55
330	2013 GO Bonds	178,052.42	(164,837.50)	13,214.92
331	2014A GO Bonds	284,273.25	(266,228.13)	18,045.12
332	2014B GO Bonds	484,336.13	(341,625.00)	142,711.13
333	2015A Refunding Bonds	16,214.60	(302,681.27)	(286,466.67)
334	2015B Go Refunding Bonds	3,541.89	-	3,541.89
335	2015C Go Tax Increment Refunding	4,202.40	-	4,202.40
375	2005 G O TIF Bonds	1,285,000.45	(1,114,250.01)	170,750.44
401	Vehicle and Equipment Reserve	2,326,729.18	(43,082.46)	2,283,646.72
402	M S A Streets Fund	(109,139.48)	(1,938.20)	(111,077.68)
403	Street Maintenance Fund	527,448.96	-	527,448.96
409	Police and Fire PERA	233,827.82	-	233,827.82
411	Technology Replacement Fund	416,678.73	(76,488.08)	340,190.65
413	Parks Improvement Fund	153,673.19	26,351.65	180,024.84
415	Govt Facilities Cap Proj	703,094.58	-	703,094.58
450	TIF 1-1	1,218,597.30	(420.00)	1,218,177.30
451	TIF 1-2	268,175.96	(10,982.72)	257,193.24
452	TIF 1-3	48,017.59	(397.50)	47,620.09
453	Lowes TIF	93,131.46	(840.00)	92,291.46
551	Perm. Improv. Revolving Fund	(7,095,174.08)	(1,558,188.60)	(8,653,362.68)
600	Storm Sewer Utility	1,230,272.72	9,272.68	1,239,545.40
602	Public Utilities (Sewer) Fund	572,312.05	(380,839.54)	191,472.51
613	Golf Course Enterprise Fund	(17,433.43)	(863.26)	(18,296.69)
615	Civic Arena Enterprise Fund	251,550.78	(9,884.64)	241,666.14
616	Swimming Pool Enterprise Fund	(32,399.64)	367.23	(32,032.41)
617	Regional Athletic Center Fund	904,362.42	(182,953.61)	721,408.81
705	Investment Fund	(15,512,707.75)	3,500,000.00	(12,012,707.75)
CASH TOTAL ALL FUNDS		752,437.75	(747,935.70)	4,502.05

TO: Mayor and City Council
THROUGH: Matt Fulton, City Manager
FROM: Sherrie Le, Assistant City Manager
DATE: February 22, 2016
SUBJECT: Revision to Temporary/Seasonal Pay Plan



City of West St. Paul

BACKGROUND INFORMATION:

On an annual basis, we look at the wage ranges for our temporary and seasonal positions. As part of the annual review this year, we are required to adjust some of the lowest paying positions to the new minimum wage when it goes into effect on August 1, 2016. This year is the final year of a 3-year incremental minimum wage increase passed by the State Legislature. This final step increases the minimum wage to \$9.50 per hour. Eight of our temporary and seasonal jobs have a starting wage below that.

As in other years, we also added a few job classes and adjusted some ranges to better reflect what other cities pay for comparable positions. Two new job classes being added this year are I & I Previewer and I & I Inspector, in case we decide to use those job classes to assist with I & I work.

FISCAL IMPACT: Prior to the development of the 2016 budget, we were aware that the minimum wage was going up to \$9.50 on August 1, 2016. Therefore, the increased wages were incorporated into the 2016 budget. Although I & I positions were not envisioned in the 2016 budgeting process, filling these positions should decrease our consulting costs, creating a net decrease in overall expenses.

		Amount
Funds:	101, 613 and 615	
Departments:	49833, 45000 and 49853	
Account:	40104	Will vary depending on the number of employees hired and hours worked after 8-1-16.

2016 TEMPORARY/SEASONAL EMPLOYEES HOURLY WAGES

PARKS & PUBLIC WORKS

Park & Public Works Labor	\$9.50 - \$12.00
Outdoor Rink Attendant	\$9.00 - \$12.00 (Starting wage \$9.50 effective 8-1-16)
Engineer (E.I.T.)	\$20.00 - \$30.00
Seasonal Street Maintenance II	\$16.00 - \$20.00
I & I Previewer	\$20.00 - \$25.00
I & I Inspector	\$20.00 - \$30.00

RECREATION

Recreation Leader	\$10.00 - \$12.00
Asst. Rec. Leader	\$9.00 - \$11.00 (Starting wage \$9.50 effective 8-1-16)
Recreation Coordinator/Intern	\$12.00 - \$14.00

ICE ARENA

Assistant to Arena Supervisor	\$13.00 - \$17.00
Arena Zamboni Operator	\$10.00 - \$13.00
Arena Guard	\$9.00 - \$11.00 (Starting wage \$9.50 effective 8-1-16)

GOLF COURSE

Clubhouse Manager	\$16.25 - \$18.00
Clubhouse Attendant	\$9.00 - \$10.50 (Starting wage \$9.50 effective 8-1-16)
Golf Pro Lessons	\$15.00 - \$20.00
Grounds Maintenance Manager	\$15.00 - \$17.00
Grounds Maintenance	\$10.00 - \$12.00

THOMPSON PARK ACTIVITY CENTER (TPAC)

Building Attendant	\$9.00 - \$11.00 (Starting wage \$9.50 effective 8-1-16)
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POLICE

Data Entry Specialist	\$18.00 - \$25.00
CSO	\$15.00 - \$18.00

GENERAL

Administrative Assistant	\$15.00 - \$25.00
Receptionist	\$11.00 - \$16.00
Scanner	\$12.00 - \$16.00
Office Assistant	\$12.00 - \$20.00
Building Maintenance Technician	\$18.00 - \$30.00
Custodian	\$9.00 - \$11.00 (Starting wage \$9.50 effective 8-1-16)
Code Enforcement Assistant	\$15.00 - \$18.00
Election Judge	\$9.50 - \$11.50
Head Election Judge	\$11.00 - \$12.50
HR Assistant	\$17.00 - \$26.00
Intern	\$10.00 - \$25.00

It is acceptable to start an employee at a rate other than the starting rate based on the following criteria: particular training, expertise, skills or years of related experience. It is acceptable to increase an employee's wage during the current season if the employee proves themselves to be an outstanding employee.

Adopted by the City Council of the City of West Saint Paul this 22nd day of February, 2016.

Ayes: Nays:

Attest:

David Meisinger, Mayor

Chantal Doriott, City
Clerk

TO: Mayor and City Council
FROM: Matt Fulton, City Manager
THROUGH: Ross Beckwith, PW & Parks Dir. / City Eng.
DATE: February 22, 2016
SUBJECT: Approve Purchase of PW Capital Equipment



BACKGROUND INFORMATION:

Capital purchases over \$25k require City Council approval. In the approved 2016 budget, there is \$50,000 scheduled for the replacement of a 2007 riding mower (also used as a winter snow blower) for the Public Works/Parks Department. The replacement is consistent with the City's equipment replacement schedule. The new riding mower is a zero-turn with a 60" deck used to mow parks and right of way. The zero-turn allows it to get into tighter spaces and to be used as a track style unit in the winter. Outfitted with a broom attachment, it will be used to clear sidewalks and broom snow off the ice rinks. The old mower will be traded in with the new purchase. If the mower is not replaced, increased maintenance costs will be incurred in order to keep it operational to the level which it is utilized. This equipment will be purchased off of the MN State Bid Contract.

FISCAL IMPACT:

		Amount
Fund:	401	
Department:	43100	
Account:	Various	\$45,993

STAFF RECOMMENDATION:

Staff recommends that the City Council approve the capital purchases for the Public Works/Parks department of a replacement of a zero-turn riding mower for a total cost \$45,993.



TO: Mayor and City Council
THROUGH: Matt Fulton, City Manager
Jim Hartshorn, Comm. Dev. Dir.
FROM: Ben Boike, Assistant Comm. Dev. Dir.
DATE: February 22, 2016
SUBJECT: Final Reading: Ordinance amending the definition of Dwelling Unit

City of West St. Paul

BACKGROUND:

Per the discussion at the January 11, 2016 open council meeting and as reviewed as a first reading on January 25, 2016, Staff has drafted the attached ordinance regarding the definition of Dwelling Unit. Since the current definition conflicts with the definition of “Family” in Section 435 of the City Code, Staff is proposing to remove the language “or a congregate residence of ten or less persons” from the definition.

PLANNING COMMISSION:

The Planning Commission met in regular session on February 16, 2016 and voted 6-0 to recommend approval of the proposed amendment as written.

No one from the public wished to speak on the item.

The Planning Commission asked several questions regarding the proposed amendment. Staff explained that the conflicting language was recently discovered and that the language needed to be corrected to avoid future conflict with the number of non-related individuals that can reside in a single dwelling unit. Clpn. Iago provided a great recap of issues that the cities and counties have been discussing over the past year or so relating to group housing and the pressures facing local jurisdictions with state facilities shutting down.

FISCAL IMPACT:

N/A

	Amount
<i>Fund:</i>	
<i>Department:</i>	
<i>Account:</i>	

STAFF RECOMMENDATION:

Staff recommends that the Council hold the public hearing and approve the final reading.

ATTACHMENT:

Ordinance amending Sections 3.2

TIMELINE:

Jan 25, 2016 – Council first reading

Feb 16, 2016 – Planning Commission (public hearing)

Feb 22, 2016 – Council final reading (public hearing)

Ord. No. 16-

**CITY OF WEST ST. PAUL
DAKOTA COUNTY, MINNESOTA**

**AN ORDINANCE AMENDING
WEST ST. PAUL ZONING ORDINANCE SECTION 3.2,
REGARDING THE DEFINITION OF
DWELLING UNIT**

The City Council of West St. Paul does ordain:

SECTION 1. AMENDMENT. West St. Paul Zoning Ordinance Section 3.2 is hereby amended as follows:

55. Dwelling Unit. A Building or portion thereof which contains living Facilities including provisions for sleeping, eating, cooking and sanitation for not more than one family ~~or a congregate residence for ten or less persons.~~

SECTION 2. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed this _____ day of _____, 2016.

Ayes:

Nays:

Attest:

David Meisinger, Mayor

Chantal Doriott, City Clerk

TO: Mayor and City Council
THROUGH: Matt Fulton, City Manager
Jim Hartshorn, Comm. Dev. Dir.
FROM: Ben Boike, Assistant Comm. Dev. Dir.
DATE: February 22, 2016
SUBJECT: Plat/Rezoning (first reading) – 1636/1708 Delaware Ave



BACKGROUND INFORMATION:

Thomas I. Dodge is requesting approval of two applications for the subdivision of his properties at 1636 and 1708 Delaware Avenue: 1) Rezoning of 1636 Delaware from C, Conservancy to R-1C, Single Family, and 2) Plat to subdivide the existing two lots to four lots and one outlot.

The applicant is requesting the ability to subdivide the existing two lots into four lots and one outlot (ponds). There are currently a total of three homes on the two properties, two homes located on the northern lot (1636 - applicants home, 1668 - old family home currently being rented) and one home located on the southern lot (1708 - caretaker's home).

The applicant is not proposing any redevelopment at this time. The request is to simply put the family in better position for possible future redevelopment. The proposed subdivision of the property will allow for each existing home to be located on its own separate lot, allowing the family the ability to sell individual homes and/or redevelop them as single-family lots.

For more detailed information regarding the requests, please see the attached Planning Commission report dated February 16, 2016. One correction from the Planning Commission report – only one of the homes (1708 Delaware) is currently being rented per the rental dwelling ordinance (caretaker resides there). The old family home (1668 Delaware) is not being rented - the applicants son resides there from time to time. Condition 3 requires the applicant to obtain a rental license for 1708 Delaware prior to the city signing off on the plat.

PLANNING COMMISSION:

At their February 16, 2016 meeting, the Planning Commission voted 6-0 to recommend approval of the proposed plat and first reading of the re-zoning.

No one from the public wished to speak on the item.

The Planning Commission discussed existing and proposed access. The applicant stated that they may request from the County that access be allowed on the south side of lots 3 and 4 for the two lots if and when they are redeveloped. Staff explained that Dakota County had access authority since Delaware is a county road and that

Condition 6 under of the Plat recommendation requires that the applicant adhere to the County for all access. The applicant stated that they would have discussions with the county prior to their final plat approval.

FISCAL IMPACT:

		Amount
Fund:		
Department:		
Account:		N/A

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the FIRST READING for the REZONING of 1636 Delaware Ave from C, Conservancy to R-1C, Single-family Residential subject to the following condition (final reading scheduled for March 14th):

1. Approval is contingent upon approval of the corresponding Plat application.

Staff recommends APPROVAL of the PRELIMINARY/FINAL PLAT subject to the following conditions:

1. Approval is contingent upon approval of the corresponding rezoning application.
2. The plat shall be recorded at the County Recorder’s Office within 12 months of city approval.
3. Prior to recording, the applicant must apply for and obtain all required rental licenses for homes on the property that are being rented to non-family members.
4. The applicant shall prepare and record an access easement through Lots 2 and 3 benefiting Lot 4 as shown on the plat.
5. If any of the lots are redeveloped in the future, parkland dedication will be required upon application of a building permit.
6. The plat shall adhere to the requests of Dakota County per the letter dated February 10, 2016.
7. If any of the lots are redeveloped in the future, water and sewer hook-ups to City infrastructure will be required.

TIMELINE:

Planning Commission Review – Feb. 16, 2016
 Council Plat review/First Reading of Re-zoning (public hearing) – February 22, 2015
 Council Final Reading of Re-zoning – March 14, 2016

TO: Planning Commission
FROM: Ben Boike, Assistant Comm. Dev. Dir.
DATE: February 16, 2016
SUBJECT: Rezoning/Plat – 1636/1708 Delaware Ave

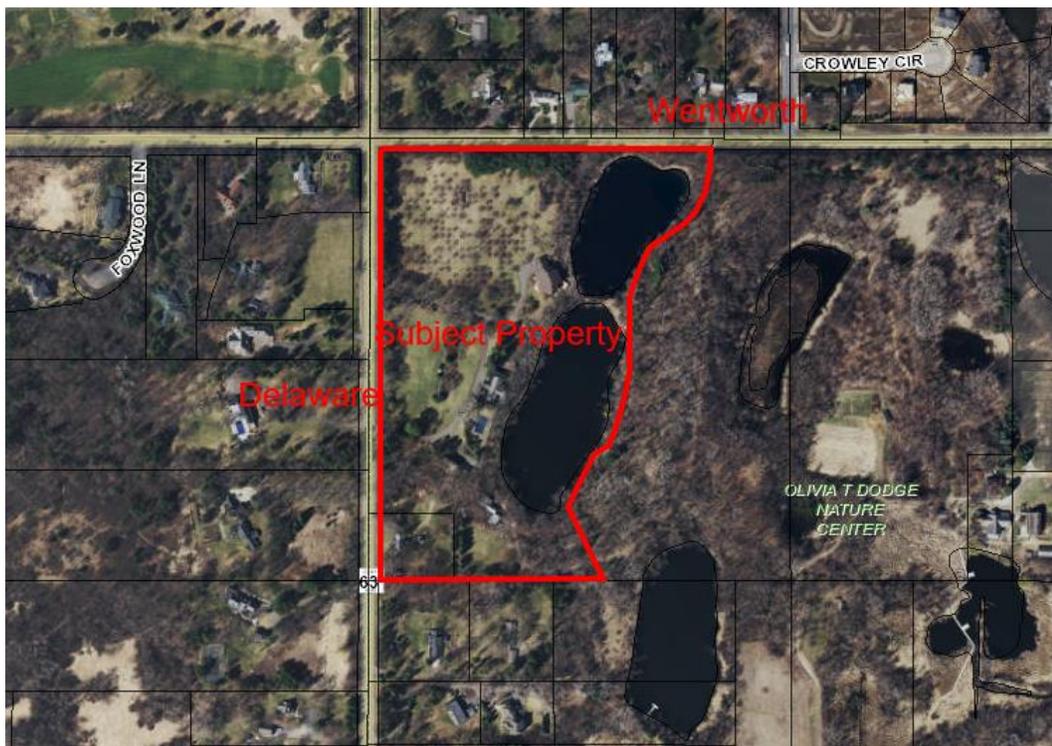


REQUEST

Thomas I. Dodge is requesting approval of two applications for the subdivision of his properties at 1636 and 1708 Delaware Avenue: 1) Rezoning of 1636 Delaware from C, Conservancy to R-1C, Single Family, and 2) Plat to subdivide the existing two lots to four lots and one outlot.

Attachments:

*Memos from the City Civil Engineer and Dakota County
Draft Rezoning Ordinance
Application
Notice
Land Use Map
Preliminary/Final Plat Drawings*



EXISTING LAND USES

The subject property currently consists of two residential lots: 1636 Delaware contains two homes, 1708 Delaware contains one home. Adjacent properties to the north, west, and south consist of single family homes. The property to the east is Dodge Nature Center.

ZONING

1636 Delaware is currently zoned C, Conservancy. 1708 Delaware is currently zoned R-1C, Single Family. Adjacent properties to the north and south are zoned R1-C Single Family. Adjacent properties to the west (Mendota Heights) are zoned single family. The adjacent property to the east is zoned C, Conservancy.

BACKGROUND

The applicant is requesting the ability to subdivide the existing two lots into four lots and one outlot (ponds). There are currently a total of three homes on the two properties, two on the Dodge family property (1636 is the applicants home and 1668 is the old family home currently being rented) and one at 1708 Delaware (caretaker's home).

The applicant is not proposing any redevelopment at this time. The request is to simply put the family in better position for possible future redevelopment. The proposed subdivision of the property will allow for each existing home to be located on its own separate lot and creating a new lot on which a new home can be built, allowing the family the ability to sell individual homes and/or redevelop them as single-family lots.

Staff is recommending a condition of approval requiring the applicant apply for and obtain a rental license for the homes located at 1668 and 1708 Delaware that are rented to non-family members. The applicant must obtain the rental licenses before the city will sign off on recording the plat.

REZONING ANALYSIS

The applicant is requesting to re-zone 1636 Delaware from C, Conservancy to R-1C, Single Family Residential (1708 Delaware is currently zoned R-1C). If you may recall, the Planning Commission reviewed a Land Use Map amendment last fall to change the land use designation for 1636 Delaware from "Parks and Recreation" to "Single Family Residential". The land use map amendment was required in order to rezone the property from C, Conservancy to R-1C, Single Family Residential. The City Council approved the land use map amendment which was then submitted to the Metropolitan Council and approved.

Staff believes that R-1C zoning is appropriate zoning for the property based on the following:

- Current Use of Property – The property is currently being used as residential.
- Proposed lot sizes – The proposed lots are similar in size to surround single family lots.
- Surrounding Uses – With the exception of the Dodge Nature Center to the east, all surrounding uses are single family.
- Zoning of adjacent parcels – With the exception of the Dodge Nature Center to the east, all surround parcels are zoned Single Family.

- Land Use Plan Map – the Land Use Map (Comprehensive Plan) calls for “Single Family” uses for the subject properties.

PLAT ANALYSIS

The existing two properties consist of 23.69 acres, which are both owned by the applicant. The proposed subdivision will result in four lots and one outlot:

- Lot 1 consisting of 6.08 acres (current owner residence)
- Lot 2 consisting of 4.03 acres (former family home to remain)
- Lot 3 consisting of 1.94 acres (existing home to remain)
- Lot 4 consisting of 2.23 acres
- Outlot A consisting of 6.8 acres (pond area)

Access

Since Lot 4 does not have street frontage, Staff is recommending a condition of approval requiring an access easement be recorded through Lots 2 and 3 benefiting Lot 4. As discussed below, future access for Lots 3 and 4 shall be shared with Lot 2 per county spacing requirements.

Dakota County Review

Since the proposed plat abuts Wentworth Ave and Delaware Ave, which are both county roads, the Dakota County Plat Commission reviewed the proposed plat at their February 8, 2016 meeting. The County is requesting the following:

1. Five additional feet of right-of-way shall be dedicated to both Wentworth and Delaware Avenues.
2. Access shall be restricted on Wentworth Ave
3. Access shall be restricted to the two most northerly existing access drives on Delaware. Future access to Lots 3 and 4 shall share access with the existing drive for Lot 2.
4. No work shall be allowed in the Wentworth Ave right-of-way until a permit is obtained from the Dakota County Transportation Department.

The County has stated that they will consider allowing temporary access for Lot 3 in the location of one of the existing accesses to Delaware during final review. At time of preliminary review, they were unsure of the current use of the home located on Lot 3.

Staff is recommending a condition of approval requiring the applicant to adhere to the requests of the County.

City Civil Engineer Review

The City’s Civil Engineer has provided a memo with the following recommended condition pertaining to the Preliminary/Final Plat (see attached memo) which is included in Staff’s recommendation (condition 7):

1. If any of the lots are redeveloped in the future, water and sewer hook-ups to City infrastructure will be required.

Parkland Dedication

Staff is recommending a condition of approval that parkland dedication fees will be due upon application of a building permit for any new homes.

STAFF RECOMMENDATION

Staff recommends APPROVAL of the REZONING of 1636 Delaware Ave from C, Conservancy to R-1C, Single-family Residential subject to the following condition:

1. Approval is contingent upon approval of the corresponding Plat application.

Staff recommends APPROVAL of the PRELIMINARY/FINAL PLAT subject to the following conditions:

1. Approval is contingent upon approval of the corresponding rezoning application.
2. The plat shall be recorded at the County Recorder's Office within 12 months of city approval.
3. Prior to recording, the applicant must apply for and obtain all required rental licenses for homes on the property that are being rented to non-family members.
4. The applicant shall prepare and record an access easement through Lots 2 and 3 benefiting Lot 4 as shown on the plat.
5. Parkland dedication fees will be required upon application of a building permit for any new home.
6. The plat shall adhere to the requests of Dakota County per the letter dated February 10, 2016.
7. If any of the lots are redeveloped in the future, water and sewer hook-ups to City infrastructure will be required.

Memorandum

TO: Ben Boike, Assistant Community Development Director/City Planner
FROM: Darin Rezac, Civil Engineer
DATE: February 11, 2016
SUBJECT: Plat Review for Dodge Property (1636/1668/1708 Delaware)

The engineering department has completed its review of the above-referenced project. Prior to issuance of a building permit for the site, the following conditions must be met.

RECOMMENDED CONDITIONS OF APPROVAL

1. If any of the proposed plats are redeveloped in the future, water and sewer hook-ups to City infrastructure shall be required.

C: Ross Beckwith, City Engineer/Public Works & Parks Director
Chuck Price, Eng. Tech III



Dakota County Surveyor's Office

Western Service Center • 14955 Galaxie Avenue • Apple Valley, MN 55124
952.891-7087 • Fax 952.891-7127 • www.co.dakota.mn.us

February 10, 2016

City of West St. Paul
1616 Humboldt Ave.
West St. Paul, MN 55118

Re: **DODGE SUBDIVISION**

The Dakota County Plat Commission met on February 8, 2016, to consider the preliminary plat of the above referenced plat. The plat is adjacent to CSAH 63 and CSAH 8, and is therefore subject to the Dakota County Contiguous Plat Ordinance.

The preliminary plat includes four residential lots and one outlot (pond), which is located along two county roads (Wentworth Avenue – CSAH 8) and Delaware Avenue (CSAH 63). The right-of-way needs for a two-lane rural design roadway are 55 feet of half right of way. The plat should dedicate an additional 5 feet along CSAH 8 and CSAH 63 to meet the right-of-way needs.

The access spacing guidelines are 1/8 mile (660 feet) for full access locations. There are four existing accesses along CSAH 63 that are shown on the proposed plat, approximately ¼ mile (1320 feet) long. The northern two existing accesses along proposed Lot 2 are spaced about 425 feet apart. The southern two existing accesses on proposed Lot 3 are spaced about 275 feet from the southern driveway on Lot 2 to the northern driveway on Lot 3 and spacing of about 150 feet between both driveways on Lot 3. Therefore, none of the four existing driveways meet the access spacing requirements. However, the Plat Commission will allow a variance to the access spacing guidelines and allow the two existing accesses to the north but will require both accesses on Lot 3 to be removed. Restricted access should be shown along all of CSAH 8 and CSAH 63 except for the two approved access openings on CSAH 63.

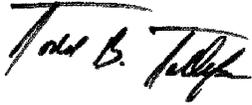
Future access for Lots 3 and 4 should be from the existing access along proposed Lot 2. The city mentioned that they will gather further information/details regarding the future plans for Lots 3 and 4.

The Plat Commission has approved the preliminary plat provided that the described conditions are met. The Ordinance requires submittal of a final plat for review by the Plat Commission before a recommendation is made to the County Board of Commissioners.

Traffic volumes on CSAH 63 are 6,000 ADT and are anticipated to be 9,600 ADT by the year 2030, and volumes on CSAH 8 are 5,200 ADT and are anticipated to be 5,100 ADT by the year 2030. These traffic volumes indicate that current Minnesota noise standards for residential units could be exceeded for the proposed plat. Residential developments along County highways commonly result in noise complaints. In order for noise levels from the highway to meet acceptable levels for adjacent residential units, substantial building setbacks, buffer areas, and other noise mitigation elements should be incorporated into this development.

