



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

REGULAR CITY COUNCIL MEETING
MUNICIPAL CENTER COUNCIL CHAMBERS

June 13, 2016

6:30 p.m.

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
 - A. Thomas Schaffer Day
 - B. Presentation By TNT (Teens Networking Together) Update
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. Meeting Minutes

Documents: [5-23-16 OCWS MINS.PDF](#), [5-23-16 CC MINS.PDF](#)
 - B. April 2016 Bank Reconciliation

Documents: [COUNCIL REPORT - APRIL 2016 BANK RECONCILIATION.PDF](#), [APRIL 2016 BANK RECONCILIATION.PDF](#)
 - C. City Licensing

Documents: [COUNCIL REPORT - CITY LICENSING.PDF](#)
 - D. City Licensing

Documents: [COUNCIL REPORT - CITY LICENSING - BUSINESS NAME CHANGE_NOWAKS LIQUOR_16 06 13.PDF](#)

E. City Licensing - Art On The Avenue

Documents: [COUNCIL REPORT - ART ON THE AVENUE.PDF](#)

F. Personnel Policy Revision - Respectful Workplace Policy

Documents: [COUNCIL REPORT - PERSONNEL POLICY - RESPECTFUL WORKPLACE.PDF](#), [RESPECTFUL WORKPLACE POLICY 05-26-16.PDF](#)

G. Rental Licensing

Documents: [COUNCIL REPORT - RENTAL LICENSING.PDF](#)

H. List Of Claims 6/13/16

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

11. PUBLIC HEARING

A. Final Reading - Zoning Ordinance Amendment, Section 153.029 Regarding Interim Use Permits

Documents: [COUNCIL REPORT - IUP AMENDMENT.PDF](#), [ORDINANCE - IUP AMENDMENT.PDF](#)

B. Permit Parking Ordinance, Second Reading

Documents: [COUNCIL REPORT - PERMIT PARKING, SECOND READING.PDF](#), [PERMIT PARKING ORDINANCE AMENDMENT - REV. 5-25-16.PDF](#)

12. NEW BUSINESS

A. Approve Consultant Contract For Crusader Ave. Sewer Lining City Project 17-2

Documents: [COUNCIL REPORT - APPROVE CONSULTANT CONTRACT FOR CRUSADER AVE. SEWER LINING CITY PROJECT 17-2.PDF](#)

B. 435 Bernard St. E. - 463 Action

Documents: [COUNCIL REPORT - 435 BERNARD.PDF](#), [ATTACHMENTS - 435 BERNARD.PDF](#)

13. OLD BUSINESS

A. Final Reading On Proposed Amendments To City Code Chapter 50 Section 50.08 Regarding Discharge Of Prohibited Clear Water Drainage; Sump Pumps Continued from May 23, 2016

Documents: [COUNCIL REPORT-I AND I RECOMMENDATIONS SECOND READING \(CONT\).PDF](#), [2016 MET COUNCIL MEMORANDUM OF UNDERSTANDINGREVISED060716.PDF](#), [ORDINANCE AMENDING I-I REGARDING INSPECTIONS - KL REV. 6-10-16.PDF](#)

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
May 23, 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, City Planner Ben Boike and City Clerk Chantal Doriott.

2. Review and Approve the OCWS Agenda

Clpn. Bellows asked to add the following two topics if there is time: Park signage and Written Communication. Also the closed session will be removed as the consultant is not present.

3. Review the Regular Meeting Agenda

Council approved the regular meeting consent agenda with the following changes and additions:

- 9.A. Proclamation
- 12.H. to 12.E
- 12.A. to 9.B.

4. Agenda Item(s)

4.A. Closed Session to Consider Two Robert Street Property Easement Acquisitions

The meeting was not closed. This item was moved to June 13, 2016.