No work shall commence in the County right of way until a permit is obtained from the County Transportation Department and no permit will be issued until the plat has been filed with the County Recorder's Office. The Plat Commission does not review or approve the actual engineering design of proposed accesses or other improvements to be made in the right of way. Nothing herein is intended to restrict or limit Dakota County's rights with regards to Dakota County rights of way or property. The Plat Commission highly recommends early contact with the Transportation Department to discuss the permitting process which reviews the design and may require construction of highway improvements, including, but not limited to, turn lanes, drainage features, limitations on intersecting street widths, medians, etc. Please contact Gordon McConnell regarding permitting questions at (952) 891-7115 or Todd Tollefson regarding Plat Commission or Plat Ordinance questions at (952) 891-7070.

Sincerely,

A handwritten signature in black ink that reads "Todd B. Tollefson". The signature is written in a cursive style with a prominent horizontal line above the first name.

Todd B. Tollefson
Secretary, Plat Commission

c:

Ord. No. 16-

CITY OF WEST ST. PAUL
DAKOTA COUNTY, MINNESOTA

AN ORDINANCE REZONING 1636 DELAWARE AVE
FROM C, CONSERVANCY TO R-1C,
SINGLE-FAMILY RESIDENTIAL

The City Council of West St. Paul does ordain:

SECTION 1. AMENDMENT. The Zoning Map of the City of West St. Paul is hereby amended by rezoning from C, Conservancy to R-1C, Single-family Residential for the property legally described as:

NW ¼ SW ¼ EX S 200 FT OF W 255 FT & EX PT E OF LINE BEG 1021.46 FT
E OF NW COR S 8D W 128.8 FT SW 165.32 FT ON TANG CUR S 54D W
78.07 FT SW 57.51 FT ON TAN CUR CONC E S 21D W 94.06 FT S 51.44 FT
ON TAN CUR CONC TO E S 214.09 FT S 13D W 176.43 FT SWLY 64.56 FT
ON TAN CUR CON TO W SW 51.10 FT ON REV CUR S 1D E 8.40 FT S 33D
W 32.85 FT S 23D W 111.13 FT S 26D E 238.98 FT TO S LINE NW ¼ SW ¼ &
THERE TERM, SECTION 19 TWN 28 RANGE 22.

SECTION 2. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed this _____ day of _____, 2016.

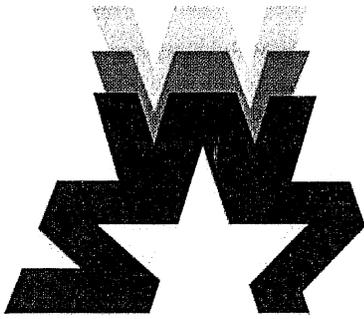
Ayes:

Nays:

Attest:

David Meisinger, Mayor

Chantal Doriott, City Clerk



CITY OF WEST ST. PAUL

1616 HUMBOLDT AVENUE, WEST ST. PAUL, MN 55118-3972

MUNICIPAL CENTER 651-552-4100	POLICE 651-552-4200
PARKS/RECREATION 651-552-4150	FIRE 651-552-4176
FAX 651-552-4190	TDD 651-552-4222

REZONING APPLICATION

Filing Fee: \$325.00

(OFFICE USE ONLY)

Escrow Amount: \$800.00

CASE NO. 16-01
DATE RECEIVED 1/22/16
RECEIPT # _____
60 DAY DATE 3/24/16

TOTAL FEES \$1,125.00

1. STREET ADDRESS OF PROPERTY 1636/1668/1708 Delaware Avenue

2. NAME OF APPLICANT Thomas I. Dodge Phone # (651) 341-8930

3. ADDRESS OF APPLICANT 1636 Delaware Avenue Email 9magic@comcast.net
West St. Paul, MN 55118 dhellmuth@hjlawfirm.com

4. NAME OF OWNER Same Phone # Same

5. ADDRESS OF OWNER Same Email _____

6. LEGAL/PID # 42-01900-54-023/021/010

7. PRESENT ZONING C PROPOSED ZONING R1

8. PRESENT USE Conservancy PROPOSED USE Single Family

9. WHAT CHANGED OR CHANGING CONDITIONS MADE THE PASSAGE OF THIS AMENDMENT NECESSARY Applicant is subdividing the existing parcel to create additional lots.

10. WHAT IS THE EFFECT OF THE PROPOSED AMENDMENT? N/A. All existing homes are single-family homes. Therefore, proposed rezoning will bring all existing homes into compliance.

11. WHAT ERROR, IF ANY, IN THE EXISITING ORDINANCE WOULD BE CORRECTED BY THE PROPOSED AMENDMENT? N/A

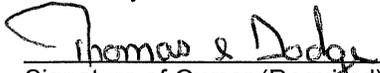
12. WHAT OTHER CIRCUMSTANCES JUSTIFY THE AMENDMENT? N/A

EXHIBITS REQUIRED

1. An electronic copy as well as four (4) 22x34 and twenty (20) 11x17 paper copies in sets and folded, of a map or plat showing the lands proposed to be rezoned and all lands within 350 feet of the boundaries of the property proposed to be rezoned.
2. Written proof of ownership or legally recognized financial interest of the property on which the rezoning is requested. **SEE ATTACHED TITLE COMMITMENT.**

ACKNOWLEDGE AND SIGNATURE

The undersigned hereby represents upon all penalties of law, for the purpose of inducing the City of West St Paul to take action herein requested, that all statements herein are true and that all work herein mentioned will be done in accordance with the Ordinances and all Codes of the City of West St Paul and the State of Minnesota.



Signature of Owner (Required)

651-341-8930

Phone Number

Signature of Applicant (If different)

Phone Number

NOTE: All Materials relevant to this Application must be filed on or before the dates listed on the Operating Procedures for Applicants page. The Planning Commission holds its regular meeting at 7:00pm on the third Tuesday of each month.

FEES

1. The fees to be paid by each applicant for each zoning request shall be as prescribed by the City Council. Fees shall be payable at the time applications are filed with the Zoning Administrator and are not refundable unless the application is withdrawn prior to being sent for legal publication and notice. There shall be no fee in the case of applications filed in the public interest by the City Council or the Planning Commission. Fees shall include the application fee, filing fees, consultants, legal, planning, and engineering fees.
2. Applicants shall deposit with the City, together with the application filing fees, the sums required by City Council resolution toward prepayment of the Consultants and Attorneys expenses and all costs to be billed and charged to the City. The prepayment amounts shall be a credit toward all reasonable fees and expenses charged by the Consultants to the City in the investigation report and recommendation to the City Council concerning the application. All reasonable expenses and fees in excess of the deposit, shall be paid by the applicant to the City within 30 days of final action on the matter by the City. If not paid within 30 days, the account shall be deemed delinquent. If the fees and expenses incurred by the City from the Consultants are less than the amount of deposit, such excess shall be returned to the applicant upon final action by the City in said manner.



CITY OF WEST ST. PAUL

1616 HUMBOLDT AVENUE, WEST ST. PAUL, MN 55118-3972

MUNICIPAL CENTER 651-552-4100
PARKS/RECREATION 651-552-4150
FAX 651-552-4190

POLICE 651-552-4200
FIRE 651-552-4176
TDD 651-552-4222

PLATTING APPLICATION

Filing Fee: \$275.00 + \$2 each lot

(OFFICE USE ONLY)

Required Escrow: \$600.00 (1-2 Lots)
\$1600.00 (3 or more Lots)

CASE NO. 16-01
DATE RECEIVED 1/22/16
RECEIPT # _____
60 DAY DATE 3/22/16

TOTAL FEES \$1,885.00

CONTACT INFORMATION

1. NAME OF APPLICANT Thomas I. Dodge Phone # (651) 341-8930
2. ADDRESS OF APPLICANT 1636 Delaware Avenue Email _____
West St. Paul, MN 55118
4. NAME OF OWNER Thomas I. Dodge Phone # (651) 341-8930
5. ADDRESS OF OWNER 1636 Delaware Avenue Email _____
West St. Paul, MN 55118
6. NAME OF SURVEYOR Eric Lindgren, PLS Phone # (612) 638-0230
7. ADDRESS OF SURVEYOR c/o Landform Professional Services, LLC
105 South Fifth Avenue, #513
Minneapolis, MN 55401
Email elindgren@landform.net
8. NAME OF ENGINEER N/A Phone # _____
9. ADDRESS OF ENGINEER N/A Email _____

PLAT INFORMATION

10. LEGAL/PID # OF PROPERTY INVOLVED 42-01900-54-023/021/010
11. TOTAL ACREAGE 24
12. NUMBER OF PROPOSED LOTS Five (5) Lots
13. PROPOSED NAME OF PLAT Dodge Subdivision

EXHIBITS REQUIRED

1. An electronic copy as well as four (4) 22x34 and twenty (20) 11x17 copies of the proposed plat/final plat in sets.
2. Plat meets all minimum subdivision requirements. If not, explain:

ACKNOWLEDGE AND SIGNATURE

The undersigned hereby represents upon all penalties of law, for the purpose of inducing the City of West St Paul to take action herein requested, that all statements herein are true and that all work herein mentioned will be done in accordance with the Ordinances and all Codes of the City of West St Paul and the State of Minnesota.

Thomas e Dodge
Signature of Owner (required)

651-341-8930
Phone Number

Signature or Applicant (if different)

Phone Number

NOTE: All Materials relevant to this Application must be filed on or before the dates listed on the Operating Procedures for Applicants page. The Planning Commission holds its regular meeting at 7:00pm on the third Tuesday of each month.

LAPSE OF PLAT: An approved Plat shall lapse and become null and void six months following the date on which the Plat was approved, unless prior to the expiration of six months the Plat is recorded at Dakota County

FEES

1. The fees to be paid by each applicant for each zoning request shall be as prescribed by the City Council. Fees shall be payable at the time applications are filed with the Zoning Administrator and are not refundable unless the application is withdrawn prior to being sent for legal publication and notice. There shall be no fee in the case of applications filed in the public interest by the City Council or by the Planning Commission. Fees shall include application fee, filing fees, consultant, legal, planning, and engineering fees.
2. Applicants shall deposit with the City, together with the application filing fees, the sums required by Council resolution toward prepayment of the Consultants and Attorney's expenses and all costs to be billed and charged to the City. The prepayment amounts shall be a credit toward all reasonable fees and expenses charged by the Consultants to the City in the investigation report and recommendation to the City Council concerning the application. All reasonable expenses and fees in excess of the deposit, shall be paid by the applicant to the City within 30 days of final action on the matter by the City. If not paid within 30 days, the account shall be deemed delinquent. If the fees and expenses incurred by the City from the Consultants are less than the amount of deposit, such excess shall be returned to the applicant upon final action by the City in said manner.

**CITY OF WEST ST. PAUL
NOTICE OF PUBLIC HEARINGS**

TO WHOM IT MAY CONCERN:

The listed item below will be a public hearing at the Planning Commission meeting on February 16, 2016 at 7:00 p.m. and a public hearing at the City Council meeting on February 22, 2016 at 6:30 p.m.:

CASE #16-01 – Applications for the subdivision of 1636 and 1708 Delaware Avenue: 1) Rezoning from C, Conservancy District to R1-C, Single Family Residential; and 2) Plat to subdivide the existing two lots into four lots and one outlot – Thomas I. Dodge

Interested persons will be heard at these meetings. If you have any questions, please contact City Planner Ben Boike at 651-552-4134. If you need any type of accommodation to participate in the meeting, please contact the ADA Coordinator at 651-552-4102 at least 5 (five) business days prior to the meeting.

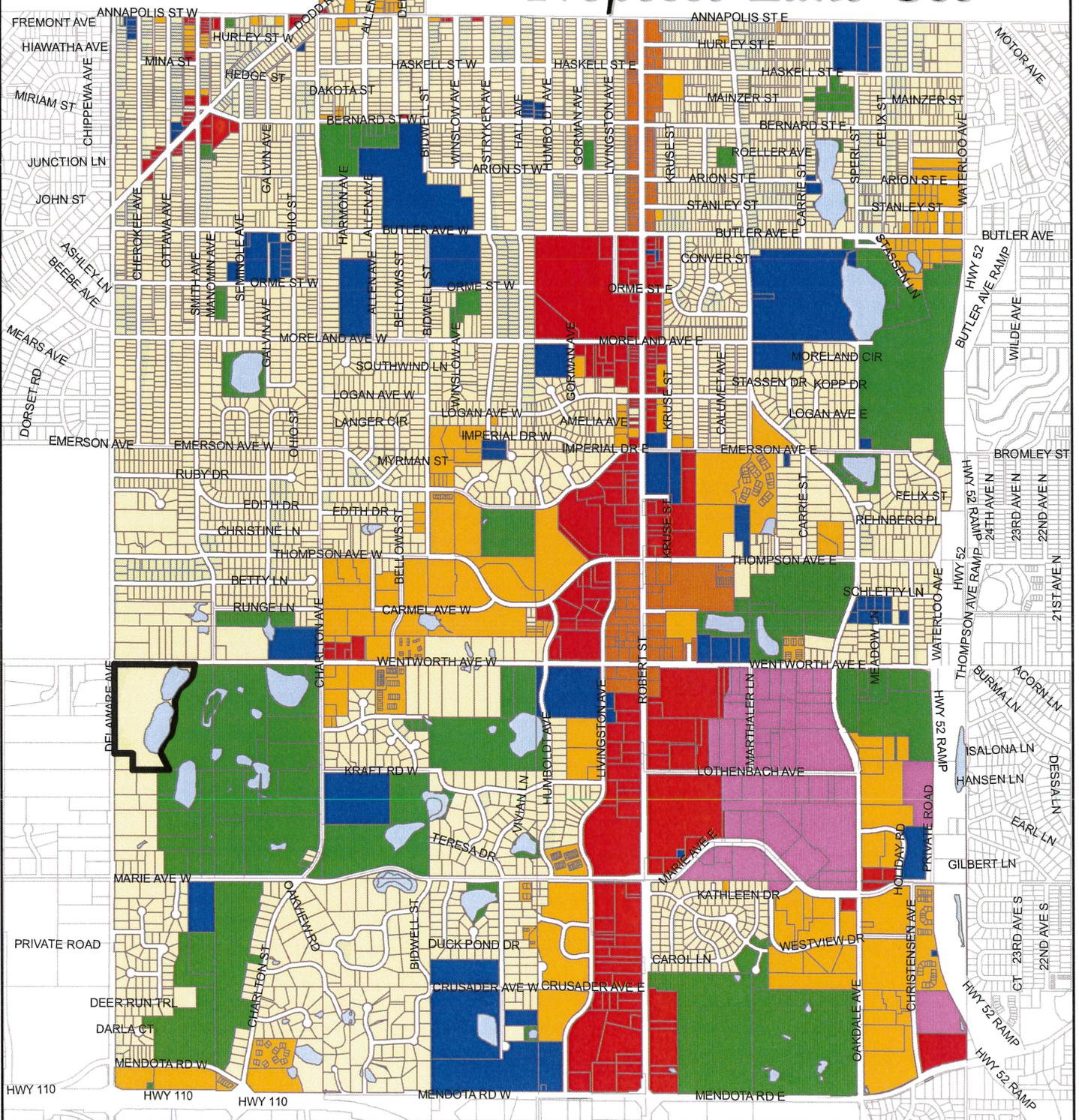


Chantal M. Doriott
City Clerk
City of West St. Paul

Published: February 7, 2016

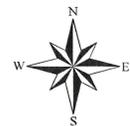
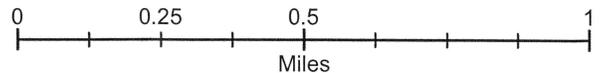
2030 Comprehensive Plan Update

West St. Paul Proposed Land Use

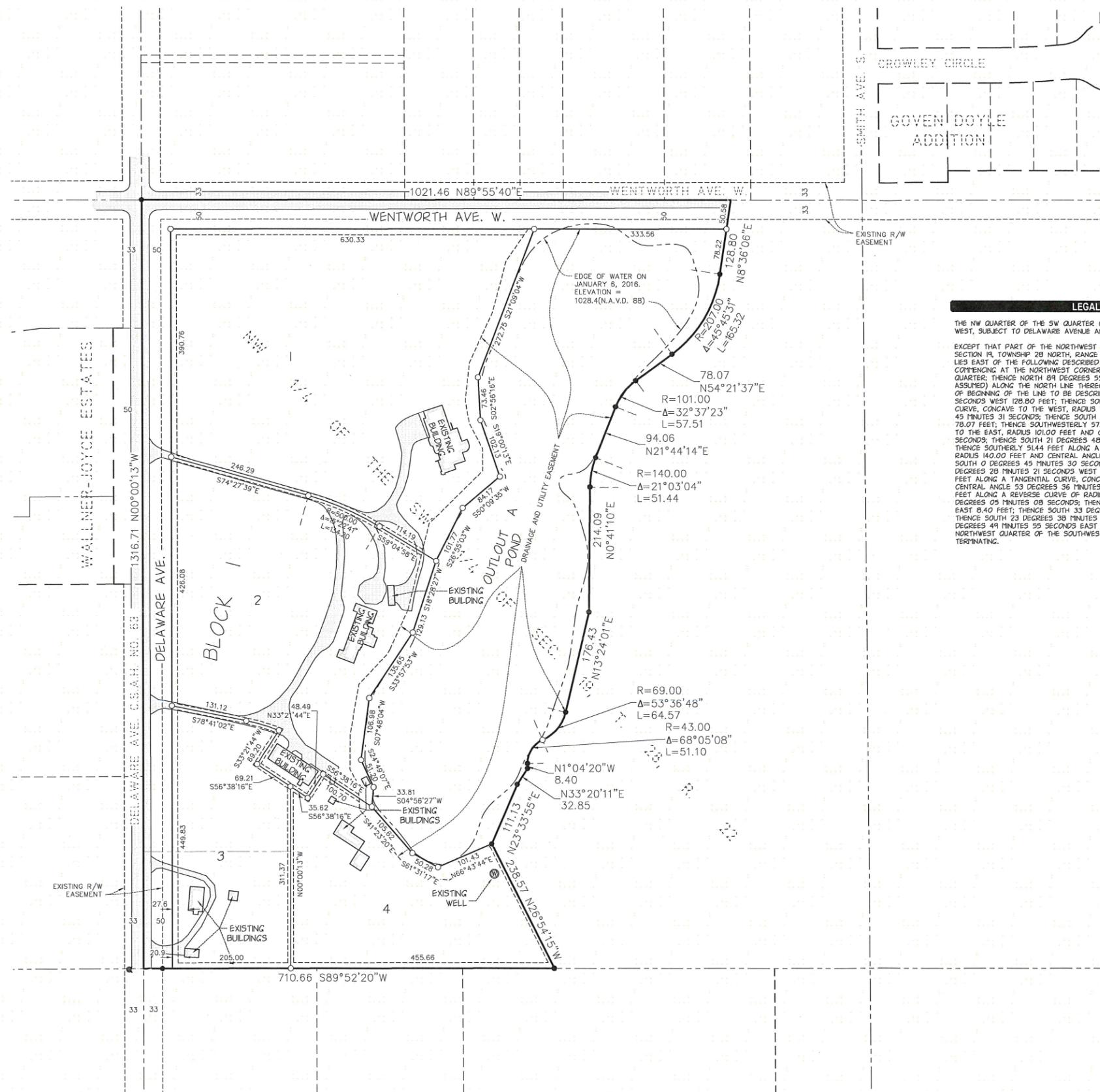


LEGEND

- | | | | |
|---|---------------|---|----------------------|
|  | SINGLE FAMILY |  | INDUSTRIAL |
|  | MULTI-FAMILY |  | PARKS AND RECREATION |
|  | MIXED USE |  | PUBLIC / SEMIPUBLIC |
|  | COMMERCIAL |  | WATER |



Source: Dakota County Parcels Map



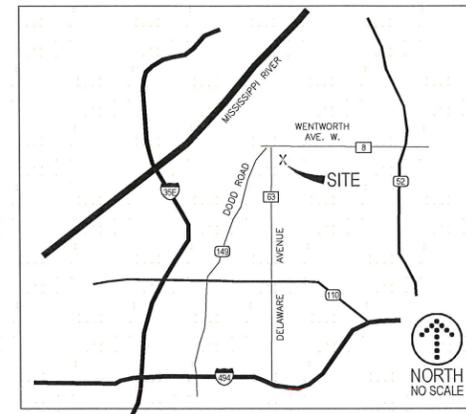
LEGAL DESCRIPTION

THE NW QUARTER OF THE SW QUARTER OF SECTION 19, TOWNSHIP 28 NORTH, RANGE 22 WEST, SUBJECT TO DELAWARE AVENUE AND WENTWORTH AVENUE.

EXCEPT THAT PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 28 NORTH, RANGE 22 WEST, DAKOTA COUNTY, MINNESOTA WHICH LIES EAST OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER OF SOUTHWEST QUARTER; THENCE NORTH 84 DEGREES 59 MINUTES 52 SECONDS EAST (BEARING ASSUMED) ALONG THE NORTH LINE THEREOF A DISTANCE OF 1021.46 FEET TO THE POINT OF BEGINNING OF THE LINE TO BE DESCRIBED; THENCE SOUTH 8 DEGREES 40 MINUTES 26 SECONDS WEST 128.50 FEET; THENCE SOUTHWESTERLY 165.32 FEET ALONG A TANGENTIAL CURVE, CONCAVE TO THE WEST, RADIUS 207.00 FEET AND CENTRAL ANGLE 45 DEGREES 45 MINUTES 31 SECONDS; THENCE SOUTH 54 DEGREES 25 MINUTES 57 SECONDS WEST 78.07 FEET; THENCE SOUTHWESTERLY 57.51 FEET ALONG A TANGENTIAL CURVE, CONCAVE TO THE EAST, RADIUS 101.00 FEET AND CENTRAL ANGLE 32 DEGREES 37 MINUTES 23 SECONDS; THENCE SOUTH 21 DEGREES 45 MINUTES 34 SECONDS WEST 94.06 FEET; THENCE SOUTHERLY 51.44 FEET ALONG A TANGENTIAL CURVE, CONCAVE TO THE EAST, RADIUS 140.00 FEET AND CENTRAL ANGLE 21 DEGREES 03 MINUTES 04 SECONDS; THENCE SOUTH 0 DEGREES 45 MINUTES 30 SECONDS WEST 214.09 FEET; THENCE SOUTHWESTERLY 64.56 FEET ALONG A TANGENTIAL CURVE, CONCAVE TO THE WEST, RADIUS 69.00 FEET AND CENTRAL ANGLE 53 DEGREES 36 MINUTES 48 SECONDS; THENCE SOUTHWESTERLY 51.10 FEET ALONG A REVERSE CURVE OF RADIUS 43.00 FEET AND CENTRAL ANGLE 68 DEGREES 05 MINUTES 08 SECONDS; THENCE SOUTH 1 DEGREE 00 MINUTES 00 SECONDS EAST 8.40 FEET; THENCE SOUTH 33 DEGREES 24 MINUTES 31 SECONDS WEST 32.85 FEET; THENCE SOUTH 23 DEGREES 38 MINUTES 15 SECONDS WEST 111.13 FEET; THENCE SOUTH 26 DEGREES 49 MINUTES 55 SECONDS EAST 238.57 FEET TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 19 AND THERE TERMINATING.

VICINITY MAP



GENERAL NOTES

1. FIELD SURVEY COMPLETED BY LANDFORM PROFESSIONAL SERVICES, LLC IN DECEMBER, 2015 AND JANUARY 2016.

ZONING AND SETBACK SUMMARY

THE PROPERTY IS ZONED C - CONSERVANCY DISTRICT, AND R-1 - ONE FAMILY RESIDENTIAL.

R-1 - RESIDENTIAL DENSITY CODE C

LOT AREA:
 INTERIOR - 15,000 SQ. FT.
 CORNER - 15,000 SQ. FT.

LOT WIDTH:
 INTERIOR - 100 FT.
 CORNER - 100 FT.

YARD, BUILDING SETBACK INFORMATION IS AS FOLLOWS:
 FRONT - 30 FT.
 SIDE - 10 FT.
 SIDE CORNER - 30 FT. TO STREET
 REAR - 30 FT. OR 20% OF AVERAGE LOT DEPTH, WHICHEVER IS GREATER

NO STRUCTURE OR BUILDING SHALL EXCEED 30 FEET IN HEIGHT AS DEFINED IN SECTION 3.2 ('BUILDING HEIGHT'), EXCEPT AS PROVIDED IN SECTION 4.5 OF THIS ORDINANCE.

AN AREA WHICH IS NOT SERVED BY THE MUNICIPAL SEWAGE SYSTEM MAY BE DEVELOPED ONLY AT ONE ACRE PER DWELLING UNIT.

*A 10% DEVIATION IN LOT WIDTH AND/OR AREA MAY BE PERMITTED PROVIDED THE AVERAGE LOT AREA FOR EACH PLAT OR SUBDIVISION SHALL NOT BE LESS THAN 15,000 SQUARE FEET, AND THE AVERAGE LOT WIDTH NOT LESS THAN 100 FEET.

C - CONSERVANCY

LOT AREA:
 40 CONTIGUOUS ACRES

LOT WIDTH:
 300 FT. AT BUILDING SETBACK LINE

YARD, BUILDING SETBACK INFORMATION IS AS FOLLOWS:
 FRONT - 75 FT.
 SIDE - 75 FT. EACH SIDE
 SIDE - 75 FT. ADJACENT TO STREET
 REAR - 75 FT.

NOT MORE THAN 5% OF THE AREA SHALL BE OCCUPIED BY BUILDINGS.