4.B. Comprehensive Plan Update Process

Assistant Community Development Director and Planner Ben Boike explained that staff is in the process of developing an RFP to solicit proposals from consulting firms to assist with the development of the required 2018 Comprehensive Plan Update. Met Council mandates that all cities in the metro area complete a Comp Plan update every 10 years. In doing so, the City is required to amend the current plan to adhere to the policies set forth by Met Council. The estimated cost to complete the update is \$80,000 which includes the coordination of meetings with the Planning Commission, City Council and the public. The process should take two years to complete.

Comments:

- Public involved includes open houses and something we can do ourselves instead of having a consultant. The Planning Commission is a good body to use for these types of information gathering means.
- Neighborhood meetings, website, social media, etc. are good means to gather public input.
- Have we joint ventured with another city to do this and could it be a consideration? Director Boike said this has not been done in the past but it could be explored. Manager Fulton explained there is a lot of collaboration done by Met Council as our plan has to be integrated with the surrounding communities. We are responsible for putting together our plan and the Met Council is responsible for the rest. Manager Fulton asked Council to think about what extent you want to include the public and other Commissions on this endeavor.
- Council in favor of Director Boike obtaining RFPs for the Comprehensive Plan work.

4.C. Discussion of Emerald Ash Borer Mitigation Plan

Assistant Parks and Recreation Director Dave Schletty gave an overview. As discussed previously the Emerald Ash Borer (EAB) beetle was discovered in West St Paul earlier this spring. The MN Department of Agriculture, assisted by City staff, has conducted two visual surveys of trees in the City. During the first they found three infested trees on boulevards in the north end of town. During the second investigation they did not find any more infestations, although they are sure there are more out there. Staff immediately had the three infested trees removed and properly disposed of. Staff is in the process of implementing the next steps of the EAB action plan. This will include injection treatments of healthy trees, more targeted takedowns and reforestation. Staff will be enlisting the services of a tree company to perform tree injections this year, but will explore the option of having City staff trained to do this in future years.

Staff will also be working with volunteers to complete an inventory of all the park trees this summer. Resident and former Environmental Committee member, Karen Zumach, has volunteered her time to coordinate and train other volunteers with this effort. This will save a lot of staff time.

Staff has also recently met with resident Michael Orange. Mr. Orange has developed a computer model which helps predict the cost of EAB infestation, and also puts a dollar value on the affected ash trees. Mr. Orange has volunteered his time to run the West St. Paul tree population through his model. Using only the current boulevard tree numbers, if we follow the EAB Action Plan and treat to save as many quality trees as possible, Mr. Orange's model predicts a cost of \$30,000 in 2016 and rises to \$42,000 in 2020. Mr. Orange also discussed many useful approaches to controlling the EAB infestation, which fit perfectly with our planned approach.

Comments:

- This is about a 10 to 15 year project. We may be able to stop and treat every three to five years eventually.

- What are our neighbors doing? Director Schletty said St. Paul is cutting down the ash trees. Could we go into St. Paul a block or two to protect our trees? Possibly
- Mr. Orange said the City of St. Paul will eventually replace all of their ash trees. They have discovered 4 times as many infestations this year as last year. They will treat at the peak and then plant new trees later.
- When a tree is treated and a beetle eats a treated leaf – it dies. You can spread out your tree treatment. He thinks it would be worthwhile to get with St. Paul foresters and coordinate our wise course.
- Staff will contact St. Paul to see if we can coordinate treatment.
- What is going on in South St. Paul? They have no place now.
- There is no sense in treating park tree areas. Let nature take over at this point. Same goes with Kaposia Park.
- Mr. Orange said it will be wise to work with the abutting municipalities and coordinate treatments. Unfortunately, legislature is not working with this issue. Staff and Council are glad to be working with Mr. Orange and expressed their appreciation.