NO STRUCTURE OR BUILDING SHALL EXCEED 45 FEET IN HEIGHT EXCEPT AS PROVIDED IN SECTION 4.5 OF THIS ORDINANCE. THE FOLLOWING HEIGHT REQUIREMENTS SHALL BE OBSERVED SUBJECT TO THE ADDITIONAL REQUIREMENTS, EXCEPTIONS, AND MODIFICATIONS AS SET FORTH ELSEWHERE IN THIS ORDINANCE.

AREA SUMMARY

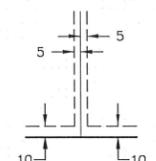
TOTAL SITE AREA: 1031.933 SQ. FT. = 23.690 AC.
 RIGHT OF WAY AREA: 114,210 SQ. FT. = 2.622 AC.
 NET AREA: 917,723 SQ. FT. = 21,068 AC.
 POND AREA: 265,105 SQ. FT. = 6.086 AC. AC.
 TOTAL SINGLE FAMILY LOTS = 4
 NET DENSITY = .02 UNITS/ACRE

OUTLOT A - 296,046 SQ. FT. = 6.796 AC.
 LOT 1 - 264,661 SQ. FT. = 6.076 AC.
 LOT 2 - 173,446 SQ. FT. = 4.028 AC.
 LOT 3 - 84,466 FT. = 1.939 AC.
 LOT 4 - 97096 SQ. FT. = 2.229 AC.

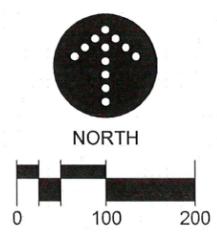
PROPERTY CORNER LEGEND

- DENOTES FOUND IRON MONUMENT
- DENOTES SET IRON MONUMENT
- MARKED WITH LICENSE NO. 48176.

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS: (NOT TO SCALE)



BEING 5 FEET IN WIDTH AND ADJOINING LOT LINES AND 10 FEET IN WIDTH AND ADJOINING RIGHT OF WAY LINES UNLESS OTHERWISE INDICATED.



DEVELOPER

TOM DODGE
 1636 DELAWARE AVENUE
 WEST ST. PAUL, MN 55118

MUNICIPALITY



PROJECT

DODGE PROPERTY
 WEST ST. PAUL, MN

SHEET INDEX

SHEET	TITLE
C1.0	SITE PLAN/PRELIMINARY PLAT

ISSUE / REVISION HISTORY

DATE	ISSUE / REVISION	BY
22 JAN. 2016	CITY SUBMITTAL	SPK

PROJECT MANAGER REVIEW

BY EIL: DATE: 01.22.2016

CERTIFICATION

PRELIMINARY NOT FOR CONSTRUCTION

IF THE SIGNATURE, SEAL OR FOUR LINES DIRECTLY ABOVE HEREIN IS BLURRED, THIS SHEET HAS BEEN REPRODUCED BY UNAUTHORIZED PERSONS AND IS NO LONGER A VALID DOCUMENT. PLEASE CONTACT THE ENGINEER TO REQUEST ADDITIONAL DOCUMENTS.

SUBMITTAL

01.22.2016

LANDFORM
 From Site to Finish

105 South Fifth Avenue Suite 513 Minneapolis, MN 55401
 Tel: 612-252-9070 Fax: 612-252-9077 Web: landform.net

FILE NAME: C101ZZ153Z7

PROJECT NO.: ZZZ153Z7

SITE PLAN PRELIMINARY PLAT
C1.0
 SHEET NO. 1/1

DODGE ADDITION

KNOW ALL PERSONS BY THESE PRESENTS: That Thomas I. Dodge, a single person, owner of the following described property:

The Northwest Quarter of the Southwest Quarter of Section 19, Township 28, Range 22, Dakota County, Minnesota, EXCEPT That part of said Northwest Quarter of the Southwest Quarter, which lies east of the following described line: Commencing at the northwest corner of said Northwest Quarter of Southwest Quarter; thence North 89 degrees 55 minutes 52 seconds East (bearing assumed) along the north line thereof a distance of 1021.46 feet to the point of beginning of the line to be described; thence South 8 degrees 40 minutes 26 seconds West 128.80 feet; thence southwesterly 165.32 feet along a tangential curve, concave to the west, radius 207.00 feet and a central angle of 45 degrees 45 minutes 31 seconds; thence South 54 degrees 25 minutes 57 seconds West 78.07 feet; thence southwesterly 57.51 feet along a tangential curve, concave to the east, radius 101.00 feet and a central angle of 21 degrees 03 minutes 04 seconds; thence South 0 degrees 45 minutes 30 seconds West 214.09 feet; thence South 13 degrees 28 minutes 21 seconds West 176.43 feet; thence southwesterly 64.56 feet along a tangential curve, concave to the west, radius 69.00 feet and a central angle of 53 degrees 36 minutes 48 seconds; thence southwesterly 51.10 feet along a reverse curve of radius 43.00 feet and a central angle of 68 degrees 05 minutes 08 seconds; thence South 1 degree 00 minutes 00 seconds East 8.40 feet; thence South 33 degrees 24 minutes 31 seconds West 32.85 feet; thence South 23 degrees 38 minutes 15 seconds West 111.13 feet; thence South 26 degrees 49 minutes 55 seconds East 238.98 feet to the south line of the Northwest Quarter of the Southwest Quarter of said Section 19 and there terminating.

Has caused the same to be surveyed and platted as DODGE ADDITION and does hereby dedicate to the public for public use the public ways and the drainage and utility easements as created by this plat. In witness whereof said Thomas I. Dodge, a single person, has hereunto set his hand this _____ day of _____, 20____.

Thomas I. Dodge

STATE OF MINNESOTA
COUNTY OF _____

This instrument was acknowledged before me on _____, by Thomas I. Dodge.

Notary Public, Minnesota
My Commission Expires _____

I Eric B. Lindgren do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and that all public ways are shown and labeled on this plat.

Dated this _____ day of _____, 20____.

Eric B. Lindgren, Licensed Land Surveyor
Minnesota License Number 48176

STATE OF MINNESOTA
COUNTY OF _____

This instrument was acknowledged before me on _____, by Eric B. Lindgren.

Notary Public, Minnesota
My Commission Expires _____

CITY COUNCIL, CITY OF WEST ST. PAUL, MINNESOTA

This plat was approved by the City Council of West St. Paul, Minnesota this _____ day of _____, 20____, and hereby certifies compliance with all requirements as set forth in Minnesota Statutes, Section 505.03, Subd. 2.

By _____, Mayor

By _____, Clerk

DAKOTA COUNTY SURVEYOR

I hereby certify that in accordance with Minnesota Statutes, Section 505.021, Subd. 11, and the Dakota County Contiguous Plat Ordinance, this plat has been reviewed and approved this _____ day of _____, 20____.

Todd B. Tollefson
Dakota County Surveyor

DEPARTMENT OF PROPERTY TAXATION AND RECORDS

Pursuant to Minnesota Statutes, Section 505.021, Subd. 9, taxes payable in the year 20____ on the land hereinbefore described have been paid. Also, pursuant to Minnesota Statutes, Section 272.12, there are no delinquent taxes and transfer entered this _____ day of _____, 20____.

Department of Property Taxation and Records
Director

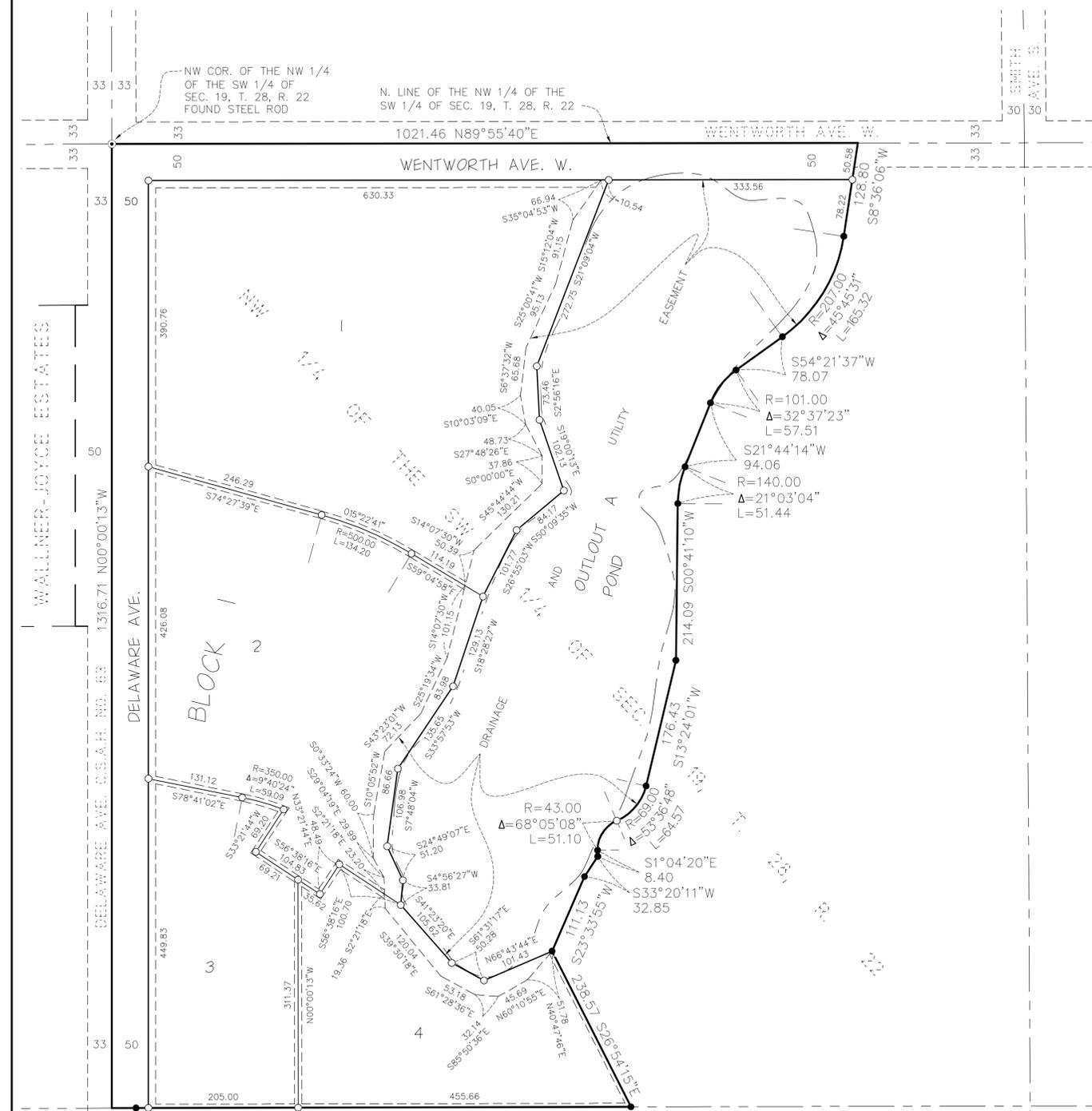
DAKOTA COUNTY BOARD OF COMMISSIONERS

We do hereby certify that on the _____ day of _____, 20____, the Board of Commissioners of Dakota County, Minnesota, approved this plat of DODGE ADDITION, and said plat is in compliance with the provisions of Minnesota Statutes, Section 505.03 Subd. 2 and pursuant to the Dakota County Contiguous Plat Ordinance.

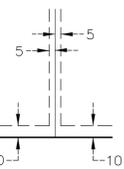
By: _____
Chair, County Board

County Recorder

Attest: _____
County Treasurer-Auditor



DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS: (NOT TO SCALE)

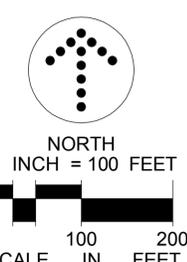
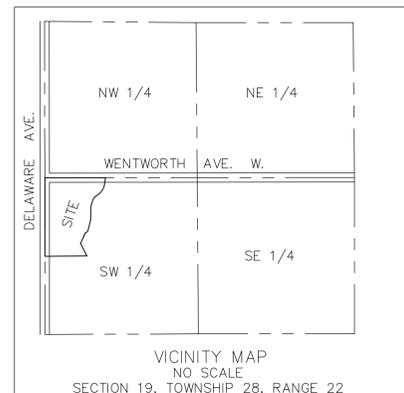


BEING 5 IN WIDTH AND ADJOINING LOT LINES AND 10 FEET IN WIDTH AND ADJOINING RIGHT OF WAY LINES UNLESS OTHERWISE INDICATED

● DENOTES 1/2 INCH IRON PIPE MONUMENT FOUND.

○ DENOTES 1/2 INCH BY 14 INCH IRON PIPE MONUMENT SET AND MARKED BY LICENSE NO. 48176.

BEARINGS SHOWN ARE BASED UPON THE NORTH LINE OF THE NW 1/4 OF THE SW 1/4 OF SEC. 19, T. 28, R. 22 WHICH HAS AN ASSUMED BEARING OF N 89°55'40" E.



TO: Mayor and City Council
FROM: Matt Fulton, City Manager
DATE: February 22, 2016
SUBJECT: Appointments to City Advisory Committees



BACKGROUND INFORMATION : There are currently several vacancies on city advisory committees as well as current members whose terms are expiring. Pursuant to current City Code requirements, members of municipal advisory commissions are nominated by the Mayor and require confirmation by the City Council.

DISCUSSION : Mayor Meisinger has provided his recommended appointments and reappointments for the Environmental Committee, Park & Recreation Advisory Committee, and Planning Commission/Committee of Adjustments. It would be appropriate for the City Council to consider confirmation of his recommendations at this time, as shown on the attachment.

Mayor Meisinger is also recommending that Tim Haubrich be appointed to the Charter Commission. This appointment will require confirmation by the Chief Judge of the Dakota County District Court.

Finally, Mayor Meisinger is recommending that Scott Deyo be appointed to serve as the public member on the Lower Mississippi Watershed Management District.

FISCAL IMPACT : None

		Amount
Fund:		
Department:		
Account:		

STAFF RE QUEST FOR CONSIDERATION The City Council should consider confirmation of the Mayor's appointments and reappointments.

David Meisinger

February 18, 2016

City of W. St. Paul

City Clerk Chantal Doriott

RE: Commission Appointments

Ms. Doriott,

Per City Code, I hereby nominate for appointment the following individuals to the specified commission.

Charter Commission - Tim Haubrich (Ward 3)

Environmental Committee - Kristy Otte (Ward 2)

Park and Recreation - Brad Erickson (Ward 2)

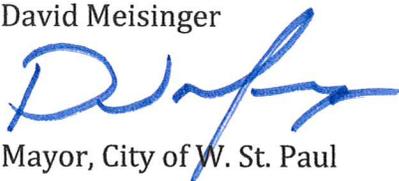
Lower Mississippi River Watershed MO - Scott Deyo (Ward 3)

I believe these individuals are the most qualified applicants at this time.

Please include this item on next week's council agenda for council confirmation.

Thank you.

David Meisinger



Mayor, City of W. St. Paul

Cc: Ed Iago, President Pro Tem,

Member Name	Address	Term Expires	New Appointee	Reappointment
-------------	---------	--------------	---------------	---------------

CHARTER COMMISSION (4 year term)				
---	--	--	--	--

Tim Valento	425 Betty Lane	3/1/2016		to 2020
Tim Haubrich	62 Teresa Drive	3/1/2016	to 2020	
David Dyrhaug	360 Haskell Street E	3/1/2016		to 2020
Douglas Fromm	253 Haskell Street	3/1/2017		
Nicole Paradise	939 Hall Avenue	3/1/2017		
Vacancy		3/1/2017		
McKie, James	222 Curtis Street	3/1/2018		
VanMoorlehem, Aaron	202 Conver Street	3/1/2018		
Vacancy		3/1/2019		
Tessmer, Mark	1314 Charlton	3/1/2020		
DeVore, Wendy	11 Langer Circle	3/1/2020		

ENVIRONMENTAL COMMITTEE (3 year term)				
--	--	--	--	--

Sheila Williams-Ridge	1691 Charlton Street	3/1/16		to 2019
Megan McGuire	1364 Allen Avenue	3/1/16		to 2019
Kristy Otte	953 Humboldt Avenue	3/1/16	to 2019	
Lauren Smith	1092 Ohio Street	3/1/17		
Jessica Vanella-Friendshuh	1566 Christensen	3/1/17		
Jon Thompson	1100 Ottawa	3/1/17		
Chris Gevara	455 Arion St E #305	3/1/18		
Jonathan Wagner	320 Annapolis St E	3/1/18		
John Margot	190 E. Thompson	3/1/18		

PARK & RECREATION (2 year term)				
--	--	--	--	--

Brad Erickson	214 West Haskell	3/1/16	to 2018	
Bonnie Bellows	1925 Bidwell Street	3/1/17		
Dave Lynch	1301 Ottawa Avenue	3/1/17		
Laura Tesch	196 Altman Court	3/1/17		
Mike Petrasek	1871 Chardel Ct.	3/1/18		
Brandi Hoffman	156 Moreland Avenue	3/1/18		
Robert Gausman	1803 Livingston	3/1/18		

PLANNING COMMISSION & COMMITTEE OF ADJUSTMENTS (3 year term)				
---	--	--	--	--

Dan McPhillips	1692 Charlton Street	3/1/16		to 2019
Morgan Kavanaugh	1201 Bellows Street W	3/1/16		to 2019
Derek Leuer	191 Muriel Blvd	3/1/17		
Chris Hubert	240 Wentworth Ave. W #204	3/1/17		
Jesse Nelson	92 Duck Pond Drive	3/1/18		
Anthony Fernandez	68 Langer Circle	3/1/18		
John Ramsay	1305 Charlton Street	3/1/18		

APPOINTMENT TO A PUBLIC AGENCIES				
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Lower Mississippi Watershed Management District (1 year term)				
--	--	--	--	--

Scott Deyo	1093 Seminole Avenue	12/31/2016	X	
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City of West St. Paul
Appointments to Standing Committees,
Advisory Commissions and Public Agencies

Council Standing Committees

- Public Works Committee: Councilmembers Armon (1- Chair), Halverson (2), Napier (3)
- Public Safety Committee: Councilmembers Iago (Chair), Vitelli, Bellows

Council Liaisons to City Advisory Commissions

- Parks & Recreation Committee: Councilmembers Halverson/Alternate Armon (Staff contact Dave Schletty)
- Environmental Committee: Councilmembers Napier/Alternate Bellows (Staff contact Dave Schletty)
- Planning Commission: Councilmembers Bellows/Alternate Iago (Staff contact Ben Boike)
- Charter Commission: Councilmembers Iago/Alternate Bellows

Council Appointments to Public Agencies

- SMFD Board of Directors: Councilmembers Armon, Iago
- DCC Board of Directors: Councilmembers Vitelli (Alternate Napier); Executive Committee City Manager (Alternate Shaver)
- HiPP: City Manager; Elected Official: Councilmember Napier
- Airport Advisory Board: Councilmember Iago (Planning); (Advisory - vacant)
- St. Paul Regional Water: Mayor Meisinger
- Lower Mississippi Watershed Mgmt. District: **Vacant** (Public member)
- Northern Dakota County Cable Communications Commission (NDC4 Cable Commission): Councilmember Bellows (Elected position); Jane Zaspel (Public member)
- Thompson Park Advisory Board: Mayor Meisinger, Councilmembers Napier, Halverson
- Smith Avenue Revitalization: Councilmember Bellows
- Robert Street Transit-way: Mayor Meisinger/Alternate Iago
- East Metro Strong: Mayor Meisinger

From: noreply@civicplus.com
Sent: Wednesday, February 10, 2016 9:06 AM
To: Chantal Doriott; Dan Nowicki
Subject: Online Form Submittal: Application for Appointment to Commissions, Boards, Committees and Task Forces

Application for Appointment to Commissions, Boards, Committees and Task Forces

First Name	Tim
Last Name	Haubrich
Address1	62 Teresa Drive
Address2	Field not completed.
City	West. St. Paul,
State	MN
Zip	55118
Email	
Home Phone	
Cell Phone	
Work Phone	Field not completed.
Public Commission Directory	Home
Please mark which committees(s) you are interested in serving,	Charter Commission (3 vacancies)
How Many Years Have You Lived in West St. Paul	21
Ward	3
Precinct	Field not completed.
Employment / Job Title	Self employed
Employer Name & Address	
List your past and present	From 1996 - 2016, City of WSP, Committee Of Adjustments,

CH-TR

civic activities or organizational memberships which may be helpful to this committee. Add any comments or personal interests you would like us to consider.

Planning Committee, WSP Redevelopment Committee, WSP City Council 2000 - 2004, WSP Renaissance Committee.

Email not displaying correctly? [View it in your browser.](#)

From: noreply@civicplus.com
Sent: Monday, February 08, 2016 6:28 PM
To: Chantal Doriott; Dan Nowicki
Subject: Online Form Submittal: Application for Appointment to Commissions, Boards, Committees and Task Forces

Application for Appointment to Commissions, Boards, Committees and Task Forces

First Name	Kristy
Last Name	Otte
Address1	953 Humboldt Ave.
Address2	Field not completed.
City	W. St. Paul
State	Minnesota
Zip	55118
Email	
Home Phone	
Cell Phone	
Work Phone	
Public Commission Directory	Work
Please mark which committees(s) you are interested in serving,	Environmental / Greening Committee (1 vacancy)
How Many Years Have You Lived in West St. Paul	13
Ward	2
Precinct	1
Employment / Job Title	Teacher
Employer Name & Address	
List your past and present	Secretary, Local 1148 West St. Paul Federation of Teachers

Enrico

civic activities or organizational memberships which may be helpful to this committee. Add any comments or personal interests you would like us to consider.

Educational Ambassador to COP21, Climate Generation
Environmental Education Certificate, Minnesota Department of
Education

Email not displaying correctly? [View it in your browser.](#)

From: noreply@civicplus.com
Sent: Monday, February 08, 2016 1:13 PM
To: Chantal Doriott; Dan Nowicki
Subject: Online Form Submittal: Application for Appointment to Commissions, Boards, Committees and Task Forces

Application for Appointment to Commissions, Boards, Committees and Task Forces

First Name	Brad
Last Name	Erickson
Address1	214 West Haskell
Address2	<i>Field not completed.</i>
City	West St Paul
State	MN
Zip	55118
Email	
Home Phone	
Cell Phone	
Work Phone	<i>Field not completed.</i>
Public Commission Directory	Cell
Please mark which committees(s) you are interested in serving,	Parks & Recreation Advisory Board (1 vacancy)
How Many Years Have You Lived in West St. Paul	15
Ward	<i>Field not completed.</i>
Precinct	<i>Field not completed.</i>
Employment / Job Title	Deskside Consultant
Employer Name & Address	
List your past and present	Volunteered 14 years for Sibley Soccer 10 years Sibley

civic activities or
organizational
memberships which may
be helpful to this
committee. Add any
comments or personal
interests you would like
us to consider.

Hockey St. Matthews

Email not displaying correctly? [View it in your browser.](#)

From: noreply@civicplus.com
Sent: Wednesday, February 17, 2016 8:47 AM
To: Chantal Doriott; Dan Nowicki
Subject: Online Form Submittal: Application for Appointment to Commissions, Boards, Committees and Task Forces

Application for Appointment to Commissions, Boards, Committees and Task Forces

First Name	Scott
Last Name	Deyo
Address1	1093 Seminole Ave
Address2	<i>Field not completed.</i>
City	West St Paul
State	MN
Zip	55118
Email	
Home Phone	
Cell Phone	<i>Field not completed.</i>
Work Phone	<i>Field not completed.</i>
Public Commission Directory	Home
Please mark which committees(s) you are interested in serving,	Parks & Recreation Advisory Board (1 vacancy), Environmental / Greening Committee (1 vacancy), Lower Mississippi River Watershed Management Organization (1 vacancy)
How Many Years Have You Lived in West St. Paul	4
Ward	3
Precinct	1
Employment / Job Title	Engineer
Employer Name & Address	
List your past and present	Member of Upper Midwest Trail Runners Former committee

civic activities or organizational memberships which may be helpful to this committee. Add any comments or personal interests you would like us to consider.

member of Early Childhood Family Education at Humboldt My 7-year old son and I are always outside, visiting parks. He is autistic, and he is most calm and engaged while exploring the outdoors. We bring our trash bags, and have filled them many times, as well as having hauled out tired, broken bikes, and all manner of garbage. We value our wild spaces, though he'll always be up for a round on the swings. I am also an avid trail runner. In addition, I mountain bike, camp, canoe, hike, cross-country ski, snowshoe and do orienteering. Anything I can do to advocate for our parks, to draw people (and especially other kids) outside -- I'm all for that. After all the years of utilizing our city, county, state and national parks, I yearn to give back and serve in whatever capacity I can.

Email not displaying correctly? [View it in your browser.](#)

TO: Mayor and City Council
THROUGH: Matt Fulton, City Manager
FROM: Manila Shaver, Chief of Police
DATE: February 22, 2016
SUBJECT: Alcohol and Tobacco Compliance Checks



BACKGROUND INFORMATION:

Each year the police department conducts alcohol and tobacco compliance checks on West St. Paul establishments that are issued either a liquor and/or a tobacco license. In performing these compliance checks the police department utilizes the appropriate age individuals and under police supervision these individuals enter an establishment and either ask to be served alcohol or attempt to purchase tobacco. Alcohol compliance checks are performed separately from tobacco compliance checks and involve an individual over the age of 18, but under the age of 21. Tobacco compliance checks involve juvenile participants who have their parent's permission to participate in the compliance check program.

Alcohol underage buyers look younger than 21 and their appearance is not altered. All underage buyers are searched by the officers prior to going into the establishment and are provided with "marked" money to make the purchase, they do not use false or altered identification, nor will they lie about their true age. If asked for identification they will provide it, the identification will normally have a red box around the person's photo stating they are under the age of 21. The underage buyer does not consume any alcohol or use the tobacco product. If the officers observe or are alerted to a sale, they will confront the seller for violating Minnesota statute 340A.503(2)1 – Sell/furnish/give alcohol to a person under the age of 21, or Minnesota statute 609.685 Subd 1a(a) – Sale of Tobacco to Children.

In addition to the individual criminal charge to the store employee, by City Code establishments that fail a compliance check are subject to a civil sanction. For alcohol sanctions the Council has developed a sanction grid in order to encapsulate all factors surrounding the compliance check. Whereas, tobacco sanctions have little flexibility as minimum sanctions are articulated in state statute.

During our last alcohol/tobacco compliance check (November 2015), the below establishments failed the indicated compliance check:

Tobacco Compliance Check Failures

- Holiday Service Stations – 1845 Robert Street South
- Inner City Oil (ICO) – 247 Wentworth Avenue West
- Smith Liquors – 977 Smith Avenue South

Alcohol Compliance Check Failures

- Booze Mart – 1673 Robert Street South

Prior to conducting a compliance check the police department hosts a city-wide compliance check training in order to provide retailers with the tools to comply with state law and City Code. Moreover, at the beginning of the year letters are sent out alerting businesses of the pending compliance checks. The focus of the police department's efforts in this program is to educate, train and work with retailers to successfully complete the compliance check, not catch retailers at fault

This council packet contains the following information:

- Alcohol and tobacco compliance training announcements and attendance sheets
- A summary of the City's alcohol compliance checks
- A report on the alcohol compliance failure for Booze Mart
- A summary of the City's tobacco compliance checks
- A report on the tobacco compliance failure for Holiday Service Station
- A report on the tobacco compliance failure for Inner City Oil (ICO)
- A report on the tobacco compliance failure for Smith Avenue Liquors

FISCAL IMPACT:

Action	Fund	Department	Account	Amount
License Sanction Fees	101	30000		\$950
			Total:	\$950*

* \$500 of this amount is an alcohol civil penalty in which the license holder may choose to make improvements to prevent under age sales in lieu of paying all or part of the civil penalty.

STAFF RECOMMENDATION:

Review the circumstances surrounding each of the four license violations and, if appropriate adopt or modify the proposed resolutions. Each resolution should be voted on separately as they are independent license violations and license holders.

ALCOHOL AND TOBACCO COMPLIANCE TRAINING



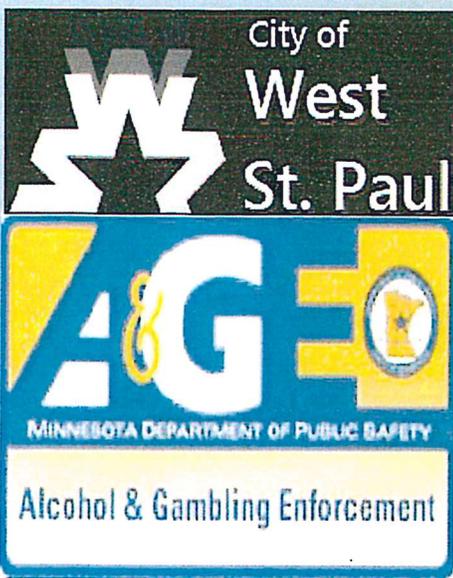
When: **Sunday February 22, 2015**
At
8:00AM

Where: **West St. Paul City Hall**
1616 Humboldt Ave.
West St. Paul, MN 55118

*****Please RSVP to Officer Elyse Wood at 651-259-2628
or email at ewood@cityofwsp.org *****



Sponsored by West St. Paul Police Department and Minnesota Department of Alcohol & Gambling
Enforcement



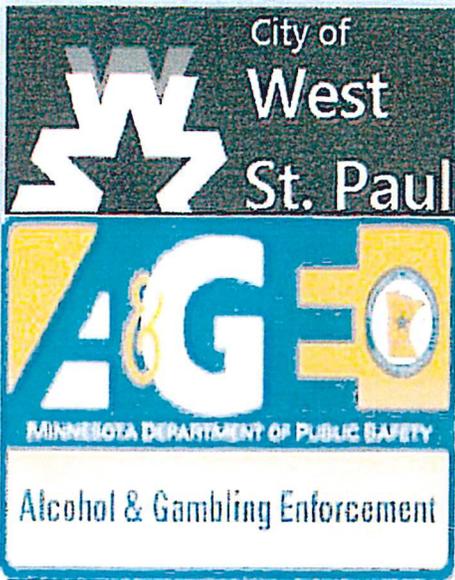
Alcohol & Tobacco Compliance Training

Attendance Records—please print clearly

February 22, 2015 — 08:00

Page 1 of 3

Printed Name	Business Name
Cheryl Fink	Durham's
NORA Digne	Carbone's WSP
Wa Vuong	Smith Liquor
Eddy Vuong	Smith Liquors
Ricky Vuong	Smith Liquors
STEPHEN MALONE	GALLAGHERS
Maricela Campos	R+B liquors
Analyssa Campos	R+B Liquors
DIONE SANCTEZ	R+B LIQUORS
Candace Margar	Cub WSP
Beret Poppa	Cub WSP
Chuck Wilson	TAPPEIS
Jim Casper	Cherokee Tavern
Anthony Castellano	Cub Liquor



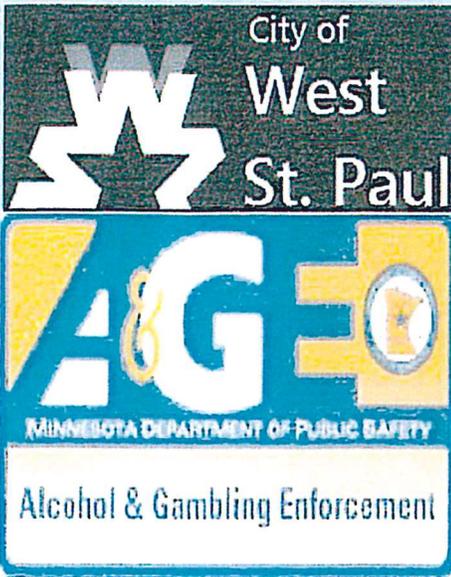
Alcohol & Tobacco Compliance Training

Attendance Records—please print clearly

February 22, 2015 — 08:00

Page 2 of 3

Printed Name	Business Name
Crystal Kulick	Carbone's WSP
JUSTIN GEORGE Rosioara	Cubs Liquor
MARK Faust	R + B Liquor
Tricia Scharber	R & B liquor
Miguel Rodriguez	R & B Liquor
Wes Johnson	Nowaks Liquor
Wancy McKay	R & B LIQUOR
Mary Jo Lund	Gallaghers
Melissa Almodovar	America Latino
DENNIS Milow	Gallaghers
John Zbaracki	Cub Liquor
Nicole Beyer	Cub Liquor
Samantha Racine	Carbone's WSP
Liat Paradise	Liat Paradise Carbone's WSP



Alcohol & Tobacco Compliance Training

Attendance Records—please print clearly

February 22, 2015 — 08:00

PAGE 3 OF 3

Printed Name	Business Name
Maria Daman	Nowaks
Michael Butler	Tappers
Kevin Ewert	Nowaks
Holly Ottenstroer	Carbone's
Tremaine Penro	Rack Shack
Isabel Vargas	Dunham's
Jamie McNeely Kulp	Dunham's
Magaly Azer	West St. Paul Marathon Gas Station
Amber Smith	Rack Shack BBQ



WEST ST. PAUL POLICE DEPARTMENT

1616 HUMBOLDT AVENUE, WEST ST. PAUL, MN 55118-3972
Police Administration 651-552-4200 Fax: 651-552-4199

www.cityofwsp.org

March 16, 2015

Dear Business Owner:

We invite you to attend this year's updated alcohol and tobacco compliance training!

This year, we will be focusing our training on identification verification best practices, strategies and equipment. We have found during the most recent compliance checks that staff has been looking at the identifications but the pertinent information on them has been misunderstood. Therefore under age sales transactions were still being completed. *We encourage you to send the staff members who will be working directly with the customers; not just store managers or the business owner.*

Additionally, we want to make this training functional and meaningful for you and your employees. Please contact us with topics you would like to see discussed or questions you may have so that we can prepare the class and make it as informative and relevant as possible!

The alcohol and tobacco compliance training will be held as follows:

**Monday April 20th at 7:00 PM, in the West St. Paul City Hall
1616 Humboldt Avenue, West St. Paul MN 55118.**

We look forward to seeing you and your staff members at the training!

Sincerely,

Officer Elyse Wood
ewood@wspmn.gov
651-259-2628

Officer Audra Rawlings
arawlings@wspmn.gov
651-259-2631

ALCOHOL AND TOBACCO COMPLIANCE TRAINING



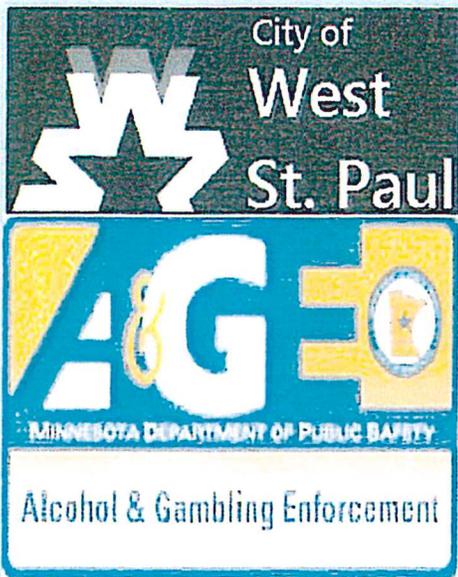
When: **Monday April 20, 2015**
At
7:00PM

Where: **West St. Paul City Hall**
1616 Humboldt Ave.
West St. Paul, MN 55118

*****Please RSVP to Officer Elyse Wood at 651-259-2628
or email at ewood@cityofwsp.org *****



Sponsored by West St. Paul Police Department and Minnesota Department of Alcohol & Gambling
Enforcement



Alcohol & Tobacco Compliance Training

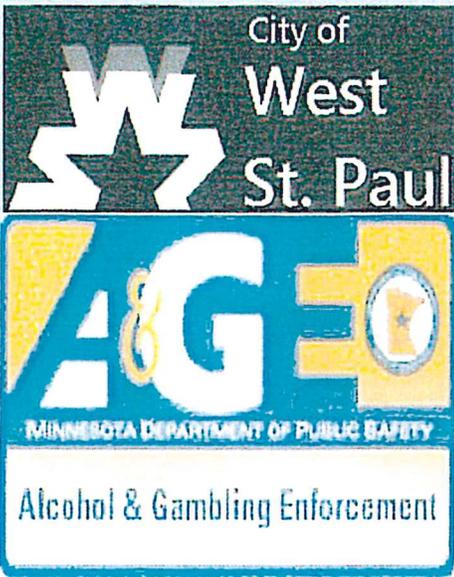
Attendance Records—please print clearly

April 20, 2015 — 7:00pm

Page 1 of 2

Printed Name	Business Name
CARLOS A. LAZES	SMITH LIQUORS
ANGELA T. OH	SMITH LIQUORS
Ricky Vuong	Smith liquor
Shayla Williams	Nowak liquors
Miguel Lopez	Nowak NOWAKS
Sherrell Bennett	Dunhams
Lee Hanna	Dunhams
Kim LORR	Dunhams
Christine Carlsby	Dunhams
Michael Bennett	Dunhams
Nathan Agnot	Dunhams
Brian Maudal	Dunhams
Nicholas Lebow	NOWAKS
Nicolai Donchenko	Cub Liquors

Jack Fogelberg



Alcohol & Tobacco Compliance Training

Attendance Records—please print clearly

April 20, 2015 — 7:00pm

Page 2 of 2

Printed Name	Business Name
Alex Kolyzko	Vape Pros
Austin Znicman	Vape Pros
Jimmy Bogen	Vape Pros
Rosemary Coburn	Vape Pros
Jessica Taylor	Nowaks
Jordan Turner	BLVD
Joe Cooley	BLVD
Lance Lovgren & Ben Kirk	BLVD
Matt McGee	BLVD
Angella Meyer	BLVD
Kim Mana	Chipotle
Darinda Brown	Chipotle
Samantha Welle	Chipotle
Yantzy Escoto	Chipotle

BLVD'S

Alcohol License Violations by Year and Establishment

Establishment	Address	Winter 2011	Winter 2012 1200550	Fall 2013 13-4127	Spring 2014 14001917	Winter 2014 14004386	Spring2015 15001165	Fall 2015 15004070
Applebee's	1753 Robert	Pass	Pass	Pass	Pass	Pass	Pass	Pass
Beirut Deli	1385 Robert	Pass	Pass	Fail 13-4131	Pass	Pass	Pass	Pass
Boozemart (South)	1673 Robert	Pass	Pass	Pass	Pass	Pass	Pass	Fail 15-4071
Blvd's bar	433 East Mendota	Pass	Pass	Pass	Pass	Pass	Pass	Pass
Carbonne's Pizza	55 Wentworth East	Pass	Pass	Pass	Pass	Pass	Pass	Pass
Cherokee Sirlain Room AKA: Cherokee Tavern	886 Smith Ave	Fail 1200-542	Fail 12000542	Pass	Pass	Pass	Pass	Pass
Chipotle	1857 Robert	Pass	Pass	Pass	Fail 14-1923	Pass	Pass	Pass
Chuck E. Cheese	1422 Robert	Pass	Pass	Pass	Pass	Pass	Pass	Pass
Commercial Club	938 Robert	Pass	Pass	Pass	Closed	Closed	Closed	Closed
Cub Foods	2001 Robert	Pass	Pass	Pass	Pass	Pass	Pass	Pass
Cub Liquor	2001 Robert	Pass	Pass	Pass	Pass	Pass	Pass	Pass
Dunham's Bar	173 Lothenbach East	Pass	Pass	Pass	Pass	CAD 14004098	Pass	Pass
El-Taquito	1434 Robert	Pass	Pass	Pass	Pass	Pass	Fail 15-1171	Pass
Fireside Lounge	1288 Robert	Pass	Pass	Fail 13-4132	Pass	Pass	Pass	Pass
Gallagher's Bar	888 Ohio	Pass	Pass	Pass	Fail 14-1921	Pass	Pass	Pass
Grand Buffet	2015 Robert	Pass	Pass	Pass	Pass	Closed	Closed	Closed
Nowak's Liquor	1034 Robert	Pass	Pass	Fail 13-4133	Pass	Pass	Fail 15-1169	Closed
Morelo's	360 Bernard Ave West	Pass	Pass	Pass	Pass	Closed	Fail 15-1168	Pass
Marty's Bar	189 West Winona	Pass	Pass	Pass	Pass	Pass	Pass	Pass
MGM Liquor	1690 Robert	Pass	Pass	Pass	Pass	Pass	Pass	Pass
Mi Pueblo Market	433 East Mendota	Pass	Pass	Pass	NA	Fail 14004381	Pass	No Licquor License
Noodles & Company	1590 Robert	Pass	Pass	Pass	Pass	Pass	Pass	Pass
R & B Liquor	1111 Robert	Pass	Pass	Pass	Pass	CAD 14003847	Fail 15-1170	Pass
Smith Avenue Liquor	Cancelled	Pass	Pass	Pass	Pass	CAD 14003978	Pass	6/8/2015 Closed
Smith Liquor NEW	977 Smith Ave S						6/1/15 Licensed	Pass
Southview Country Club	239 East Mendota	Pass	Pass	NA	Pass	Closed	Closed	Closed
Super America	1285 Robert	Pass	Pass	Pass	Pass	Pass	Pass	Pass
Tapper's	879 Stryker	Pass	Pass	Pass	Pass	Fail 14004384	Pass	Pass
Target	1750 Robert	Pass	Pass	Pass	Pass	Pass	Pass	Pass
Thompson Oaks Golf	1555 Oakdale	NA	Pass	NA	Pass	Closed	Pass	Closed
Walmart	1644 S. Robert	NA	Pass	Fail 13-4135	Pass	Pass	Pass	Pass
5-8 club	1741 S. Robert	N/A	N/A	N/A	N/A	Pass	Pass	Pass

West St. Paul
Disposition: Report

INCIDENT

Case Number: 15004070
Title: Alcohol Compliance Checks

15004070

Needs Follow-up: No
Investigation Needed: No
Admin Review Needed: No

Incident Type: Licensing Offenses
CAD #: 15022607
How Initiated: In Person

Citation Issued: No
Domestic Related: No

Drug Related: No

Gang Related: No

OFFICER INFORMATION

Name	Agency	Badge	Type
Audra Rawlings	West St. Paul	2631	Primary
Elyse Wood	West St. Paul	2628	Assisting

EVENT DATES

Reported	On Scene	Cleared
2015-11-18 17:00	2015-11-18 17:00	2015-11-18 21:00

INCIDENT DETAILS

Address: 1616 Humbolt Avenue; West St. Paul, MN 55118; Dakota

Location Type:

Location Description: West St Paul Police Department (B0000009199)

Start Date: 2015-11-18 17:00

End Date: 2015-11-18 21:00

SYNOPSIS

Compliance checks were conducted at all licensed alcohol establishments in the city.

Parties Involved

PERSON 1

Role(s): Confidential

Last: [REDACTED] First: [REDACTED] Middle: [REDACTED] Suffix:

Date of Birth: [REDACTED] Age: 18 Is Juvenile: No

Residence: [REDACTED]

Cell Phone: [REDACTED] Description:

Sex: Female Height: 502 Weight: 120 lbs Hair: Brown Eyes: Brown

Race: White Ethnicity: Not Hispanic/Latino Build: Slender Complexion: Fair

STATEMENT

On 2015-11-18 Officer Wood and I were conducting yearly alcohol compliance checks on all businesses in the city of West St Paul with current alcohol licenses. An eighteen year old high school student was used to conduct these checks; [REDACTED]. Her identity should remain confidential as she is still in high school, therefore she will be referred to as BSB in this report and other subsequent reports. BSB did not/was not personally known by any employee in any of the establishments checked. BSB has previously worked with other police departments and done compliance checks under their direction. BSB was only in possession of her Minnesota driver's license (photo included in case file) and one \$20.00 bill which was provided to her by Officer Wood and photocopied at the police department prior to conducting the checks. BSB was told to present her state issued license if asked for one and represent her actual age when asked.

Incident Report

INCIDENT

We conducted checks of all establishments with alcohol licenses. The following passed the compliance checks:

- 5-8 Club- 1741 Robert Street South
- Applebee's-1753 Robert Street South
- Beirut Deli-1385 Robert Street South
- Blvd Bar & Grille- 433 Mendota Road E
- Carbone's- 55 Wentworth Ave E
- Cherokee Tavern-886 Smith Ave S
- Chipotle-1857 Robert Street South
- Cuck E Cheese-1422 Robert Street S
- Cub Foods-2001 Robert Street South
- Cub Liquor-2001 Robert Street South
- Dunham's-173 Lothenbach Avenue
- El Taquito-1434 Robert Street S
- Fireside Lounge-1288 Robert Street S
- Gallagher's-888 Ohio Street
- Marty's Bar-189 Winona Street
- MGM Liquor-1690 Robert Street S
- Smith Liquor Store-977 Smith Ave S
- Tapper's Pub-879 Stryker Ave
- Target-1750 Robert Street S
- Walmart-1644 Robert Street S
- Superette-1834 Robert Street S
- Super America-1285 Robert Street S

There was one failure:

- Booze Mart-1673 Robert Street South (CN 15004071).

Nothing futher at this time.

MINNESOTA

DRIVER'S LICENSE

UNDER 21



State of Minnesota
Department of Transportation
Date of Birth: 03/06/1993
Sex: F
Height: 5'00"
Weight: 110
Hair: Brown
Eyes: Blue
Signature: [Signature]

00641165233

Alcohol-related Civil Penalties Grid

<p><u>Level 3 – HFLS</u></p> <p>\$500-1,000 fine And/or 5-10 day suspension revocation</p>	<p><u>Level 4 – HFHS or 3 or More Aggravating Factors</u></p> <p>\$1,000 -2,000 fine And/or 10-60 days suspension revocation</p>
<p><u>Level 1 - LFLS</u></p> <p>Training, Installation of Alcohol devices, Video surveillance, security, etc \$0-500 fine</p>	<p><u>Level 2 – LFHS</u></p> <p>\$500-1,000 fine And/or 3-5 day suspension</p>

Key:

- Level 1 – LFLS: Low Severity, Low Frequency
- Level 2 – LFHS: Low Frequency, High Severity
- Level 3 – HFLS: High Frequency, Low Severity
- Level 4 – HFHS: High Frequency, High Severity

1. **Incident Severity and Frequency** – The city department reporting the violation to the City Council will substantiate the severity and frequency of the incident in a report based on the number of incidents occurring at the licensed location under the same licensee for the previous five years. Incident severity and frequency will take into consideration the totality of the circumstances and the potential or actual impact on a specific neighborhood or to the overall community.

2. **Aggravating Factors** – Aggravating Factors in a single incident may cause a move in the grid to the next level (either up or sideways). Examples of Aggravating Factors include, but are not limited to:
 - Any prior violation of alcohol-related incidents in the last 5 years of the new incident (each prior shall be counted as on Aggravating Factor);
 - *Felony or gross misdemeanor charges were issued out of the new incident;
 - Any weapons, drugs or violence involved in the new incident;
 - The act endangered the public;
 - *The act involved a juvenile;
 - The act involved bias or discrimination;
 - The act lead to other crimes (i.e. over-serving then involved in a car accident) *(gross misdemeanor charges or incidents involving a juvenile stemming from a routine alcohol compliance check conducted by the Police Department shall not be counted as an Aggravating Factor in a single incident)

3. Penalties may include a Fine, Suspension, or Revocation or any combination thereof.



WEST ST. PAUL POLICE DEPARTMENT

1616 HUMBOLDT AVENUE, WEST ST. PAUL, MN 55118-3972
Police Administration 651-552-4200 Fax: 651-552-4199
WWW.WSPMN.GOV

Type Violation: Alcohol

Name of the establishment: Booze Mart

Address: 1673 Robert Street South

Police Incident or Case Number: 15004071

Date of Violation: November 18, 2015

Summary:

On November 18, 2015 shortly after 6:30 pm Officers Rawlings and Wood, along with an underage decoy, conducted an alcohol compliance check at Booze Mart. The underage decoy was provided with marked money and instructed to attempt to purchase alcohol. Along with the marked money, the decoy possessed her unaltered state identification showing she was underage and her cellphone. If asked, the decoy was told not to lie about her age. If denied alcohol or asked her age, she was to simply return to the officers. If provided alcohol the decoy was to call or return to the officers using her cellphone.

Under the direction of the officers the decoy entered the store alone. A short time later the decoy exited the store with a six-pack of beer. The decoy told us the clerk asked for her identification, looked at it, remarked that she needed a new identification card because it said "under 21" and completed the sale.

When the officers confronted the clerk, the clerk stated she made a mistake and was trying to use Goggle on her cellphone to determine the decoy's age. She also told the officers she never received any training from her employer.

Other Information:

- This establishment did not send any employees to the compliance training which was conducted on February 22, 2015 and on April 20, 2015.
- There have been no police issues at this location or City license violations.
- This license holder has passed all alcohol compliance checks (6) in the preceding five years.

Recommendation:

- A \$500 civil penalty is imposed against the license holder. In lieu of the penalty, the license holder may pay for employee training, up-grade its cash register software to improve age verification when purchasing alcohol and/or conduct modifications or enhancements to the establishment's security system that meet the specifications or requirements of the police department;

- If the value of the alternative to the penalty does not meet or exceed the penalty amount of \$500, the license holder must pay the difference as a civil penalty;
- The licensee must pay any civil penalty due within 30 days of being invoiced by the City;
- While holding a City-issued alcohol license, a representative from this establishment will attend any future City-sponsored alcohol compliance training when notified or a similar program approved by the police chief. Employees should receive annual training; and
- While holding a City-issued alcohol license, the license holder must document and maintain the signatures and dates of any alcohol training their employee's receive. This list must be up kept to date and made available to the police department upon a reasonable request.



Manila G. Shaver, Chief of Police
West St. Paul Police Department

West St. Paul
Disposition: Report

INCIDENT

Case Number: 15004071
Title: Alcohol Compliance Check Failure

15004071

Charges/Offenses: 340A.503.2(1)

Needs Follow-up: No

Incident Type: Licensing Offenses

Citation Issued: No

Investigation Needed: No

CAD #: 15022602

Admin Review Needed: No

How Initiated: In Person

Drug Related: No

Gang Related: No

Domestic Related: No

OFFICER INFORMATION

Name	Agency	Badge	Type
Elyse Wood	West St. Paul	2628	Primary
Audra Rawlings	West St. Paul	2631	Assisting

EVENT DATES

Reported	On Scene	Cleared
2015-11-18 18:37	2015-11-18 18:37	2015-11-18 18:45

INCIDENT DETAILS

Address: 1673 Robert Street S Bldg Name/Num: Booze Mart; West St. Paul, MN 55118; Dakota US

Location Type: LIQUOR STORE

Location Description:

Start Date: 2015-11-18 18:37

End Date: 2015-11-18 18:45

SYNOPSIS

Adult female sold alcohol to a minor during a regular compliance check.