4.D. Review Art Park Development Plan & Budget

Assistant Park and Recreation Director Dave Schletty gave an overview. In 2012 US Bank donated the vacant house and lot at Oakdale and Butler to the City with the stipulation that it could not be sold and developed. The lot was turned over to the Parks department to maintain as park land. The Parks & Recreation Advisory Committee has developed a plan to create an “Art Park” in this space to display public art in West St Paul. The Council approved a \$20,000 budget for this project in 2016. The concept for the park would include a sidewalk and patio within the lot. Along this sidewalk would be 5 backlit poster boxes in which publically submitted photos would be displayed. The park would also include a landscaped garden with possible park signage and water feature, as well as other added trees and plants. Another idea is to have the sidewalk lit with either embedded fiber optics or another material yet to be determined. The summary of the itemized budget is listed below. Since the total project is around \$50k and only \$20k has been budgeted for 2016, the priority items for 2016 have been noted below and should be within the 2016 budget amount. Additional funds will have to be identified and budgeted by Council to complete the remaining items in 2017 or sooner.

The itemized budget is listed below:

- Lot Survey \$954.00 * Completed
- Electric Service \$5000.00 * 2017
- Site Prep \$9312.00 * 2016
- Concrete Walk/Patio \$7200.00 * 2016
- Fiber Optic Sidewalk \$2000.00-\$5000.00 * 2016
- Landscaping \$1000.00 * 2016
- Light/Photo Boxes \$4000.00 * 2017
- Park Sign \$3000.00 * 2017
- Future Water Feature \$8000.00 * 2017
- Water Service \$8575.00 * 2017

Total cost is \$49,041.00 to \$52,041.00.

Comments:

- This piece of land can't be used for anything other than a park. It seemed to be a good place to highlight art because it's not large enough for a park. Clpn. Halverson hopes that this idea expands to other parks and is the start for something bigger and better.
- Clpn. Halverson said the water item can be "off the table".
- Discussion regarding tree removal and the sidewalk.
- Clpn. Armon thinks it will impact the community and art should be seen from your car, at this intersection. He thought we were around \$25,000 and now it's \$50,000. Mayor Meisinger said we are budgeting \$20,000 for this year. Director Schletty said some of the cost increases were due to a new review of what needs to be done at this park. There is also contingency built into the bid estimate and this estimate is generous. Clpns. Armon and Bellows thought \$50,000 was high but are in favor of \$20,000. This is more feasible. Clpn. Halverson was shocked about the \$50,000 and said that was not the initial intent as we don't need a water feature or bright lights. This is a starting point for something to expand on in the future. It's a grassroots endeavor. Clpn. Napier is in favor and suggested driving by Dodge Nature Center to see their nighttime lighting.
- Clpn. Iago said she spoke with the high school and others about the pictures and art work. We did not go out to ask for donations and later budgeted. Clpn. Iago said he thought the school was to be a bigger part of this. The student group will participate with their art. What we want to do and what we can afford to do are two different things.
- Mayor Meisinger said he would like to see what the new lighting might be. Director Beckwith said this is a small project and the costs will be high. Staff will do as much as possible to keep costs lower. Mayor asked for numbers to be reviewed and this can be reviewed in a couple of weeks.
- Clpn. Vitelli asked if there would be a case or what? Clpn. Halverson said we imagined that there would be photos on a post up high enough with lighting. Update the electrical numbers for this year. Clpn. Armon asked to see if there was a small job we can piggy back on with the school district.

4. E. Park Signs (ADDITION)

Clpn. Bellows understands staff is getting talking about design of the park signs. Director Schletty said \$3,000 to \$10,000 for each sign and that was every park. Check with the Finance Director as this is not budgeted in the CIP for this year. He is concerned about the sign and would not be in favor of spending a significant amount of money. Nothing has come to the Council to this point. Manager Fulton said we have been looking at this at a staff level. Clpn. Bellows said this was brought up at a Parks and Rec meeting. Director Schletty said we started this on a staff level last year and we are looking to get a final design and budget for the future. Clpn. Napier has not heard about this issue. He asked about the Dome sign that was put off for many years. There is no sign that promotes activities and this should be revisited. Clpn. Napier said there is still money in the budget for this sign; Director Carlson doesn't think so. Clpn. Halverson said the proposed sign was very expensive; Clpn. Armon thought \$75,000. Director Carlson will check to see if there is money budgeted and this will be discussed at a future meeting. Maybe a new sign design can be considered. Clpn. Bellows wished there was more in the Park and Rec meeting minutes about this issue. Manager Fulton will give an update in his Friday update.