Parties Involved

PERSON 1

Role(s): Suspect

Last: Icard First: Amy Middle: Elaine Suffix:

Date of Birth: 1987-07-06 Age: 28 Is Juvenile: No

Residence: 1106 Jenks Avenue; St Paul, MN 55106; US

Cell Phone: (651)808-1013

Description:

Sex: Female Height: 505 Weight: 130 lbs Hair: Brown Eyes: Brown

Race: White Ethnicity: Not Hispanic/Latino Build: Medium Complexion: Fair

EMPLOYMENT INFORMATION

Name: Booze Mart Type: SERVICE RELATED

Occupation: Cashier Shift:

CHARGES/ORDINANCES

Type: Statute Chapter: 340A Section: 503 Subdivision: 2(1) Citation #:

UOC: 4199 Level: Gross Misdemeanor Enh. Factor:

Description: Liquor-Purchase/Sell/Barter/Furnish/Give to u/21yr

STATEMENT

Incident Report

INCIDENT

On November 18, 2015, Officer Wood and I were conducting yearly alcohol compliance checks on all businesses in the city of West St Paul with current alcohol licenses. An eighteen year old high school student was used to conduct these checks and will be referred to as BSB in this report. BSB did not/was not personally known by any employee in any of the establishments checked. BSB has assisted other agencies within Dakota County in conducting compliance checks in 2015 and was aware she was not to lie or misrepresent her age if asked. BSB was only in possession of her cell phone, her Minnesota driver's license and a \$20.00 bill which was provided to her by Officer Wood. A photo of BSB was taken and is included in the case file. A photocopy of BSB's driver's license is included with this report along with a color photograph of her driver's license.

At 1837 hours, we arrived at Booze Mart, 1673 Robert Street South. BSB entered the store alone. A short time later she exited the store with a bag of alcohol (six-pack of beer) and change for the purchase. BSB told us that the clerk asked for her identification, looked at it, remarked that she needed a new one because it said "under 21" and completed the sale anyway.

Officer Wood and I entered the store and made contact with the clerk described by BSB who was the only employee working inside the business. She was identified as Amy Elaine Icard 1987-07-06. Icard said she has worked at Booze Mart for one month. We explained that a minor had just purchased the alcohol. Icard said she realized as BSB was leaving that she had "made a mistake." She showed us her cell phone which was located near the cash register where she was on www.google.com searching "how old are you if you are born in 1997." Icard said that she never received any type of training on age verification from her employer.

Officer Wood gave Icard the change he provided BSB for the sale of the beer and was given the twenty dollar bill back. I took a photo of the beer on the counter inside the store prior to returning it to Icard. The photo was downloaded to the case file.

Officer Wood gave Icard her business card with contact information on it. We explained that court information would be coming in the mail and to contact us if she had any further questions. I also told her to contact a manager or supervisor and let them know what happened.

A criminal history was run on Icard to ensure this was a first time offense and nothing was found that would enhance this charge.

Nothing further at this time.

RELATED REPORTS

Agency	CaseNumber	Type	Description
West St. Paul	15004070	Incident	Audra Rawlings (11/18/2015 10:46:06 PM) Title: Alcohol Compliance ChecksLocation: 1616 Humbolt Avenue Date/Time: 2015-11-18 17:00Person: [REDACTED]



Booze Mart I
 1673 Robert St S
 West St. Paul, MN 55110
 651-457-6111

S A L O O S I A C C O I D E

Transaction #: 541250
 Date: 11/16/2015 Time: 6:35:44 PM
 Cashier: 46 Register #: 2

Item	Description	Amount
0719403200030	Coors Light 6 pk 6	\$5.58

 Sub Total \$5.58
 MN Liquor Tax \$0.58
 Total \$6.57

Cash Tendered \$20.00
 Change Cash \$13.43



Thank you for shopping
 Booze Mart I
 We hope you'll come back soon!

15004071 - Alcohol Compliance Check Failure, Booze Mart



WEST ST. PAUL POLICE DEPARTMENT

1616 HUMBOLDT AVENUE, WEST ST. PAUL, MN 55118-3972

Police Administration 651-552-4200 Fax: 651552-4199

www.wspmn.gov

January 28, 2016

Mr. Terrance North
Booze Mart
1673 Robert Street
West St Paul, Minnesota 55118

Subject: Alcohol License Violation

Dear Mr. North,

On November 18, 2015 the police department conducted multiple alcohol compliance checks throughout the City of West St. Paul. Unfortunately your establishment failed this check.

In following the procedure for alcohol license violations there was a review of the violation and a subsequent sanction recommendation developed. This recommendation will be presented to the City Council in the form of a hearing at the February 22nd Council meeting for their consideration.

City Council meetings start at 6:30 pm and are held at City Hall, located at 1616 Humboldt Avenue in West St. Paul. This letter serves as official notice of this hearing, which you have the right to be present at. You may address the Council, provide testimony, present evidence or bring witnesses on your behalf if you wish.

I will be forwarding my recommendation to you in the next week. You may also wish to review the City's Alcohol and licensing Codes by visiting the City's website (www.wspmn.gov) and click on "Your Government," then click on "City Ordinances," then go to section 1200 – Intoxicating Liquor.

Note the time delay from the compliance failure until this hearing is caused by several factors including maintaining consistency with yearend compliance checks, availability of yearend Council meeting times and license holder notification requirements. If you have any questions or concerns, please do not hesitate to contact me at 552-4201.

Sincerely,

Manila G. Shaver, Chief of Police
West St. Paul Police Department

"We Serve with Honor and Integrity"

**City of West St. Paul
Dakota County, Minnesota**

RESOLUTION NO. 16-

**RESOLUTION IMPOSING SANCTIONS UPON
RETAIL INTOXICATING LIQUOR LICENSE HOLDER
BOOZE MART**

WHEREAS, state law authorizes a city council to impose sanctions upon the holder of a retail intoxicating liquor license who has failed to comply with an applicable statute, upon a hearing duly noticed, and the opportunity for the license holder to be heard;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of West St. Paul, Minnesota, as follows:

FINDINGS

Notice of a hearing for the imposition of a sanction for a liquor violation was duly given to the intoxication license holder for the premises at 1673 South Robert Street, West St. Paul, Minnesota on January 28, 2016, pursuant to Minnesota Statutes, sections 14.57 to 14.69.

- 1.01 The hearing was held on Monday, February 22, 2016, in the Council Chambers in City Hall, located at 1616 Humboldt Avenue, West St. Paul, MN.
- 1.02 At the hearing all persons who appeared and desired to be heard, were heard.

CONCLUSION

- 2.01 Based upon the evidence presented at the hearing, the City Council concludes that the retail license holder for the premises at 1673 South Robert Street (Booze Mart) failed to comply with an applicable statute in that an alcoholic beverage was sold to an underage person on November 18, 2015, in the licensed establishment.
- 2.02 The following sanctions are imposed for the violation:
 - a) A \$500 civil penalty is imposed against the license holder. In lieu of the penalty, the license holder may pay for employee training, up-grade its cash register software to improve age verification when purchasing alcohol and/or conduct modifications or enhancements to the establishment's security system that meet the specifications or requirements of the police department;
 - b) If the value of the alternative to the penalty does not meet or exceed the penalty amount of \$500, the license holder must pay the difference as a civil penalty;
 - c) The licensee must pay any civil penalty due within 30 days of being invoiced by the City;

- d) While holding a City-issued alcohol license, a representative from this establishment will attend any future City-sponsored alcohol compliance training when notified or a similar program approved by the police chief. Employees should receive annual training; and
- e) While holding a City-issued alcohol license, the license holder must document and maintain the signatures and dates of any alcohol training their employee's receive. This list must be up kept to date and made available to the police department upon a reasonable request.

Adopted by the City Council of the City of West St. Paul this 22nd day of February, 2016.

Attest:

David Meisinger, Mayor

Chantel Doriott, City Clerk

Taken from City Code – Tobacco 1190

1190 – Tobacco

1190.15. License Denial, Suspension, or Revocation.

Subd. 1. Grounds for Denial, Suspension or Revocation. The City Council may deny, revoke or suspend a license for violating a provision of this Section or for any of the reasons enumerated in City Code Section 1005.25 subd. 1. In addition, the City Council shall impose a civil penalty for each violation.

Subd. 2. Minimum Penalties. The following are deemed appropriate minimum penalties for a licensee's failure to comply with an applicable statute, rule or ordinance relating to the license. However, the level and order of the penalties will be at the sole discretion of the City Council, based upon the nature of the infraction. When appropriate, the City Council may impose penalties exceeding those stated below or impose other conditions deemed appropriate:

VIOLATION	LICENSE	EMPLOYEE
1st Violation	\$75 Fine and attend training by Police Department	\$50 fine
2nd Violation within 24 months	\$200 Fine +3 day suspension	\$50 Fine
3rd Violation within 24 months	\$750 Fine + 7 day suspension	\$50 Fine
4 or more Violations within 24 months	\$1,500 Fine + Revocation	\$50 Fine

Subd. 3. Notice. Notice must be provided pursuant to City Code Section 1005.25 subd. 3.

Subd. 4. Hearing. A hearing will be conducted pursuant to City Code Section 1005.25 subd. 4. It is not necessary that criminal charges be brought in order to support a determination of a license violation nor does the dismissal or acquittal of such a criminal charge operate as a bar to adverse license actions under this Section.

Subd. 5. Final Decision. Following the hearing, the Council may deny, revoke, suspend, or not renew the license for the retail establishments or may grant or continue the license upon such terms and conditions as it deems reasonable and necessary to accomplish the purposes of this Section. The decision by the City Council following a hearing is final.

Subd. 6. Non-Exclusive Remedy. Enforcement actions provided in this Section are not exclusive, and the Council may take any action with respect to a licensee, employee or the retail establishments as is authorized by the City Code, state or federal law.

Subd. 7. Re-application. Upon revocation of a license, the owner must re-apply for a new license and comply with all the provisions of Section 1190.05.

461.12 MUNICIPAL TOBACCO LICENSE.

Subdivision 1. Authorization.

A town board or the governing body of a home rule charter or statutory city may license and regulate the retail sale of tobacco as defined in section 609.685, subdivision 1, and establish a license fee for sales to recover the estimated cost of enforcing this chapter. The county board shall license and regulate the sale of tobacco in unorganized territory of the county and in a town or a home rule charter or statutory city if the town or city does not license and regulate retail tobacco sales. Retail establishments licensed by a town or city to sell tobacco are not required to obtain a second license for the same location under the licensing ordinance of the county.

Subd. 2. Administrative penalties; licensees.

If a licensee or employee of a licensee sells tobacco to a person under the age of 18 years, or violates any other provision of this chapter, the licensee shall be charged an administrative penalty of \$75. An administrative penalty of \$200 must be imposed for a second violation at the same location within 24 months after the initial violation. For a third violation at the same location within 24 months after the initial violation, an administrative penalty of \$250 must be imposed, and the licensee's authority to sell tobacco at that location must be suspended for not less than seven days. No suspension or penalty may take effect until the licensee has received notice, served personally or by mail, of the alleged violation and an opportunity for a hearing before a person authorized by the licensing authority to conduct the hearing. A decision that a violation has occurred must be in writing.

Subd. 3. Administrative penalty; individuals.

An individual who sells tobacco to a person under the age of 18 years must be charged an administrative penalty of \$50. No penalty may be imposed until the individual has received notice, served personally or by mail, of the alleged violation and an opportunity for a hearing before a person authorized by the licensing authority to conduct the hearing. A decision that a violation has occurred must be in writing.

Subd. 4. Minors.

The licensing authority shall consult with interested educators, parents, children, and representatives of the court system to develop alternative penalties for minors who purchase, possess, and consume tobacco. The licensing authority and the interested persons shall consider a variety of options, including, but not limited to, tobacco free education programs, notice to schools, parents, community service, and other court diversion programs.

Subd. 5. Compliance checks.

A licensing authority shall conduct unannounced compliance checks at least once each calendar year at each location where tobacco is sold to test compliance with section [609.685](#). Compliance checks must involve minors over the age of 15, but under the age of 18, who, with the prior written consent of a parent or guardian, attempt to purchase tobacco under the direct supervision of a law enforcement officer or an employee of the licensing authority.

Subd. 6. Defense.

It is an affirmative defense to the charge of selling tobacco to a person under the age of 18 years in violation of subdivision 2 or 3 that the licensee or individual making the sale relied in good faith upon proof of age as described in section [340A.503, subdivision 6](#).

Subd. 7. Judicial review.

Any person aggrieved by a decision under subdivision 2 or 3 may have the decision reviewed in the district court in the same manner and procedure as provided in section [462.361](#).

Subd. 8. Notice to commissioner.

The licensing authority under this section shall, within 30 days of the issuance of a license, inform the commissioner of revenue of the licensee's name, address, trade name, and the effective and expiration dates of the license. The commissioner of revenue must also be informed of a license renewal, transfer, cancellation, suspension, or revocation during the license period.

West St. Paul
Disposition: Report

INCIDENT

Case Number: 15003991
Title: Tobacco Compliance Checks

Needs Follow-up: No
Investigation Needed: No
Admin Review Needed: No

Incident Type: Licensing Offenses
CAD #: 15022211
How Initiated: In Person
Gang Related: No

Citation Issued: No
Domestic Related: No

OFFICER INFORMATION

Name	Agency	Badge	Type
Elyse Wood	West St. Paul	2628	Primary
Audra Rawlings	West St. Paul	2631	Assisting

EVENT DATES

Reported	On Scene	Cleared
2015-11-12 16:00	2015-11-12 15:57	2015-11-12 18:00

INCIDENT DETAILS

Address: 1616 Humbolt Avenue; West St. Paul, MN 55118; Dakota

Location Type:

Location Description: West St Paul Police Department (B0000009199)

Start Date: 2015-11-12 16:00 End Date: 2015-11-12 18:00

SYNOPSIS

Required compliance checks on all establishments within the city who are licensed to sell tobacco.

Parties Involved

PERSON 1

Role(s): Confidential

Last: [REDACTED] First: [REDACTED] Middle: [REDACTED] Suffix:

Date of Birth: [REDACTED] Age: 17 Is Juvenile: Yes

Residence: [REDACTED]

Cell Phone: [REDACTED]

Description:

Sex: Male Height: [REDACTED] Weight: [REDACTED] Hair: [REDACTED] Eyes: B [REDACTED]

Race: [REDACTED] Ethnicity: [REDACTED] Build: Slender Complexion: [REDACTED]

EMPLOYMENT INFORMATION

Occupation: Student Shift:

STATEMENT

On 2015-11-12 at 1600 hours, Officer Wood and myself began conducting yearly tobacco compliance checks on all businesses in the city of West St Paul with current tobacco licenses. A seventeen year old juvenile was used to conduct these checks and will be referred to as APR in this report. APR did not/was not personally known by any employee in any of the establishments checked. All the money used during the tobacco compliance checks was provided by the city of West St Paul. One twenty dollar bill was photocopied at the West St Paul Police prior to use to record the serial number. APR was only in possession of his cell phone, his Minnesota driver's license and the \$20.00 bill provided to

West St. Paul
Disposition: Report

INCIDENT

Case Number: 15003991
Title: Tobacco Compliance Checks

him. APR attended training prior to the checks facilitated by the Dakota County Sheriffs' Office and has been certified by that agency to participate in compliance checks.

The following are the businesses that passed:

- Holiday- 1030 Dodd Road
- Super America- 1285 Robert Street S
- Walgreens- 1133 Robert Street S
- Bobby and Steve's- 1820 Robert Street S
- Marathon- 433 Mendota Road W
- Joseph's Tobacco- 1676 Robert Street S
- Quick Pick- 1113 Robert Street S
- Superette- 1834 Oakdale Avenue
- Walmart- 1644 Robert Street S
- Cub Foods- 2001 Robert Street S
- Cub Liquor- 2001 Robert Street S
- Blvd Bar & Grille- 433 Mendota Road W
- Booze Mart- 1673 Robert Street S
- MGM Liquor- 1690 Robert Street S
- R&B Liquor- 1111 Robert Street S

The businesses that failed the check were:

- Holiday- 1845 Robert Street South (CN 15003998)
- Inter City Oil Inc (ICO)- 247 Wentworth Ave W (CN 15003996)
- Smith Liquor- 977 Smith Ave S (CN 15003997)

A separate report on each failure was completed on the above case numbers.

Nothing further from these officers.

RELATED REPORTS

Agency	CaseNumber	Type	Description
West St. Paul	15003998	Incident	Tobacco Compliance Check Failure
West St. Paul	15003997	Incident	Tobacco Compliance Check FAlure
West St. Paul	15003996	Incident	Tobacco Compliance Check Failure



WEST ST. PAUL POLICE DEPARTMENT

1616 HUMBOLDT AVENUE, WEST ST. PAUL, MN 55118-3972
Police Administration 651-552-4200 Fax: 651-552-4199
www.wspmn.gov

Type Violation: Tobacco

Name of the establishment: Holiday Station Stores

Address: 1845 South Robert Street

Police Incident or Case Number: 15003998

Date of Violation: November 12, 2015

Summary:

On November 12, 2015 shortly after 5:00 pm Officers Rawlings and Wood, along with an underage decoy, conducted a tobacco compliance check at the Holiday Station located at 1845 South Robert Street. The underage decoy was provided marked money by the officers and instructed to attempt to purchase some cigarettes. The decoy possessed his unaltered Minnesota driver's license, which indicated his age was 17. He was told not to lie about his age and if denied tobacco or asked his age, the decoy was to simply return to the officers.

The decoy entered the store and a short time later exited the store with a box of cigarettes and change from the sale of the cigarettes. The decoy provided a description of the store employee who sold him the cigarettes to the officers. The decoy added the clerk did not ask for his identification prior to completing the sale.

The officers approached the clerk stating he just failed a tobacco compliance check. With his manager standing by, the clerk admitted to not checking the decoy's identification and when the cash register prompted him for an age of the buyer, the clerk simply pushed a "over 40" by-pass button and completed the sale. The store clerk had been working at Holiday for two years.

Other Information:

- This location had passed all six previous compliance checks without a failure;
- Each year, prior to the initial compliance check, the police department sends a notice informing licensees of an up-coming compliance check. Compliance checks at the end of the year are "unannounced;"
- The police department recently joined a grant program called Educate and Congratulate, whereby the police department receives funding to conduct additional non-sanctioned based compliance checks. This store passed this compliance check;
- The police department conducted two compliance trainings, February 22, 2015 and April 20, 2015, prior to any 2015 compliance checks. No Holiday employees attended either of these trainings, however these trainings are alcohol licensed focused; tobacco licensees conduct in-house training;

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- This store conducts an initial age verification “on-line” training with their employees. If a store has an issue, such as a compliance check failure, the on-line training is again reviewed;
- This store conducts daily employee awareness about their age verification policy and has their employees sign a form at the beginning of their shift stating they will follow the store’s policy by requesting identification when required. According to the manager, the employee that conducted the illegal sale in this case did sign the daily training reminder
- This establishment is in close proximity to two charter schools and often has younger customers purchasing regulated products; and
- This establishment has a cash register age verification system consisting of the cashier either swiping a DL or if the customer appears over the age of 40, the cashier can simply push an over 40 by-pass button to complete the sale. The store clerk in this incident deliberately chose to push the by-pass button despite the training provided by his employer.

Recommendations:

- A \$75 civil penalty is imposed against license holder;
- The individual who sold the tobacco will pay a \$100 civil penalty;
- The civil penalties must be paid within 45 days of being invoiced by the City;
- No employees may sell regulated products (i.e. alcohol or tobacco) without first receiving training on the store’s age verification policy and subsequent penalties for violating these requirements; and
- While holding a City-issued tobacco license, the license holder must continue to document and maintain the signatures and dates of any tobacco training their employee’s receive, including the initial on-line age verification training. This list must be up to date and made available to the police department upon request.



Manila G. Shaver, Chief of Police
West St. Paul Police Department

West St. Paul
Disposition: Citation

INCIDENT

Case Number: 15003998
Title: Tobacco Compliance Check Failure

15003998

Charges/Offenses: 609.6855.1(a) (citation# 190715902137)

Needs Follow-up: No

Incident Type: Licensing Offenses

Citation Issued: Yes

Investigation Needed: No

CAD #: 15022220

Admin Review Needed: No

How Initiated: In Person

Drug Related: No

Gang Related: No

Domestic Related: No

OFFICER INFORMATION

Name	Agency	Badge	Type
Audra Rawlings	West St. Paul	2631	Primary
Elyse Wood	West St. Paul	2628	Assisting

EVENT DATES

Reported	On Scene	Cleared
2015-11-12 17:07	2015-11-12 17:07	2015-11-12 17:12

INCIDENT DETAILS

Address: 1845 Robert Street S Bldg Name/Num: Holiday; West St. Paul, MN 55118; Dakota US

Location Type: CONVENIENCE STORE

Location Description:

Start Date: 2015-11-12 17:07

End Date: 2015-11-12 17:12

SYNOPSIS

Adult male cited for selling tobacco to a minor.

Parties Involved

PERSON 1

Role(s): Cited

Last: Velazquez First: Jesus Middle: Suffix:
Date of Birth: 1994-05-28 Age: 21 Is Juvenile: No

Residence: 460 Stanley Street; West St Paul, MN 55118; US

Cell Phone: (651)367-9725

Description:

Sex: Male Height: 503 Weight: 195 lbs Hair: Brown Eyes: Brown
Race: White Ethnicity: Hispanic/Latino Build: Medium Complexion: Fair

CHARGES/ORDINANCES

Type: Statute Chapter: 609 Section: 6855 Subdivision: 1(a) Citation #: 190715902137

UOC: Level: Misdemeanor Enh. Factor:

Description: Nicotine delivery products - Sell nicotine delivery product - Under 18 years old

STATEMENT

On 2015-11-12 Officer Wood and I were conducting yearly tobacco compliance checks on all businesses in the city of West St Paul with current tobacco licenses. A seventeen year old juvenile was used to conduct these checks and will be referred to as APR in this report. APR did not/was not

Incident Report

INCIDENT

personally known by any employee in any of the establishments checked. APR was in possession of his Minnesota driver's license indicating he was seventeen years old, his cell phone and a \$20.00 bill provided by us. All the money used during the tobacco compliance checks was provided by the city of West St Paul. One twenty dollar bill was photocopied at the West St Paul Police Department prior to use to record the serial numbers.

At 17:07 we arrived at Holiday, 1845 Robert Street South. APR was given the \$20.00 bill and entered the store alone. A short time later he exited the store with a box of cigarettes and change for the sale of the cigarettes. APR gave us a description of the store employee who sold him the cigarettes. APR told us the clerk did not ask for his identification prior to completing the sale.

Officer Wood and I entered the store and made contact with the clerk described by APR who was identified as Jesus Velazquez 1994-05-28. Velazquez has worked at Holiday for two years. We explained that a minor had just purchased the cigarettes that we brought back inside. The cigarettes were photographed at the counter prior to being returned to the business. The photograph was downloaded to the case file. The store manager was on scene and listened as we talked with Velazquez. He said that he did not ask for identification and that when the cash register prompted him, he pushed an "over 40" button to over-ride the age verification device installed on the cash register.

Officer Wood gave Velazquez the cigarettes and change back and she received the \$20.00 bill that was used back. The serial number was verified by Officer Wood and compared to the photocopy which she retained in her notebook.

Officer Wood gave Velazquez her business card with contact information on it. She explained that a citation would be coming in the mail and to contact us if they had any further questions.

A criminal history was run on Velazquez to ensure this was a first time offense and nothing was found that would enhance this charge.

A citation was completed and mailed to the address listed above for the above charge.

Nothing further at this time.

RELATED REPORTS

Agency	CaseNumber	Type	Description
West St. Paul	15003991	Incident	Audra Rawlings (11/12/2015 6:33:24 PM) Title: Tobacco Compliance ChecksLocation: 1616 Humbolt Avenue Date/Time: 2015-11-12 16:00Person: Rogers, Ashton - DOB(1998-09-11)

Holiday Stationstores
Shop the difference!

Store # 157
1845 So. Robert St.
St Paul, MN 55118
651-457-6684

11/12/2015 5:06:29 PM

Register: 2 Trans Seq #: 458355
Store: # 157 Jesus
KING NEWPORT BOX FSC \$6.55

Sub. Total: \$8.55
Tax: \$0.00
Total: \$8.55
Discount Total: \$0.00

Cash \$20.00
Change \$11.45

Thank You
Please Come Again Soon
Visit us at
www.holidaystationstores.com





WEST ST. PAUL POLICE DEPARTMENT

1616 HUMBOLDT AVENUE, WEST ST. PAUL, MN 55118-3972
Police Administration 651-552-4200 Fax: 651-552-4199
www.ci.west-saint-paul.mn.us

January 29, 2016

Mr. James Hupp
Holiday station Stores
1845 Robert Street South
West St. Paul, Minnesota 55118

Dear Mr. Hupp,

On November 12, 2015 the police department conducted multiple tobacco compliance checks throughout the City of West St. Paul. Unfortunately four establishments failed these checks, including yours.

In following the procedure for tobacco license violations there was a review of the violation and a subsequent sanction recommendation developed. This recommendation will be presented to the City Council in the form of a hearing at the February 22, 2016 Council meeting for their consideration.

City Council meetings start at 6:30 pm and are held at City Hall, located at 1616 Humboldt Avenue in West St. Paul. This letter serves as official notice of this hearing, which you have the right to be present at. You may address the Council, provide testimony, evidence or bring witnesses on your behalf if you wish.

I will be forwarding my recommendation to you in the next week. I have enclosed an excerpt from State Statute 461.12, which mandates specific penalties for certain offenses. You may also wish to review the City's Tobacco Code by visiting the City's website (www.wspmn.gov) and click on "Your Government," then "City ordinances," then click on 1190 (Tobacco).

The time delay from the compliance failure until this hearing is caused by several factors including maintaining consistency with yearend compliance checks, availability of yearend Council meeting times and license holder notification requirements. If you have any questions or concerns, please do not hesitate to contact me at 552-4201.

Sincerely,

Manila G. Shaver, Chief of Police
West St. Paul Police Department

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WEST ST. PAUL POLICE DEPARTMENT

1616 HUMBOLDT AVENUE, WEST ST. PAUL, MN 55118-3972

Police Administration 651-552-4200 Fax: 651552-4199

www.ci.west-saint-paul.mn.us

January 29, 2016

Mr. Jesus Velazquez
460 Stanley Street East
West St. Paul, Minnesota 55118

Subject: Tobacco License Violation, Hearing Notice

Dear Mr. Velazquez,

On November 12, 2015 the police department conducted numerous tobacco compliance checks throughout the City of West St. Paul. Unfortunately a few establishments failed these checks and you were identified as the store clerk conducting the sale at one of these failed establishments.

Selling tobacco products to a minor is a violation of state statute and a violation of a city-issued tobacco license. Section 1190 of the West St. Paul City Code articulates the requirements for licensees and employees and the civil penalties which may be imposed for license violations. For your reference I have enclosed the portion of the City Code articulating the possible civil penalties you may be subjected to. You may also wish to review the City's Tobacco Code by visiting the City's website (www.wspmn.gov) and click on "Your Government," then "City ordinances," then click on 1190 (Tobacco).

In following the procedure for a tobacco license violation, a review of the violation was conducted and a subsequent sanction recommendation developed. I will be forwarding my recommendation to you in the next week. For a reference I have enclosed an excerpt from State Statute 461.12 which mandates specific penalties for certain offenses.

This recommendation will be presented to the City Council in the form of a hearing at the February 22, 2016 Council meeting for their consideration. City Council meetings start at 6:30 pm and are held at City Hall, located at 1616 Humboldt Avenue in West St. Paul. This letter serves as official notice of this hearing, which you have the right to be present at. You may address the Council, provide testimony, present evidence or bring witnesses on your behalf if you wish

The time delay from the compliance failure until this hearing is caused by several factors including maintaining consistency with yearend compliance checks, availability of yearend Council meeting times and license holder notification requirements. If you have any questions or concerns, please do not hesitate to contact me at 552-4201.

Sincerely,

Manila G. Shaver, Chief of Police
West St. Paul Police Department

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**City of West St. Paul
Dakota County, Minnesota**

RESOLUTION NO. 16-

**RESOLUTION IMPOSING SANCTIONS UPON
RETAIL TOBACCO LICENSE HOLDER
HOLIDAY STATION STORES**

WHEREAS, state law authorizes a city council to impose sanctions upon the holder of a retail tobacco license who has failed to comply with an applicable statute, upon a hearing duly noticed, and the opportunity for the license holder to be heard;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of West St. Paul, Minnesota, as follows:

FINDINGS

Notice of a hearing for the imposition of a sanction for a tobacco violation was duly given to the tobacco license holder for the premises at 1845 Robert Street South, West St. Paul, Minnesota on January 29, 2016, pursuant to Minnesota Statutes, sections 461.12, Subd. 2 and 3.

- 1.01 The hearing was held on Monday, February 22, 2016, in the Council Chambers in City Hall, located at 1616 Humboldt Avenue, West St. Paul, MN.
- 1.02 At the hearing all persons who appeared and desired to be heard, were heard.

CONCLUSION

- 2.01 Based upon the evidence presented at the hearing, the City Council concludes that the retail license holder for the premises at 1845 Robert Street South (Holiday Station Store) failed to comply with an applicable statute in that tobacco was sold to a minor on November 12, 2015 in the licensed establishment.
- 2.02 The following sanctions are imposed for the violation:
 - a) A \$75 civil penalty is imposed against license holder;
 - b) The individual who sold the tobacco will pay a \$100 civil penalty;
 - c) The civil penalties must be paid within 45 days of being invoiced by the City;
 - d) No employees may sell regulated products (i.e. alcohol or tobacco) without first receiving training on the store's age verification policy and subsequent penalties for violating these requirements; and

- e) While holding a City-issued tobacco license, the license holder must continue to document and maintain the signatures and dates of any tobacco training their employee's receive, including the initial on-line age verification training. This list must be up to date and made available to the police department upon request.

Adopted by the City Council of the City of West St. Paul this 22nd day of February, 2016

Ayes: Nays:

Attest:

David Meisinger, Mayor

Chantel Doriott, City Clerk



WEST ST. PAUL POLICE DEPARTMENT

1616 HUMBOLDT AVENUE, WEST ST. PAUL, MN 55118-3972

Police Administration 651-552-4200 Fax: 651-552-4199

www.wspmnmn.gov

Type Violation: Tobacco

Name of the establishment: ICO

Address: 245 Wentworth Avenue West

Police Incident or Case Number: 15003996

Date of Violation: November 12, 2015

Summary:

On November 12, 2015 shortly after 4:00 pm Officers Rawlings and Wood, along with an underage decoy, conducted a tobacco compliance check at the ICO Station located at 245 Wentworth Avenue West. The underage decoy was provided marked money by the officers and instructed to attempt to purchase some cigarettes. The decoy possessed his unaltered Minnesota driver's license, which indicated his age was 17. He was told not to lie about his age and if denied tobacco or asked his age, the decoy was to simply return to the officers.

The decoy entered the store and a short time later exited the store with a box of cigarettes and change from the sale of the cigarettes. The decoy provided a description of the store employee who sold him the cigarettes to the officers. The decoy added the clerk did not ask for his identification prior to completing the sale nor was there an age verification device used.

The officers approached the clerk stating she just failed a tobacco compliance check. While the officers were speaking with the clerk, a male standing nearby pointed out a sign with a built in calculator used for determining the legal age for purchasing cigarettes. The device was in easy reach of the store clerk. The store clerk had been working at ICO since August of 2015.

Other Information:

- This location failed tobacco compliance checks in 2009 and 2013, but passed the 5 previous checks before this current failure;
- The most recent failure, February 12, 2013 is more than 24 months from this current failure, thus the current failure would not be considered a second violation;
- The police department conducted two compliance trainings, February 22, 2015 and April 20, 2015, prior to any 2015 compliance checks. No ICO employees attended, however these trainings are alcohol licensed focused; tobacco licensees conduct in-house training;
- This establishment conducts initial age verification training for all new employees and annual refresher training thereafter;

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Tobacco Compliance Failure

- Each year, prior to the initial compliance check, the police department sends a notice informing licensees of an up-coming compliance check. Compliance checks at the end of the year are “unannounced;”
- At this establishment and employee can complete the sale of a regulated product in several ways once the cash register prompts the store clerk to include: (1) swipe the customer’s DL; (2) enter the customer’s date of birth; (3) use a nearby calculator to help figure out a person’s age; and (4) simply hit an “enter” button and bypass the cash register’s age verification software.

Recommendations:

- A \$75 civil penalty is imposed against license holder;
- The individual who sold the tobacco will pay a \$75 civil penalty;
- The civil penalties must be paid within 45 days of being invoiced by the City;
- No employees may sell regulated products (i.e. alcohol or tobacco) without first receiving training on the store’s age verification policy and subsequent penalties for violating these requirements; and
- While holding a City-issued tobacco license, the license holder must continue to document and maintain the signatures and dates of any tobacco training their employee’s receive, including the initial on-line age verification training. This list must be up to date and made available to the police department upon request.



Manila G. Shaver, Chief of Police
West St. Paul Police Department

West St. Paul
Disposition: Citation

INCIDENT

Case Number: 15003996
Title: Tobacco Compliance Check Failure

15003996

Charges/Offenses: 609.6855.1(a) (citation# 190715902136)

Needs Follow-up: No

Incident Type: Licensing Offenses

Citation Issued: Yes

Investigation Needed: No

CAD #: 15022213

Admin Review Needed: No

How Initiated: In Person

Drug Related: No

Gang Related: No

Domestic Related: No

OFFICER INFORMATION

Name	Agency	Badge	Type
Audra Rawlings	West St. Paul	2631	Primary
Elyse Wood	West St. Paul	2628	Assisting

EVENT DATES

Reported	On Scene	Cleared
2015-11-12 16:09	2015-11-12 16:09	2015-11-12 16:11

INCIDENT DETAILS

Address: 247 Wentworth Avenue W Bldg Name/Num: ICO; West St. Paul, MN 55118; Dakota US

Location Type: CONVENIENCE STORE

Location Description:

Start Date: 2015-11-12 16:09

End Date: 2015-11-12 16:11

SYNOPSIS

Adult female cited for selling tobacco to a minor.

Parties Involved

PERSON 1

Role(s): Cited

Last: Schultz **First:** Lori **Middle:** Jean **Suffix:**
Date of Birth: 1957-02-11 **Age:** 58 **Is Juvenile:** No

Residence: 205 Wentworth Street W Bldg Name/Num: The Wentworth APT 307; West St. Paul, MN 55118; Dakota US

Residence Type: APARTMENT

Cell Phone: (651)204-7136

Description:

Sex: Female **Height:** 502 **Weight:** 150 lbs **Hair:** Black **Eyes:** Green
Race: White **Ethnicity:** Not Hispanic/Latino **Build:** Medium **Complexion:** Light

CHARGES/ORDINANCES

Type: Statute **Chapter:** 609 **Section:** 6855 **Subdivision:** 1(a) **Citation #:** 190715902136

UOC: **Level:** Misdemeanor **Enh. Factor:**

Description: Nicotine delivery products - Sell nicotine delivery product - Under 18 years old

STATEMENT

Incident Report

On 2015-11-12 Officer Wood and I were conducting yearly tobacco compliance checks on all businesses in the city of West St Paul with current tobacco licenses. A seventeen year old juvenile was used to conduct these checks and will be referred to as APR in this report. APR did not/was not personally known by any employee in any of the establishments checked. APR was in possession of his Minnesota driver's license indicating he was seventeen years old, his cell phone and a \$20.00 bill provided by us. All the money used during the tobacco compliance checks was provided by the city of West St Paul. One twenty dollar bill was photocopied at the West St Paul Police Department prior to use to record the serial numbers.

At 16:09 we arrived at ICO, 245 Wentworth Avenue West. APR was given the \$20.00 bill and entered the store alone. A short time later he exited the store with a box of cigarettes and change for the sale of the cigarettes. APR gave us a description of the store employee who sold him the cigarettes. APR told us that the clerk looked at his identification card and then completed the sale. APR told us there was no age verification device used during the sale.

Officer Wood and I entered the store and made contact with the clerk described by APR who was identified as Lori Jean Schultz 1957-02-11 . Schultz has worked at ICO since August of 2015. We explained that a minor had just purchased the cigarettes that we brought back inside. The cigarettes were photographed at the counter prior to being returned to the business. The photograph was downloaded to the case file. While on scene, a male employee showed us a digital sign on the back counter which indicated what the acceptable birth date would be for individuals born on or before in order to purchase tobacco. The sign had a calculator built into the back which, when utilized would show a red "no sale" light if the customer was under 18, or a green "sale" light if they were over age 18. This device was within reach of Schultz's cash register.

Officer Wood gave Schultz the cigarettes and change back and she received the \$20.00 bill that was used back. The serial number was verified by Officer Wood and compared to the photocopy which she retained in her notebook.

Officer Wood gave Schultz her business card with contact information on it. She explained that a citation would be coming in the mail and to contact us if they had any further questions. We also told them to contact a manager or supervisor and let them know what happened.

A criminal history was run on Schultz to ensure this was a first time offense and nothing was found that would enhance this charge.

A citation was completed and mailed to the address listed above for the above charge.

Nothing further at this time.

RELATED REPORTS

Agency	CaseNumber	Type	Description
West St. Paul	15003991	Incident	Audra Rawlings (11/12/2015 6:33:24 PM) Title: Tobacco Compliance ChecksLocation: 1616 Humbolt Avenue Date/Time: 2015-11-12 16:00Person: [REDACTED]



WEST ST. PAUL POLICE DEPARTMENT

1616 HUMBOLDT AVENUE, WEST ST. PAUL, MN 55118-3972
Police Administration 651-552-4200 Fax: 651-552-4199
www.ci.west-saint-paul.mn.us

January 29, 2016

Ms. Judy Weber
ICO, Inc
247 Wentworth Avenue West
West St. Paul, Minnesota 55118

Dear Mrs. Weber,

On November 12, 2015 the police department conducted multiple tobacco compliance checks throughout the City of West St. Paul. Unfortunately four establishments failed these checks, including yours.

In following the procedure for tobacco license violations there was a review of the violation and a subsequent sanction recommendation developed. This recommendation will be presented to the City Council in the form of a hearing at the February 22, 2016 Council meeting for their consideration.

City Council meetings start at 6:30 pm and are held at City Hall, located at 1616 Humboldt Avenue in West St. Paul. This letter serves as official notice of this hearing, which you have the right to be present at. You may address the Council, provide testimony, evidence or bring witnesses on your behalf if you wish.

I will be forwarding my recommendation to you in the next week. I have enclosed an excerpt from State Statute 461.12, which mandates specific penalties for certain offenses. You may also wish to review the City's Tobacco Code by visiting the City's website (www.wspmn.gov) and click on "Your Government," then "City ordinances," then click on 1190 (Tobacco).

The time delay from the compliance failure until this hearing is caused by several factors including maintaining consistency with yearend compliance checks, availability of yearend Council meeting times and license holder notification requirements. If you have any questions or concerns, please do not hesitate to contact me at 552-4201.

Sincerely,

Manila G. Shaver, Chief of Police
West St. Paul Police Department

"We Serve with Honor and Integrity"

Bud Shaver

From: DKrieg1595@aol.com
Sent: Wednesday, February 03, 2016 1:12 PM
To: Bud Shaver
Cc: Bud Shaver; Bud Shaver
Subject: from deb at ico - URGENT
Attachments: AGERESTRICTIVETRAININGANDEMPLOYEESTATEMENTOFUNDERSTANDING.pdf

Dear Chief Shaver

I am writing you to tell you we took immediate action upon learning that Lori Schultz, a former West St Paul employee at our Marathon store at 247 W Wentworth sold cigarettes to a minor on November 12, 2015.

Her actions were not only a blantant and wontful disregard of law, but also of ICO Policy and training.

Due to the fact we train our employees, even have them sign "Statements of Understanding" at that completion and annually at the start of each new fiscal year (fiscal runs August 31-August 31) - see attached - we have "0" - zero tolerance if they choose to not do what they are hired and trained to do in accordance with policy and law and we fire.

This employee was fired for her failure to do her job and follow the law. As a result, she was denied unemployment when she tried to collect it as well.

We are embarassed this happened yet ever so vulernable because no matter how often we remind them - which is daily - they are human and will do what they want and operate outside our - the employer's rules and guidelines and when they do they suffer the consequence and in this case - it cost them more than a fine - it cost them their job!

All I can ask is that you have mercy on us! We know the law. We respect the law. We insist upon the law being followed. We have a training program. It is stressed at time of hire and over and over and over again!

Please know Inter City Oil is saddened by this letter, no, we are mad as hell that some people think rules and policies and law can be ignored.

We respect the law and the job you have to do. We just ask for your understanding that businesses out there are handcuffed in situations like this.

Deb Krieg
VP Corporate Operations
Inter City Oil
1921 South Street
Duluth MN 55812
218.728.3641



WEST ST. PAUL POLICE DEPARTMENT

1616 HUMBOLDT AVENUE, WEST ST. PAUL, MN 55118-3972

Police Administration 651-552-4200 Fax: 651552-4199

www.ci.west-saint-paul.mn.us

January 29, 2016

Ms. Lori Schultz
205 Wentworth Avenue West
Apartment #307
West St. Paul, Minnesota 55118

Subject: Tobacco License Violation, Hearing Notice

Dear Ms. Schultz,

On November 12, 2015 the police department conducted numerous tobacco compliance checks throughout the City of West St. Paul. Unfortunately a few establishments failed these checks and you were identified as the store clerk conducting the sale at one of these failed establishments.

Selling tobacco products to a minor is a violation of state statute and a violation of a city-issued tobacco license. Section 1190 of the West St. Paul City Code articulates the requirements for licensees and employees and the civil penalties which may be imposed for license violations. For your reference I have enclosed the portion of the City Code articulating the possible civil penalties you may be subjected to. You may also wish to review the City's Tobacco Code by visiting the City's website (www.wspmn.gov) and click on "Your Government," then "City ordinances," then click on 1190 (Tobacco).

In following the procedure for a tobacco license violation, a review of the violation was conducted and a subsequent sanction recommendation developed. I will be forwarding my recommendation to you in the next week. For a reference I have enclosed an excerpt from State Statute 461.12 which mandates specific penalties for certain offenses.

This recommendation will be presented to the City Council in the form of a hearing at the February 22, 2016 Council meeting for their consideration. City Council meetings start at 6:30 pm and are held at City Hall, located at 1616 Humboldt Avenue in West St. Paul. This letter serves as official notice of this hearing, which you have the right to be present at. You may address the Council, provide testimony, present evidence or bring witnesses on your behalf if you wish

The time delay from the compliance failure until this hearing is caused by several factors including maintaining consistency with yearend compliance checks, availability of yearend Council meeting times and license holder notification requirements. If you have any questions or concerns, please do not hesitate to contact me at 552-4201.

Sincerely,

Manila G. Shaver, Chief of Police
West St. Paul Police Department

"We Serve with Honor and Integrity"

**City of West St. Paul
Dakota County, Minnesota**

RESOLUTION NO. 16-

**RESOLUTION IMPOSING SANCTIONS UPON
RETAIL TOBACCO LICENSE HOLDER
INNER CITY OIL (ICO)**

WHEREAS, state law authorizes a city council to impose sanctions upon the holder of a retail tobacco license who has failed to comply with an applicable statute, upon a hearing duly noticed, and the opportunity for the license holder to be heard;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of West St. Paul, Minnesota, as follows:

FINDINGS

Notice of a hearing for the imposition of a sanction for a tobacco violation was duly given to the tobacco license holder for the premises at 247 Wentworth Avenue West, West St. Paul, Minnesota on January 29, 2016, pursuant to Minnesota Statutes, sections 461.12, Subd. 2 and 3.

- 1.01 The hearing was held on Monday, February 22, 2016, in the Council Chambers in City Hall, located at 1616 Humboldt Avenue, West St. Paul, MN.
- 1.02 At the hearing all persons who appeared and desired to be heard, were heard.

CONCLUSION

- 2.01 Based upon the evidence presented at the hearing, the City Council concludes that the retail license holder for the premises at 247 Wentworth Avenue West (Inner City Oil) failed to comply with an applicable statute in that tobacco was sold to a minor on November 12, 2015 in the licensed establishment.
- 2.02 The following sanctions are imposed for the violation:
 - a) A \$75 civil penalty is imposed against license holder;
 - b) The individual who sold the tobacco will pay a \$75 civil penalty;
 - c) The civil penalties must be paid within 45 days of being invoiced by the City;
 - d) No employees may sell regulated products (i.e. alcohol or tobacco) without first receiving training on the store's age verification policy and subsequent penalties for violating these requirements; and

- e) While holding a City-issued tobacco license, the license holder must continue to document and maintain the signatures and dates of any tobacco training their employee's receive, including the initial on-line age verification training. This list must be up to date and made available to the police department upon request.

Adopted by the City Council of the City of West St. Paul this 22nd day of February, 2016

Ayes: Nays:

Attest:

David Meisinger, Mayor

Chantel Doriott, City Clerk



WEST ST. PAUL POLICE DEPARTMENT

1616 HUMBOLDT AVENUE, WEST ST. PAUL, MN 55118-3972

Police Administration 651-552-4200 Fax: 651-552-4199

www.wspmn.gov

Type Violation: Tobacco

Name of the establishment: Smith Avenue Liquors

Address: 977 Smith Avenue South

Police Incident or Case Number: 15003997

Date of Violation: November 12, 2015

Summary:

On November 12, 2015 shortly before 6:30 pm Officers Rawlings and Wood, along with an underage decoy, conducted a tobacco compliance check at Smith Avenue Liquors located at 977 Smith Avenue South. The underage decoy was provided marked money by the officers and instructed to attempt to purchase some cigarettes. The decoy possessed his unaltered Minnesota driver's license, which indicated his age was 17. He was told not to lie about his age and if denied tobacco or asked his age, the decoy was to simply return to the officers.

The decoy entered the store and a short time later exited the store with a box of cigarettes and change from the sale of the cigarettes. The decoy provided a description of the store employee who sold him the cigarettes to the officers. The decoy added the clerk requested to see and viewed his underage identification prior to completing the sale.

The officers approached the clerk stating he just failed a tobacco compliance check.

Other Information:

- This location has a relatively new owner within the past year;
- This location had passed six previous compliance checks without a failure;
- The police department conducted two compliance trainings, February 22, 2015 and April 20, 2015, prior to any 2015 compliance checks
- Prior to the initial compliance check the police department sends a notice informing a licensee of an up-coming compliance check. Compliance checks at the end of the year are "unannounced."
- This store is owner operated, thus they tend to self-regulate how they verify a customer's age, usually if the customer looks about 20ish they do not request identification;
- This establishment has an electronic device used to determine a person's age, but it is not used consistently, nor does it function on identification without a magnetic strip;

"We Serve with Honor and Integrity"

Recommendations:

- A \$75 civil penalty is imposed against license holder;
- The individual who sold the tobacco will pay a \$50 civil penalty;
- The civil penalties must be paid within 45 days of notice of payment;
- The license holder will work with the police department to develop a written age verification policy for the store and an articulated procedure for all clerks to conduct sales on potentially underage persons; and
- While holding a City-issued tobacco license, the license holder must document and maintain the signatures and dates of any tobacco training their employee's receive, including being advised of the establishment's age verification policy. This list must be up to date and made available to the police department upon request.



Manila G. Shaver, Chief of Police
West St. Paul Police Department

West St. Paul
Disposition: Citation

INCIDENT

Case Number: 15003997
Title: Tobacco Compliance Check Failure

15003997

Charges/Offenses: 609.6855.1(a) (citation# 190715902138)

Needs Follow-up: No Incident Type: Licensing Offenses Citation Issued: Yes

Investigation Needed: No CAD #: 15022215

Admin Review Needed: No How Initiated: In Person

Drug Related: No Gang Related: No Domestic Related: No

OFFICER INFORMATION

Name	Agency	Badge	Type
Audra Rawlings	West St. Paul	2631	Primary
Elyse Wood	West St. Paul	2628	Assisting

EVENT DATES

Reported	On Scene	Cleared
2015-11-12 16:20	2015-11-12 16:20	2015-11-12 16:23

INCIDENT DETAILS

Address: 977 Smith Avenue S Bldg Name/Num: Smith Liquor; West St. Paul, MN 55118; Dakota US

Location Type: LIQUOR STORE

Location Description:

Start Date: 2015-11-12 16:20 End Date: 2015-11-12 16:23

SYNOPSIS

Adult male cited for selling tobacco to a minor.

Parties Involved

PERSON 1

Role(s): Cited

Last: Avila First: Rafael Middle: Suffix:

Date of Birth: 1964-02-23 Age: 51 Is Juvenile: No

Residence: 3259 Alden Pond Lane; Eagain, MN 55121; Dakota US

Residence Type: RESIDENCE/HOME

Cell Phone: (754)207-2449

Description:

Sex: Male Height: 600 Weight: 200 lbs Hair: Black Eyes:

Race: White Ethnicity: Hispanic/Latino Build: Medium Complexion: Light Brown

CHARGES/ORDINANCES

Type: Statute Chapter: 609 Section: 6855 Subdivision: 1(a) Citation #: 190715902138

UOC: Level: Misdemeanor Enh. Factor:

Description: Nicotine delivery products - Sell nicotine delivery product - Under 18 years old

STATEMENT

Incident Report

INCIDENT

On 2015-11-12 Officer Wood and I were conducting yearly tobacco compliance checks on all businesses in the city of West St Paul with current tobacco licenses. A seventeen year old juvenile was used to conduct these checks and will be referred to as APR in this report. APR did not/was not personally known by any employee in any of the establishments checked. APR was in possession of his Minnesota driver's license indicating he was seventeen years old, his cell phone and a \$20.00 bill provided by us. All the money used during the tobacco compliance checks was provided by the city of West St Paul. One twenty dollar bill was photocopied at the West St Paul Police Department prior to use to record the serial numbers.

At 16:20 we arrived at Smith Liquor, 977 Smith Avenue South. APR was given the \$20.00 bill and entered the store alone. A short time later he exited the store with a box of cigarettes and change for the sale of the cigarettes. APR gave us a description of the store employee who sold him the cigarettes. APR told us that the clerk looked at his identification card and then completed the sale. APR told us there was no age verification device used during the sale.

Officer Wood and I entered the store and made contact with the clerk described by APR who was identified as Rafael Avila 1964-02-23. Avila has worked at the store for 4 months. We explained that a minor had just purchased the cigarettes that we brought back inside. The cigarettes were photographed at the counter prior to being returned to the business. The photograph was downloaded to the case file.

Officer Wood gave Avila the cigarettes and change back and she received the \$20.00 bill that was used back. The serial number was verified by Officer Wood and compared to the photocopy which she retained in her notebook. A photograph of the cash register log was also taken and later downloaded to the case file.