4. F. Written Communication (ADDITION)

Clpn. Bellows wants to make sure there is no appearance of impropriety in regards to communication and the upcoming election. He asked the City Manager to make communication in writing and/or by email so it can be tracked. This is a way to avoid any confusion. Manager Fulton said he understands his responsibilities. Clpn. Bellows said it's easier to say things that you can track. Manager Fulton said he understands Clpn. Bellows point of view. Clpn. Bellows is more concerned about Instagram and Facebook and Twitter. Manager Fulton said to everyone - he understands his role and he appreciates the comments. Anyone wishing to receive city news should sign up for notifications on the city website.

5. Adjourn

The work session adjourned at 5:50 p.m.

David Meisinger
Mayor
City of West St. Paul

**City of West St. Paul
City Council Meeting Minutes
May 23, 2016 at 6:30 p.m.**

1. Call to Order

Mayor David Meisinger called the meeting to order at 6:30 p.m.

2. Roll Call

Mayor David Meisinger and Councilmembers Ed Iago, Pat Armon, Jenny Halverson, John Bellows, Dave Napier and Dick Vitelli.

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

3. Pledge of Allegiance

4. Adopt the Agenda

Motion was made by Clpn. Halverson and seconded by Clpn. Armon to adopt the agenda with the following change:

- Add item 9.A. under proclamations
- Move item 10.H. to 12.E. Interfund Loan
- Move item 12.A. to 9.B. Bond

All members present voted aye. Motion carried.

5. OCWS Briefing

Mayor Meisinger gave an update. The Council discussed the following during the work session held prior to this meeting:

- Comprehensive plan update process;
- Emerald ash borer;
- Art park plan and budget; and
- Park signage.

6. Robert Street Review

Director Beckwith gave an update:

- Work on north end prepping today; weather permits concrete will be poured.
- Pedestrian detour on north end due to work on both sides of Robert Street.
- South end process focuses on concrete and curb and gutter; lights will go in next.

- Marie Ave. closure will not happen tomorrow due to pending weather. This has been pushed back to Tuesday, May 31 and will be closed to Friday. Signage was updated today.
- Continuing southbound Eureka Construction is making good progress.
- As requested the soil boring report has been distributed to staff and Council. To date we are \$2 million over budget. Added bad news is that the legislature is not addressing the transportation bill.
- LS Black had an individual injured on the job (he was hit by a motorist). The employee has been moved to critical care and his memory is slowly returning and he is progressing. We are hoping for a full recovery but it will take some time. Please drive slowly around the construction site.
- Weekly meetings are held with Eureka. They missed the meeting on the date of the employee accident but they are usually there in attendance.
- LS Black will do their own concrete work by the same crew as last year.

7. Citizen Comments

No one wished to speak.

8. Council Comments

Clpn. Halverson asked to talk about the bike-ped plan. She continues to feel this should be at the top of our list of priorities. Please pay attention while you are driving and while you are walking and riding as there were 2 young bikers hit recently by motor vehicles. Also, Harmon Park is a great asset to our community; the splash pad is up and running; she is concerned about the condition of the rest rooms; unleashed dogs are not permitted in this park. Finally, sexual assault continues to be an issue and it often affects juveniles. Clpn. Halverson met with police and they spoke about the need for more communication efforts. For anyone interested in this topic, please reach out to Clpn. Halverson.