Officer Wood gave Avila her business card with contact information on it. She explained that a citation would be coming in the mail and to contact us if he had any further questions. We also told them to contact a manager or supervisor and let them know what happened.

A criminal history was run on Avila to ensure this was a first time offense and nothing was found that would enhance this charge.

A citation was completed and mailed to the address listed above for the above charge.

Nothing further at this time.

RELATED REPORTS

Agency	CaseNumber	Type	Description
West St. Paul	15003991	Incident	Audra Rawlings (11/12/2015 6:33:24 PM) Title: Tobacco Compliance ChecksLocation: 1616 Humbolt Avenue Date/Time: 2015-11-12 16:00Person: [REDACTED]



15003997 - Tobacco Compliance Failure, Smith Avenue Liquors



WEST ST. PAUL POLICE DEPARTMENT

1616 HUMBOLDT AVENUE, WEST ST. PAUL, MN 55118-3972
Police Administration 651-552-4200 Fax: 651-552-4199
www.ci.west-saint-paul.mn.us

January 29, 2016

Mr. Carlos Lares
Smith Avenue Liquors
977 Smith Avenue South
West St. Paul, Minnesota 55118

Dear Mr. Lares,

On November 12, 2015 the police department conducted multiple tobacco compliance checks throughout the City of West St. Paul. Unfortunately four establishments failed these checks, including yours.

In following the procedure for tobacco license violations there was a review of the violation and a subsequent sanction recommendation developed. This recommendation will be presented to the City Council in the form of a hearing at the February 22, 2016 Council meeting for their consideration.

City Council meetings start at 6:30 pm and are held at City Hall, located at 1616 Humboldt Avenue in West St. Paul. This letter serves as official notice of this hearing, which you have the right to be present at. You may address the Council, provide testimony, evidence or bring witnesses on your behalf if you wish.

I will be forwarding my recommendation to you in the next week. I have enclosed an excerpt from State Statute 461.12, which mandates specific penalties for certain offenses. You may also wish to review the City's Tobacco Code by visiting the City's website (www.wspmn.gov) and click on "Your Government," then "City ordinances," then click on 1190 (Tobacco).

The time delay from the compliance failure until this hearing is caused by several factors including maintaining consistency with yearend compliance checks, availability of yearend Council meeting times and license holder notification requirements. If you have any questions or concerns, please do not hesitate to contact me at 552-4201.

Sincerely,

Manila G. Shaver, Chief of Police
West St. Paul Police Department

"We Serve with Honor and Integrity"



WEST ST. PAUL POLICE DEPARTMENT

1616 HUMBOLDT AVENUE, WEST ST. PAUL, MN 55118-3972
Police Administration 651-552-4200 Fax: 651-552-4199
www.ci.west-saint-paul.mn.us

January 29, 2016

Mr. Rafael Avila
3259 Alden Pond Lane
Eagan, Minnesota 55121

Subject: Tobacco License Violation, Hearing Notice

Dear Mr. Avila,

On November 12, 2015 the police department conducted numerous tobacco compliance checks throughout the City of West St. Paul. Unfortunately a few establishments failed these checks and you were identified as the store clerk conducting the sale at one of these failed establishments.

Selling tobacco products to a minor is a violation of state statute and a violation of a city-issued tobacco license. Section 1190 of the West St. Paul City Code articulates the requirements for licensees and employees and the civil penalties which may be imposed for license violations. For your reference I have enclosed the portion of the City Code articulating the possible civil penalties you may be subjected to. You may also wish to review the City's Tobacco Code by visiting the City's website (www.wspmn.gov) and click on "Your Government," then "City ordinances," then click on 1190 (Tobacco).

In following the procedure for a tobacco license violation, a review of the violation was conducted and a subsequent sanction recommendation developed. I will be forwarding my recommendation to you in the next week. For a reference I have enclosed an excerpt from State Statute 461.12 which mandates specific penalties for certain offenses.

This recommendation will be presented to the City Council in the form of a hearing at the February 22, 2016 Council meeting for their consideration. City Council meetings start at 6:30 pm and are held at City Hall, located at 1616 Humboldt Avenue in West St. Paul. This letter serves as official notice of this hearing, which you have the right to be present at. You may address the Council, provide testimony, present evidence or bring witnesses on your behalf if you wish

The time delay from the compliance failure until this hearing is caused by several factors including maintaining consistency with yearend compliance checks, availability of yearend Council meeting times and license holder notification requirements. If you have any questions or concerns, please do not hesitate to contact me at 552-4201.

Sincerely,

Manila G. Shaver, Chief of Police
West St. Paul Police Department

"We Serve with Honor and Integrity"

Bud Shaver

From: Latinasian Investments [<mailto:latinasianinvestments@gmail.com>]
Sent: Friday, November 13, 2015 7:39 AM
To: Elyse Wood
Subject: Tobbaco Violation

Good Morning Officer Elyse Wood,

My name is Carlos Lares co-owner with my wife Angela of Smith Liquors located at 977 Smith Avenue South. I have had the opportunity to meet you in two occasions; when I attended the Liquor and tobacco class you offered at the city hall and during the first tobacco check you did while I was in charge of the business in July this year.

First of all, I would like to apologize for the tobacco violation occurred on my premises on November 12, 2015, it should never had happened. I would like to put a word for our employee in regards to this issue and not to justify him but to explain what happenrd. While looking at the video captured during the event, I think Rafael followed the procedures to avoid selling tobacco or alcohol products to underage customers. He verified the persons age by asking for the ID and mistakenly assessed the individual as 18 or older. I understand no matter what this is a violation but the intention was not to violate the law it was just a mathematical mistake to determine the correct age.

I also would like to emphasize that in no way we will sell intentionally any restricted product to obtain extra profits to a minor. I will move the sigh for tobacco products to an area that is easy to reach for person at the the cash register.

I'll give a call at later time today to understand what are the consequences of this oversight from our employee and what is next to address this issue. You are welcome to stop by and watch the video if you wish.

Best regards,

Carlos Lares
Business Owner
Smith Liquors
977 Smith Avenue South

**City of West St. Paul
Dakota County, Minnesota**

RESOLUTION NO. 16-

**RESOLUTION IMPOSING SANCTIONS UPON
RETAIL TOBACCO LICENSE HOLDER
SMITH AVENUE LIQUORS**

WHEREAS, state law authorizes a city council to impose sanctions upon the holder of a retail tobacco license who has failed to comply with an applicable statute, upon a hearing duly noticed, and the opportunity for the license holder to be heard;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of West St. Paul, Minnesota, as follows:

FINDINGS

Notice of a hearing for the imposition of a sanction for a tobacco violation was duly given to the tobacco license holder for the premises at 977 Smith Avenue South, West St. Paul, Minnesota on January 29, 2016, pursuant to Minnesota Statutes, sections 461.12, Subd. 2 and 3.

- 1.01 The hearing was held on Monday, February 22, 2016, in the Council Chambers in City Hall, located at 1616 Humboldt Avenue, West St. Paul, MN.
- 1.02 At the hearing all persons who appeared and desired to be heard, were heard.

CONCLUSION

- 2.01 Based upon the evidence presented at the hearing, the City Council concludes that the retail license holder for the premises at 977 Smith Avenue South (Smith Avenue Liquors) failed to comply with an applicable statute in that tobacco was sold to a minor on November 12, 2015 in the licensed establishment.
- 2.02 The following sanctions are imposed for the violation:
 - a) A \$75 civil penalty is imposed against license holder;
 - b) The individual who sold the tobacco will pay a \$50 civil penalty;
 - c) The civil penalties must be paid within 45 days of notice of payment;
 - d) The license holder will work with the police department to develop a written age verification policy for the store and an articulated procedure for all clerks to conduct sales on potentially underage persons; and

- e) While holding a City-issued tobacco license, the license holder must document and maintain the signatures and dates of any tobacco training their employee's receive, including being advised of the establishment's age verification policy. This list must be up to date and made available to the police department upon request.

Adopted by the City Council of the City of West St. Paul this 22nd day of February, 2016

Ayes: Nays:

Attest:

David Meisinger, Mayor

Chantel Doriott, City Clerk

TO: Mayor and City Council
FROM: Matt Fulton, City Manager
THROUGH: Ross Beckwith, PW & Parks Dir. / City Eng.
DATE: February 22, 2016
SUBJECT: Approve Land Swap at Sports Complex for Project #14-5



BACKGROUND INFORMATION:

City Project 14-5 is a County led single lane roundabout project at Wentworth Avenue (CSAH 8) and Oakdale Avenue (CSAH 73). Construction is scheduled for 2017 with possible utility relocation and tree clearing in late 2016.

In order to construct this project, the acquisition of right of way (ROW) from adjacent properties needed to move forward. During the initial ROW discussions, it was determined that ROW must be acquired from the northwest corner of the West St. Paul Sports Complex (Sports Complex). The City was awarded DNR State Natural Resource funding for the construction of the Sports Complex in 1985. One of the funding requirements states that if any portion of the park is used for non-recreational activities (such as a transportation project), the City must replace the parkland needed for non-recreational activities dollar for dollar.

The project management team (PMT) presented the proposed project to City Council at their open council session on April 13, 2015. At this meeting, the PMT discussed the replacement parkland needed for the project and was considering acquiring property from 1678 Oakdale Avenue. Through discussions with the property owner and the PMT, the PMT decided to pursue other alternatives. The PMT presented the use of a portion of the City property south of, but adjacent to the Sports Complex to the DNR (see attached map). The DNR preliminarily approved the land swap pending the appraisal of the property to be acquired through the project and the property proposed as replacement parkland.

The appraisal for the acquired portion of the Sports Complex and the proposed replacement parkland has been completed and reviewed by the County. The appraised value of the acquired portion is \$12,000 and the appraised value of the replacement parkland is \$20,000. Based on this information, the proposed parkland replacement shall be submitted to the DNR for their approval. If the DNR approves the swap, the proposed parkland will be considered part of the Sports Complex and will be subject to the DNR State Natural Resource funding requirements. A grant amendment would need to be signed by the city if the DNR approves the swap. However, prior to submitting to the DNR, the City Council is required to approve the land swap.

FISCAL IMPACT:

There are no direct costs with this land swap.

		Amount
Fund:	401	
Department:	43100	
Account:	Various	\$0

STAFF RECOMMENDATION:

Staff recommends that the City Council approve a land swap with the DNR at the Sports Complex for construction of City Project #14-5.



Permanent
Easement (1865 SF)

Parkland
Replacement
(6654 SF)

WENTWORTH AVE E

WENTWORTH AVE E

TRAFFIC CIR

WEST ST
PAUL SPORTS
COMPLEX

70

LOTHENBACH AVE

100m



TO: Mayor and City Council
THROUGH: Matt Fulton, City Manager
Ross Beckwith, Park & Rec/PW Dir.
FROM: Dave Schletty, Asst. Parks & Rec. Dir.
DATE: February 22, 2016
SUBJECT: Approve Final Payments for Ice Arena Construction Projects

City of West St. Paul

BACKGROUND INFORMATION:

All construction work for the Ice Arena Bid Pack 1 and Bid Pack 2 projects have been completed in accordance with the plans and specifications. The contractors, Commercial Refrigeration and Meisinger Construction, have submitted all necessary paperwork and a request for final payment. All punch list items have been completed. There was a previous issue having to do with cleaning of the facility after construction to get it “user” ready. City staff has received a check from Commercial Refrigeration for \$3486.00 to cover their portion of the cleaning issues. We have also received a \$200 credit from Becker Arena for the cleaning issues. We have decided Meisinger Construction has fulfilled their cleaning obligations. There was previously also one outstanding punch list item for Meisinger Construction. The Council decided to withhold \$3500 from final payment until this item was completed. Meisinger Construction has completed this item (installation of gas regulators to all appliances.) If approved tonight, staff would like to issue a final payment of \$62,986.45 to Commercial Refrigeration, as well as the \$3500 retainage to Meisinger Construction and along with the architect are in favor of closing this project out completely.

FISCAL IMPACT:

The original contract amount for the Bid Pack 1 construction was \$1,141,418.00. Previously the City Council had approved change orders which increased the construction contract by \$118,310.89 to a new contract amount of \$1,259,728.89. With approval of this final payment amount of \$62,986.45, and the retainage payment of \$3500.00 for bid pack 2 the total payments for the projects will equal the revised contract amounts.

		Amount
Fund:	615	
Department:	49853	
Account:	40520	\$66,486.45

STAFF RECOMMENDATION:

Staff recommends that the City Council accept the work on the Bid Pack 1 project and that final payment in the amount of \$62,986.45 be made to Commercial Refrigeration, and that the final \$3500 in retainage be paid to Meisinger Construction since all matters with their contract have been resolved.

C: John McNamara, Wold Architects & Engineers
Mark Rodorigo, Commercial Refrigeration
Nick Meisinger, Meisinger Construction

JOB DESCRIPTION

POSITION TITLE: I & I Inspection Liaison

DEPARTMENT: Parks and Public Works

STATUS: 3 Year, Full Time, Temporary with Full Benefits

ACCOUNTABLE TO: Parks and Public Works Director/City Engineer

DATE: February 2016

POSITION SUMMARY

Performs semi-skilled to skilled preliminary inspections of homes and businesses to determine readiness for I & I inspections and document any barriers to moving forward with the process as well as assist property owners understand the requirements of the I/I program; performs related duties as required.

DUTIES AND RESPONSIBILITIES

1. Schedules and confirms inspection times and days with property owners or managers and explains the pre-inspection process.
2. Conducts field inspections inside residences and businesses accessing the basement to determine if televising of the system can be done without additional work.
3. Checks to see if sump pumps exist and checks to see if it has been separated from the sanitary sewer system. Explain proper disposal of sump pump drainage.
4. Explains to property owners any plumbing work that needs to be completed to prepare for the I & I inspection.
5. Locate cleanout stack access and identifies barriers to televising.
6. May assist the property owner in understanding how to obtain bids for any I & I work or pre-work that is needed.
7. Explains the inspection and repair process and assist owners in understanding their next steps and timelines.

ESSENTIAL KNOWLEDGE, SKILLS AND ABILITIES

1. Knowledge of plumbing codes as it related toilets, stacks, sump pumps, and connections to municipal sanitary sewer systems.
2. Working knowledge of hand and plumbing tools and ability to locate connections.
3. Skill in using M.S. Office including Word, Excel and Outlook to record information and prepare correspondence.
4. Considerable ability to explain complicated issues involving plumbing and I & I issues in easy to understand terms to individuals with little to no knowledge of same.
5. Considerable ability to listen patiently and calmly, answer questions clearly and explain the I & I process in a clear and straightforward manner.
6. Ability to work flexible hours including regular evening work.
7. Considerable ability to work independently and conduct timely inspections.
8. Considerable ability to record and maintain accurate documentation.

MINIMUM REQUIREMENTS

1. Must possess and maintain a Class D Driver’s License or equivalent out of state Driver’s license with no suspensions or revocations within the past three years.
2. Six months experience working as a licensed plumber or performing plumbing work as a homeowner or contractor.

DESIRABLE QUALIFICATIONS

1. Completion of post-high school education in plumbing.

An Equal Employment Opportunity/Affirmative Action Employer

APPROVED:

Human Resource Director

Department Head

City Manager

(date)

ORDINANCE NO. _____
CITY OF WEST ST. PAUL
DAKOTA COUNTY, MINNESOTA

AN ORDINANCE AMENDING CHAPTER 50, SECTION 50.08 OF THE WEST ST. PAUL CITY CODE REGARDING DISCHARGE OF PROHIBITED CLEAR WATER DRAINAGE; SUMP PUMPS

The City Council of West St. Paul does ordain:

SECTION 1. West St. Paul City Code Chapter 50, Section 50.08 relating to the Discharge of Prohibited Clear Water Drainage; Sump Pumps, is hereby amended as follows:

§ 50.08 DISCHARGE OF PROHIBITED CLEAR WATER DRAINAGE; SUMP PUMPS.

(A) *Definition. CLEAR WATER DRAINAGE*, for the purpose of this section, is defined as stormwater, natural precipitation, ground water or flow from roof runoff, surface runoff, subsurface drainage, down spouts, eave troughs, rainspouts, yard drains, sump pumps, foundation drains, yard fountains, ponds, cistern overflows or water discharged from any nonresidential air conditioning unit or system.

(B) *Prohibited discharges.* No person shall directly or indirectly discharge, or permit to be discharged any clear water drainage into the city's sanitary sewer system.

(C) *Prohibited connections.* No person shall make or maintain a connection between any conductor used to carry clear water drainage and the city's sanitary sewer system.

(D) *Sump pumps.* Dwellings and other buildings and structures that require a sump pump system to discharge excess water because of the infiltration of water into basements, crawl spaces and the like shall obtain a permit and have a permanently installed discharge line that complies with the following:

- (1) It shall not any time discharge water into the city's sanitary sewer system;
- (2) It shall provide for year-round discharge capability to either the outside of the dwelling, building or structure, to the city's storm sewer system;
- (3) It shall consist of a rigid discharge line inside the dwelling or building, without any connections for altering the path of discharge, and if connected to the city's storm sewer line must include a check valve; and
- (4) Must be directed toward the front or rear yard so as not to trespass or discharge on to adjoining properties.

(E) *Inspections.* An inspection is required to ensure compliance with this Section. Inspections shall be conducted pursuant to § 10.17. In addition to following the inspection requirements in § 10.17, owners and occupants shall be required to comply with the following:

- (1) Allow an initial inspection within 30 days of the date that the city notifies the owner or occupant that a mandatory inspection is required;
- (2) Provide sufficient access to the sanitary service line within the dwelling, building or other structure, including removal of all obstacles so that the sanitary service line is completely accessible to the inspector;
- (3) Clear the sanitary service lines of all root intrusions or any other intrusions to allow clear televising of the sanitary service line from the dwelling, building or other structure to its connection with the public sewer main.

(F) *Violations.* When the inspector determines that there has been a violation of any provision of this section, the inspector will give notice of the violation to the owner and occupant in writing and allow up to 180 days to correct the violation, unless more time is granted by the City Council. The owner must provide the city with a televised recording of the sanitary service line taken by a licensed contractor verifying that all corrections have been made.

(G) *Surcharge.*

(1) A monthly surcharge of \$50 for single-family properties and a surcharge of \$300 for all other properties shall be added to each sewer and water bill if:

(a) An owner fails to schedule an inspection pursuant to §50.08(E)(1) above;

(b) An owner whose property was found in violation of this section did not make the necessary changes and furnish proof of those changes to the city within 180 days or such other time frame as stated in the notice of violation; or

(c) There has been a reconnection of a previously disconnected prohibited discharge. If a property is certified in compliance with this section and the same owner is later found to have reconnected to the municipal sanitary sewer system, the property owner will be subject to the surcharge for all months between the last two inspections. If there has been a change in ownership, then the new owner shall be given a notice of violation and allowed up to 180 days to comply.

(2) The surcharge shall be added for every month during which the property is not in compliance.

(H) *Temporary waiver.* The Public Works Director may allow or require a temporary waiver from the provisions of this section when strict enforcement would cause a threat of damage to other property, the environment or public safety because of circumstances unique to the individual property. A written request for a temporary waiver must be first submitted to the

Public Works Director specifying the reasons for the request. If a waiver is required or granted, the property owner must pay an additional fee for sanitary sewer services based on the number of gallons discharged into the sanitary sewer system, as estimated by the Public Works Director. The Public Works Director may terminate the waiver upon a failure to comply with any conditions imposed in the temporary waiver or may take appropriate legal action to enforce those conditions. After expiration or termination of a temporary waiver, the property owner must comply with the provisions of this section.

(I) *Public nuisance.* An owner or occupant who has done work that does not comply with this section, who reconnects to a previously disconnected prohibited discharge, **who fails to pay the surcharge** or who has failed to do the work required by this section within the time limit given by the inspector, will be deemed to have created a public nuisance subject to abatement and assessment, as provided in [Chapter 94](#).

(J) *Remedies.* The remedies provided in this section do not limit the right of the city to pursue any other available legal remedy

SECTION 4. SUMMARY PUBLICATION. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

The ordinance amendment intends to clarify the responsibilities of the homeowner in regard to the inspection process. It also imposes a \$50 surcharge on an owner who refuses to schedule an initial inspection.

SECTION 5. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed this _____ day of _____, 2015.

Ayes:

Nays:

Attest:

David Meisinger, Mayor

Chantal Doriott, City Clerk

TO: Mayor and City Council
FROM: Matt Fulton, City Manager
DATE: February 22, 2016
SUBJECT: Modifications to Inflow/Infiltration Program



BACKGROUND INFORMATION : The City of West St Paul is engaged in a program intended to ensure that clear water does not end up in the sanitary sewer system. This program is being required by the Metropolitan Council that has a surcharge approach toward communities that allow excessive clear water into the sanitary sewer service. In West St Paul's case, the surcharge amount is \$2.7m. The surcharge can be avoided if a similar amount is invested in the public and private sanitary sewer infrastructure to remove the clear water.

While the program was originally commenced in 2008, a more aggressive approach was implemented in 2015. The engineering firm of SEH has been retained to assist the City in this effort.

Based on the experience from the past year relating to this project, there are several modifications that the City Council is being asked to consider at this time

DISCUSSION : The following modifications are being suggested to be implemented:

1. Hire a temporary employee to provide initial house preview to determine if the property is ready for inspection by SEH and assist property owners in understanding the overall steps required by this program to become compliant. The position description for this position is attached and the proposed rate is \$20-\$25/hour. The position would continue until the I/I program is completed. As part of this effort, the City would take more of a leadership role in helping property owners schedule and accomplish the necessary steps in becoming compliant.
2. Amend Chapter 50.08 of the City Code regarding the discharge of prohibited clear water drainage and sump pumps. The proposed changes simply are intended to clarify the responsibilities of homeowners to participate in the I/I program and ensuring that the sanitary sewer service line is available and accessible. The proposed language clarifies penalties for not participating. The Council is being requested to have a first reading of the ordinance at its regular meeting on February 22. The proposed ordinance is attached.
3. In order to avoid street excavation, it is being recommended that any required sanitary sewer service line repairs be limited to no closer than 2 feet from the sanitary sewer main in the street. Any repair work that would necessitate excavation in the street would be noted in the City's records and corrected at the time of street reconstruction. This would shift the cost of these repairs to the City although would also preserve the integrity of the street which is a high community priority. Future costs for sanitary sewer main repairs would increase as a result of this approach and would need to be absorbed in municipal sewer rates.
4. A property would be considered compliant upon the submittal and review of a video and signed verification statement from the licensed plumbing company following all required repairs.

5. FISCAL IMPACT

I/I Inspection Liaison is proposed at a \$20-\$25/hour rate. Hours will depend on need. Annualized, this position, working full-time, would be approximately \$41,600-\$52,000 and funded through the Sanitary Sewer Fund.

Additional city expenses relating to assuming reconstruction repairs to sanitary sewer service line/main repair is not possible to calculate at this time and would be incorporated within the capital budget for the Sanitary Sewer Fund.

Eliminating a final inspection by SEH will save the City \$200/inspection.

		Amount
Fund:	602	
Department:	49450	
Account:	40104	\$20-\$25/hour

STAFF REQUEST FOR CONSIDERATION

Staff is requesting the City Council to:

1. Hold the first reading of the proposed ordinance amendments to Chapter 50.08 of the City Code relating to the discharge of prohibited clear water drainage and sump pumps;
2. Authorize the hiring of a temporary I/I Inspection Liaison to assist property owners through this process.
3. Approve several program modifications:
 - a. Disallow any street excavation for the repair of a sanitary sewer service line, except as authorized for unusual circumstances, and acknowledge that any needed repair would be addressed as part of a street reconstruction project at City expense.
 - b. Allow compliance based upon the submittal and review of a video and written verification by plumber that all repairs have been accomplished.



TO: Mayor and City Council
THROUGH: Matt Fulton, City Manager
Ross Beckwith, Park & Rec/PW Dir.
FROM: Dave Schletty, Asst. Parks & Rec. Dir.
DATE: February 22, 2016
SUBJECT: Resolution Supporting Pollinators and Pollinator Habitat

City of West St. Paul

BACKGROUND INFORMATION:

At the December 15, 2015 Open Council Work Session, the City Council directed staff to work with the Environmental Committee to develop a resolution to designate West St Paul as a “Pollinator Friendly City”. The West St Paul Environmental Committee researched and developed the attached resolution at their January 6, 2016 meeting. Additionally ISD 197 has recently become the first school district in Minnesota to pass a similar “Pollinator Friendly” resolution.

The highlights of the resolution include:

- A policy for the City to follow in the parks and on other public land as far as best practices and use of certain pesticides.
- Education to residents of West St Paul about the importance pollinators and how to best keep them safe.
- Planting of pollinator safe plants in public spaces

FISCAL IMPACT:

There would be no known fiscal impact for this designation.

		Amount
Fund:	101	
Department:	30000	
Account:	36230	

STAFF RECOMMENDATION:

Staff recommends that the City Council approve the resolution to make West St Paul a “Pollinator Friendly City”.

**CITY OF WEST ST. PAUL
RESOLUTION NO. 16-**

RESOLUTION SUPPORTING POLLINATORS AND POLLINATOR HABITAT

WHEREAS, the West St. Paul City Council and the Environmental Committee are dedicated to the protection of pollinators and to promoting a healthy natural environment through the reduction and elimination of harmful pesticides; and

WHEREAS, pollinators including honey bees, native bees, and butterflies are integral to a wide diversity of essential foods including fruits, nuts, and vegetables; and

WHEREAS, pollinators are facing annual declines in excess of what is considered normal due to habitat loss, pesticide use, pathogens, and parasites; and

WHEREAS, research shows multiple interacting causes are contributors to the severe decline of pollinator populations, including pathogens, habitat loss, exposure to pesticides, and synergistic effects of herbicides, fungicides, and insecticides; and

WHEREAS, scientific evidence around neonicotinoid insecticides including clothianidin, thiamethoxam, and imidacloprid is especially compelling and deserves action; and

WHEREAS, neonicotinoid pesticides that are harmful to pollinators and are harmful to other invertebrates, birds, and aquatic animals; and

WHEREAS, the City Council finds it is in the public interest to demonstrate its commitment to a safe and healthy community for people as well as pollinators through the implementation of pest management best practices in maintenance of the city parks, open spaces, and city property; and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of West St. Paul, Minnesota:

1. The City shall undertake its best efforts to become a Bee-Safe City by implementing best management practices in the use of plantings and pesticides in all public spaces within the city.
2. The City shall refrain from the use of systemic pesticides known to be harmful to pollinators, specifically but not limited to those that contain neonicotinoid.

3. The City shall undertake its best efforts to plant flowers favorable to bees and other pollinators in the City's public spaces.
4. The City shall designate Bee-Safe areas in which future City plantings are free from systemic pesticides including neonicotinoids.
5. The City shall undertake best efforts to communicate to West St. Paul residents the importance of creating and maintaining a pollinator-friendly habitat.
6. The City shall publish a Bee-Safe City Progress Report on an annual basis.

BE IT FURTHER RESOLVED that the City of West St. Paul urges all West St. Paul property owners, residents, businesses, institutions, and neighborhoods to become more pollinator-friendly by adopting practices including:

- Committing to not use pesticides, including systemic insecticides, on their property;
- Avoid planting flowering plants that are treated with systemic insecticides;
- Planting more pollinator forage on their property and use organic or chemical-free lawn and landscaping practices.

Adopted by the City Council of the City of West St. Paul this 22th day of February, 2016

Ayes:

Nays:

Attest:

David Meisinger, Mayor

Chantal Doriott, City Clerk

TO: Mayor and City Council
THROUGH: Matt Fulton, City Manager
 Jim Hartshorn, Comm. Dev. Dir.
FROM: Ben Boike, Assistant Comm. Dev. Dir.
DATE: February 22, 2016
SUBJECT: Temporary Rental License Hearing – 911 Cherokee Ave.



City of West St. Paul

BACKGROUND INFORMATION:

St. James Evangelical Lutheran Church has submitted a completed Rental License application for the property at 911 Cherokee Ave. The church is requesting a Temporary License (formally titled provisional license) as the block does not currently have any available rentals per the Rental Density Ordinance. Section 435.05, Subd. 12, c. of the City Ordinance allows council to approve or deny additional rentals on any given block at its own discretion (see attached language). The ordinance requires that the property owner hire a licensed property management company to manage the property and limits temporary permits to two years while requiring annual application.

The subject property is located directly south of the church parking lot. The church currently owns and operates a licensed single-family home directly to the south at 917 Cherokee (see attached map). The church originally purchased 917 Cherokee with the intent to purchase 911 Cherokee in the future and potentially demolish both homes in order to expand the church and/or parking lot. Per the attached email submitted by the church, the church recently purchased 911 Cherokee however the church is not currently in position to expand. As a result, they are requesting the ability to rent the home for two years while they plan and finance the possible expansion.

The owners submitted a completed rental license application, paid the required application fee, has a licensed property management company, and submitted a completed inspection report. There are no open code violations on the property and the owner previously passed the background investigation (already has rental property).

FISCAL IMPACT:

None

Application Fees Received:		Amount:
Fund:	101	
Department:	30000	
Account:	32170	\$190

STAFF RECOMMENDATION:

Staff does not feel that the request meets the intent of the ordinance. The Temporary License language was implemented as an option for those home owners who have left the state/area for employment or other unforeseen/unanticipated emergency situations or circumstances, and have been unable to sell their home. With that said, per the ordinance language, the Council has sole discretion whether or not to approve a temporary license given the situation.

Based on the reasons outlined, Staff recommends denial of the Temporary License Rental License request for the property at 911 Cherokee Ave.

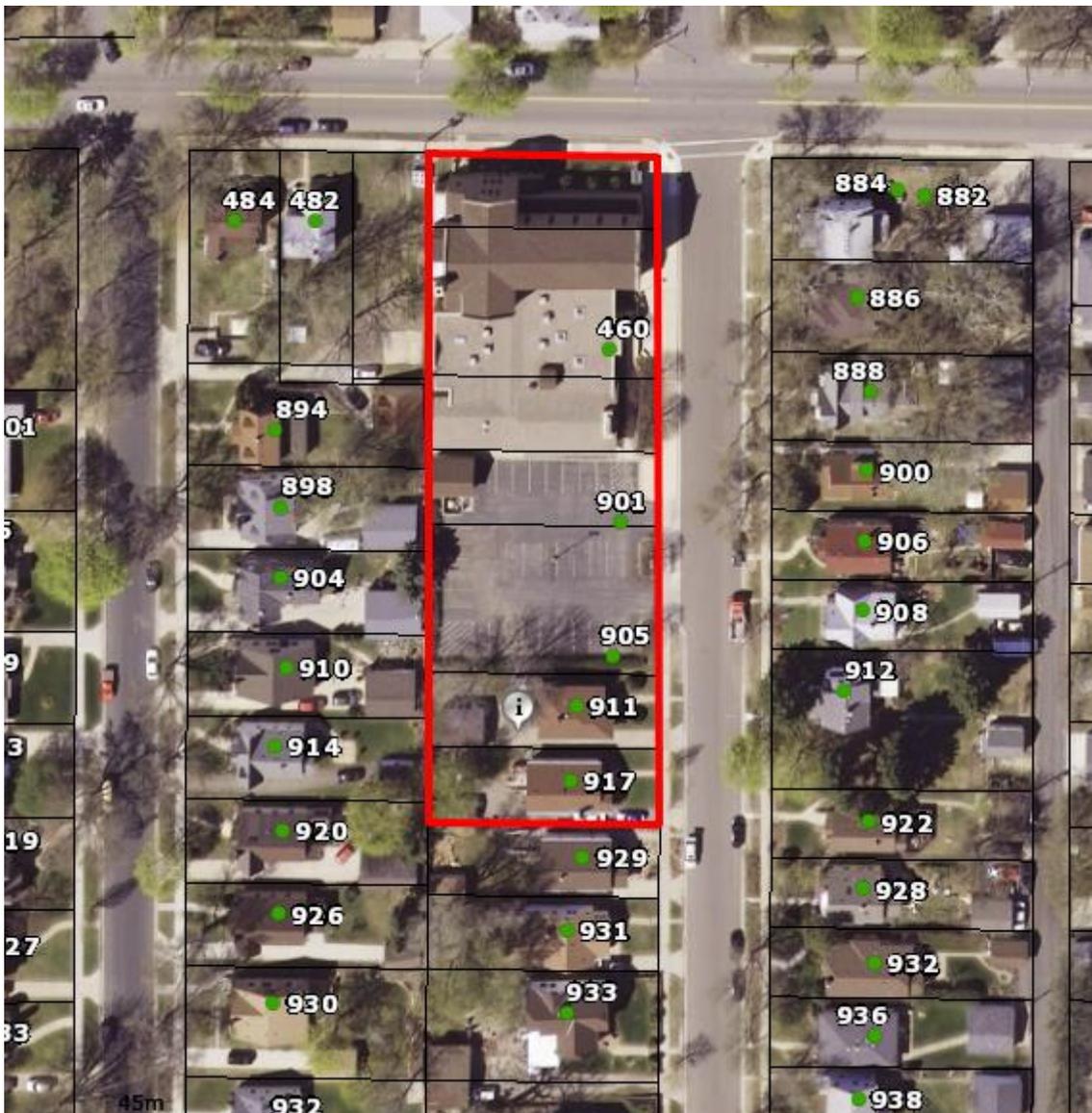
ATTACHMENTS:

Ordinance Language/Aerial of subject Properties
Narrative from the application

Section 435.05

Subd. 12. Rental Density for Single-Family Rental Dwellings. In an R1 zoning district, no more than 10 percent (10%) of the single-family lots on any block shall be eligible to obtain a rental license, unless a Temporary License is granted by the City Council as provided herein. Table 1 indicates how many single-family lots per block are able to be licensed as a rental property based on the number of lots that exist in a block.

c. If the number of rental properties meets or exceeds the permitted number of rental properties per defined block on the effective date of this ordinance, a Property Owner may request a Temporary License to allow an additional rental property for that block. The Property Owner must hire a licensed professional property management company to manage the Property. The Council may grant or deny a Temporary License in its sole discretion. Persons requesting a Temporary License must make an annual application to the City. No Property Owner shall hold a Temporary License for the same Property for more than 2 consecutive years.



Hello Ben,

We appreciate the opportunity to be on the agenda of the Feb 22, 2016 City Council meeting. Please see my responses below.

Status Update on the Property:

The property is vacant. The Church has secured the property (changed the locks), and installed a new garage door and opener. Utilities are on and furnace is operating.

Church's Intent for the property:

The Church intends to rent the property out temporarily until a project to change the use of the property can be planned, approved by the city and financed.

What is the timing on the parking lot project?

Several years ago, the leadership of Saint James established the Real Estate committee for the purpose of exploring the highest and best use of the Church's current property and possible acquisition of other parcels for future expansion. Two properties were acquired at 482 and 484 Annapolis and have been rented to offset the cost of acquisition. 917 Cherokee was acquired when it came up for sale since south is the other possible direction to expand. Now that the Church has 911 Cherokee, it has two possible directions to expand on contiguous lots. The Church leadership are in discussion about how soon it can expand and just exactly what kind of expansion fits best with the Church's mission. The most likely proposed use for the property will be additional parking to get more parishioners' cars off the street. It is hoped that this project can be completed within the next 3 years.

Who is renting 917 and who will be renting 911 (families or individuals, how many??).

917 Cherokee is rented by a couple by the name of Vega, who have been our tenants since March 1, 2009. The Church intends to offer 911 Cherokee for rent at an affordable market rate to any qualified applicant. While we don't know who will occupy the property because we have not yet offered it for rent, the Church will not allow more than the city's allowable number of unrelated persons to live in the property. It is noteworthy that our tenants have typically stayed in our properties for long periods of time, indicating that Saint James has provided good, clean and safe properties for tenants. We also have a track record of being excellent neighbors to the surrounding properties.

Please contact Grace at 651-552-4116 to schedule the inspection and pay the fee (\$150).

I spoke with Grace. The inspection is scheduled for tomorrow 1pm; I am meeting Sabrina at the property. And we will take care of the inspection fee.

Please let me know if you need anything else from us. Thanks.

To: Ross Beckwith, PE, Public Works Director
City of West St. Paul

From: Dave Hutton, PE
Senior Project Manager

Date: December 31, 2015

Subject: Robert Street Improvement Project
Construction Field Revisions – Minor Work Orders

Introduction

The purpose of this memorandum is to summarize the Minor Work Orders that have occurred on this project during the 2015 construction season. Minor Work Orders is the formal MnDOT process to track and pay for exactly that, minor items that have been added to the project that do not have related bid unit prices associated with them.

Discussion

The contractor has submitted 33 requests for Minor Work Orders (MWO) during the 2015 construction season totaling \$117,198.85. As the City's Project Manager, I have personally reviewed and researched all of them and provided recommendations to City staff on the proper resolution which can range from denial to renegotiate to approval. City staff have been made aware of each of them as they get submitted along with as well as providing input and discussion as to the legitimacy and final outcome of each of them. Through that process, 19 of the MWO's have been eliminated from further discussion as change orders, totaling \$33,793.53. The remaining 14 are recommended for approval totaling \$83,405.32 and are summarized below. It should be noted that all but 3 of them are less than \$10,000 each.

MWO # 1 – This change order was previously approved by City staff. The project included an anchor piling designed to support the watermain through the area with bad soils. As it turned out, the soils were good in this area so the piling was deleted from the contract (\$59,200 bid item). However, the contractor had already purchased the steel beams and coated them with an anti-road protection at the request of Saint Paul Water Utility so the materials were altered and no longer able to be used. This change order consists of reimbursing the contractor for the materials only that had been purchased and not used. Total cost = \$8,712.78. (Note: due to the elimination of the anchor pilings from the project, there was net savings to the City of approximately \$50,488).

MWO #2 – Change in storm structures. (Eureka reference # FWO1) In certain cases, the manholes built and delivered to the site off the plans, needed to be modified as a result of additional pipes that are discovered after excavation, such as a private service line from parking lots, etc. In this case, a new line was discovered coming in to the manhole from CVS. The cost to modify the manhole that was constructed and delivered to the site to accommodate this service line was \$1,063.01.

MWO #3 – Change in three storm structures (Eureka reference # FWO3). Same reasoning as item one above. In this case there were three structures involved. One was at Emerson, the second involved a conflict between the watermain and the large concrete retaining wall footings just north of Emerson, and the third was at Thompson. Total cost = \$1,497.47.

MWO # 4 – (Eureka reference # FWO 10). This involved a major revision to the storm sewer at the new Menard's driveway. The original design had four structures to catch water from both the parking lot and Robert Street due to the steep grades. Unbeknownst to the City or the record plans provided to SRF, Menards had a major storm line coming out from their parking lot. It actually went into a buried manhole under the pavement so MnDOT records were not even aware of it (This kind of conflicting storm information was fairly common on the project because MnDOT wanted to save as much as they could, but in other areas extremely poor records did not provide a true picture for design.).

SRF had to redesign the storm sewer system in this area and were able to reduce the total structures from four to two. All four manholes were actually incorrect based on the new design, but we were able to “repurpose” two of the manholes and reuse them. The other two manholes could not be used. Note: all four of them were built and delivered to the site – which is common practice in order to stay on schedule given the time involved in casting the structures. This change order is basically the cost to reimburse the contractor for two manholes that were built but not used. Total cost = \$10,935.87.

MWO # 5 – (FWO# 13). This consists of the need to use larger additional fittings and larger pipe for an existing water service line at O'Reilly's. Total cost= \$2,580.09.

MWO # 6 – (FWO# 18). This consisted of modifying a storm sewer structure due to an unknown Qwest duct bank that was not identified through the Gopher One Call system.. Total cost = \$1,552.29.

MWO # 7 – The City requested that an anti-graffiti coating be installed on the large retaining walls south of Butler. The price quoted by Eureka was \$4,070.00. The City approved of this and authorized the work to be completed as part of the 2015 construction.

MWO # 8 – The City requested that railings be installed in the steps at the five properties with the retaining walls. As part of the project, these steps were replaced, and retaining walls added along the sidewalk. The steps did not have any building code approved railings prior to construction starting. The city requested a price to add these and the quote was \$17,495.00 total for the five properties (approximately \$3,500 each). The City approved this quote and authorized the work. They are being fabricated now and will be installed in the spring.

MWO # 9 – (FWO# 20). When the modular block retaining walls were built by the five homes, the City requested that the slope of the yards from the top of the wall to the homes be flattened somewhat even though they met the City's maximum slope requirement of three to one. The contractor had to come back in and add a row of retaining wall blocks to do the requested work. The additional retaining wall itself is paid for at the bid item (per square feet of wall), but the excavation and restoration work that was needed is an extra item. The total cost of this item is \$2,973.57.

MWO # 10 – (FWO# 21 and 22). Storm sewer changes due to the need to pick up a parking lot drain at the apartment building just south of Plaza TV. Total cost = \$1,888.47.

MWO # 11 – (FWO# 23). This one consisted of finding unusual rubble for the sanitary sewer work that was added at Annapolis by the City, such as rail road ties, etc. Total cost = \$1,020.51.

MWO # 12 – (FWO# 25). Miscellaneous watermain services and valve repairs requested by SPRWS. Five separate locations are included in this item. Total cost = \$6,107.50.

MWO # 13 – (FWO# 27). The City requested that the contractor repair a sanitary service line in southbound Robert Street south of Haskell that had been discovered by the City’s I/I inspection program prior to the road being repaved. Total cost = \$1,134.37.

MWO # 14 – (FWO # 31). Due to the final paving operations taking place late in the fall, the minimum MnDOT required temperatures for placing the final poly pavement markings could not be achieved. One of the reasons the final paving was done in November were delays caused by Xcel in relocating their facilities at the beginning of the project in April. The contractor therefore requested temporary pavement markings be installed for the winter with the permanent ones being installed in the spring. Working with MnDOT materials engineers, they recommended temporary epoxy markings be used rather than paint. Total cost of using temporary epoxy pavement markings = \$22,374.39

The total cost increase to the project for all 14 Minor Work Orders is \$83,405.32, and are summarized below:

MWO #	Description	Total Cost
1	Anchor piling coating, material fabricated but not used	\$8,712.78
2	Storm sewer structure changes	\$1,063.01
3	Storm sewer structure changes	\$1,497.47
4	Storm sewer structure changes	\$10,935.87
5	Larger sanitary service fittings	\$2,580.09
6	Qwest duct bank conflict	\$1,552.29
7	Anti-graffiti coating on retaining walls	\$4,070.00
8	Railings for private steps	\$17,495.00
9	Additional retaining walls to raise height	\$2,973.57
10	Storm sewer revisions	\$1,888.47
11	Excavation of rubble for sanitary sewer added	\$1,020.51
12	Miscellaneous watermain revisions	\$6,107.50
13	Sanitary sewer service repairs	\$1,134.37
14	Temporary pavement markings	\$22,374.39
	Total	\$83,405.32

Summary and Recommendation

We recommend approval of all 14 Minor Work Orders for submission to MnDOT for formal approval. Costs for these items are eligible for both the State and Federal funding, along with any respective utility funding sources on the project (sanitary fund, St. Paul Water, etc.) related to specific items.

DEH/iaf

TO: Mayor and City Council
THROUGH: City Manager
FROM: PW & Parks Dir./City Engineer
DATE: February 22, 2016
SUBJECT: Approve Minor Work Orders on Robert St. Phase
Project #11-3



BACKGROUND INFORMATION:

As part of the City's contract with Eureka Construction for Phase 1 of there have been a number of minor work orders (MWO) which occurred. The amount of the requested Minor Work Orders (MWO's) is \$83,405.32. Below is a brief description of each MWO.

1. \$8,712.78 - WMO 1 is payment for piling purchased, but not needed. There is a net savings of \$50,488 since the watermain did not need to be installed on piling. This cost will be attributed to St. Paul Regional Water as a watermain expense.
2. \$1,063.01 - WMO 2 is for a change to storm sewer manholes once they were delivered to fit an existing storm sewer line.
3. \$1,497.47 - WMO 3 is for changes to three storm sewer structures once they were delivered to fit existing public underground utilities.
4. \$10,935.87 - WMO 4 is for a revision to the storm sewer at the Menard's driveway.
5. \$2,580.09 - WMO 5 is for larger fittings and pipe at an existing water service line at O'Reilly's.
6. \$1,552.29 - WMO 6 is the modification of a storm sewer structure due to a private utility conflict.
7. \$4,070.00 - WMO 7 is the application of an anti-graffiti coating for the retaining walls south of Butler Avenue.
8. \$17,495.00 - WMO 8 is the addition of stair railings at five properties where stairs were replaced with the construction of new retaining walls.
9. \$2,973.57 - WMO 9 is for re-grading five residential yards to better match in the top of the new wall elevations.
10. \$1,888.47 - WMO 10 is for tying in a storm sewer line from an apartment parking lot just south of Plaza TV.
11. \$1,010.51 - WMO 11 is for disposal of miscellaneous waste such as railroad ties which were found in the subgrade.

12. \$6,107.50 - WMO 12 is for miscellaneous watermain service and valve repairs at five locations. This cost will be attributed to St. Paul Regional Water as a watermain expense.
13. \$1,134.37 - WMO 13 is the repair of a sanitary sewer service line.
14. \$22,374.39 - WMO 14 is for temporary pavement markings at the end of 2015. Due to the temperatures last fall, epoxy paint could not be put down at that time. Temporary latex striping allowed the roadway to open to traffic.

Additional detail on all of the above items is included in the attached memo from our consultant SRF.

FISCAL IMPACT:

A summary of the current contract changes for the project is below:

Estimated SA's #1-6	\$ 1,167,064.00
Minor Work Orders	<u>\$ 83,405.32</u>
Total	\$ 1,250,469.32

		Amount
Fund:	551	
Department:	43121	
Account:	41113	\$83,405.32

STAFF RECOMMENDATION:

Staff recommends that the City Council approve the attached minor work orders to the City's contract with Eureka Construction in the amount of \$83,405.32 for Phase 1 of the Robert Street Improvement Project #11-3.

C: Dave Hutton, SRF
 Chuck Price, Eng. Tech III



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January 12, 2016

Mr. Ross Beckwith, P.E., Public Works Director/City Engineer
 City of West St. Paul
 1616 Humboldt Avenue
 West St. Paul, MN 55118

RE: Construction Services Fee
 2015 Marie Avenue Improvements
 City of West St. Paul, Minnesota

Dear Mr. Beckwith:

As I mentioned to you previously, the original Request for Proposals (RFP) sent out by former Public Works Director Matt Saam eluded to a 16-week construction schedule with a 40-hour work week for construction observation. Matt did this to keep the proposal process fair since it is somewhat variable as to how much time will actually be required for construction services. Our proposal indicates additional hours beyond the 40-hour, 16-week schedule would be billed at our hourly rates according to our fee schedule in the proposal. There were similar assumptions made with construction administration based on the schedule. These were all assumptions directed by the City as a part of the proposal process.

The primary reason for the increased time allocated to the project was due to the construction hours and schedules that were worked by the contractor, as well as additional efforts spent to manage a contractor that was difficult and unorganized several times throughout the project. It was necessary to dedicate these hours to ensure the City had a project completed that met all standards and specifications. Below is a table that summarizes the additional time spent for construction observation and administration. The rate listed in the table for the Construction Observer (\$98) is lower than what we proposed (\$110) due to personnel rates utilized on the project.

Construction Task	Budgeted	Actual	Difference	Rate	Total
Contract Administration (Project Engineer)	16 Weeks	18 Weeks	64	\$105	\$6,720
	(5 Hr/Wk)	(8 Hr/Wk)			
Construction Inspection (Construction Observer)	16 Weeks	18 Weeks	224	\$98	\$21,952
	(40 Hr/Wk)	(48 Hr/Wk)			
				Sub-Total	\$28,672
Estimated Project Closeout and Punchlist Coordination					\$8,800
				Total	\$37,472

BOLTON & MENK, INC.

Below is a summary of the original budget totals and the revised not to exceed budget totals in comparison to the construction bid.

Budget Summary	Amount	% of Construction Cost	Typical
Original Budget =	\$ 216,355	11.8%	12%-18%
Requested Increase =	\$ 37,472		
<i>Total Revised Contract Amount =</i>	<i>\$ 253,827</i>	13.9%	12%-18%

We appreciate the opportunity to assist the West St. Paul with this project and we sincerely hope that all expectations have been met to accomplish the City's goals for completing this project. Thank you for your consideration of our requested increase to our construction administration budget. Please let us know if you have any questions or comments.

BOLTON & MENK, INC.



Brian J. Hilgardner, P.E.
Project Manager

Accepted: _____
City of West St. Paul



TO: Mayor and City Council
THROUGH: City Manager
FROM: PW & Parks Dir./City Engineer
DATE: February 22, 2016
SUBJECT: Approve Revision to Consultant Contract for 2015
 Project #15-1



BACKGROUND INFORMATION:

In October of 2014, the City Council approved a consultant contract with (BMI) in the amount of \$ 203,055 for design and construction administrative services of the 2015 Street Improvement Project #15-1. This contract was revised by City Council on July 13, 2015 for a total contract amount of \$216,355.

The original contract budget was based on an assumed 40 hour per week, 16 week construction duration. The contractor, Danner, Inc. worked 50 hour work weeks for 18 weeks. City Council approved a two-week extension to Danner's contract based on delays from private utilities. In addition, Danner still has minor work to complete in 2016. The City is currently looking into assessing liquidated damages for failure to complete the contract on time and has received a claim for a discrepancy in existing pavement thickness. All the while, BMI was asked by the City to perform construction inspection and administration for work the contractor was performing, and therefore exceeded the number of budgeted hours in the original contract. When building infrastructure, it is critical to have the proper on-site inspection performed in order to ensure that a quality product meeting engineering specifications is the final product.

For the above reasons, BMI is requesting a revision to their contract for this project. BMI has performed \$35,200 of additional work as ordered by the City. In order to wrap up the project administration, BMI has included an additional \$8,800 to this request to be added to the not-to-exceed contract. Staff will work to minimize any future costs to the contract by using city staff for the remaining field work. However, there will be some additional work needed with BMI in order to finalize and hand off the project as a whole. The increase from \$216,355 to \$260,355 is an increase of \$44,000 or just approximately 20%.

FISCAL IMPACT:

While the total additional cost of this request is \$44,000, it should be noted that the total project cost is expected to come in under the original budget amount.

		Amount
Fund:	402	
Department:	43121	
Account:	41151	\$44,000

STAFF RECOMMENDATION:

Staff recommends that the City Council approve a revision to the City's existing consultant contract with Bolton and Menk, Inc. increasing the not-to-exceed contract fee to \$260,355 for services on the 2015 Street Improvement Project #15-1.

Attachment: 1. BMI letter dated 1/12/16

C: Chuck Price, Eng. Tech. III