Clpn. Armon said it was a disappointing conclusion to the legislative session. The governing has become secondary and that's too bad. The bonding bill was not voted down so please call Governor Dayton at 651-201-3400 and ask him to call a special session for the Transportation Bonding Bill. You can also call Representative Hansen at 651-296-6828 and Senator Metzen at 651-296-4370.

Mayor Meisinger offered thanks to all who participated in the WSP Days events this last weekend. Thanks to the volunteers, local businesses and local organizations that were supporting our events and having a great time. Thank you to staff because they are appreciated. It's great to celebrate West St. Paul.

Clpn. Iago commented on a letter going to residents from the Benjamin Franklin Plumbing Company and he does not recommend anything this organization says as the letter seems full of lies. Also, the construction employee who was hit by a motor vehicle, Joshua, is doing much better.

Clpn. Napier said it is really nice to see the community come together during WSP Days. Rock the Barn had a record number of attendees. He saw the mayor and his son playing bingo. It is fun to see everyone having fun and coming out to celebrate. Request about Marie Ave. issues and the punch list of incomplete items is active and hopefully we will get all of these small details taken care of soon.

Clpn. Vitelli gave congratulations to the 11-year old Stars who came in second place this weekend. They played very well and should be proud. Also, thanks to the Legislature for kicking the can down the road again. There are issues that needed to be taken care of that weren't. It's unfortunate.

9. Proclamations, Presentations and Recognitions

A. Proclamation Celebrating Senator Metzen (ADDED)

Mayor Meisinger read a Proclamation honoring Senator James P. Metzen who is retiring after this term. The proclamation is attached to these minutes. The Council and staff gave a resounding round of applause for the work of Senator Metzen and wish him well in future endeavors.

B. Approve Sale of 2016 GO Revenue Bonds (From 12.A.)

Finance Director Joan Carlson introduced Mr. Jason Aarsvold our Ehlers Inc. Municipal Advisor. On April 11, 2016, the Council authorized the solicitation of bids for the sale of \$5,110,000 General Obligation Utility Revenue Bonds, Series 2016A. These bonds will be issued to finance utility improvements including the rebuild of lift stations 5 and 6 and storm and sanitary sewer improvements included with the Robert Street project and the 2016/2017 street project.

Motion was made by Clpn. Bellows and seconded by Clpn. Halverson to adopt Resolution No. 16-47 Providing for the Issuance and Sale of \$5,110,000 General Obligation Utility Revenue Bonds, Series 2016A and Pledging for the Security Thereof Net Revenues. All members present voted aye. Motion carried.

10. Consent Agenda

- A. City Council Meeting Minutes: OCWS April 25 and May 9 and Regular meeting of May 9, 2016
- B. List of Claims ending May 23, 2016
- C. 2015 Year End Transfers
- D. April 2016 Investment Report
- E. April 2016 General Fund Budget Report
- F. City Licensing
- G. Rental Licensing
- H. Interfund Loan – move to 12.E.

I. Resolution No. 16-48 Interim Use Permit to allow for outdoor display/sale of fireworks at 1640 Robert St. (Walmart) – TNT Fireworks

Motion was made by Clpn. Halverson and seconded by Clpn. Iago to adopt the consent agenda items as listed above and presented. All members present voted aye. Motion carried.

11. Public Hearing

A. Applications for a Site Plan, Plat, and Conditional Use Permits for the redevelopment of 1685, 1701 and 1725 Robert St. – Venture Pass Partners, LLC

Community Development Director Jim Hartshorn gave an overview. Venture Pass Partners, LLC is requesting multiple approvals for the redevelopment of 1685, 1701 and 1725 Robert St.:

- 1) Site Plan Review for the redevelopment of the property
- 2) Conditional Use Permit approval to allow a Drive-through Lane and Medical Use
- 3) Preliminary/Final Plat approval

The applicant is proposing to clear the subject properties and construct two new buildings: 1) a 2,854 sq. ft. drive-through restaurant (Cane's Chicken) to be located at the south end of the property and 2) a three tenant medical/retail building on the north end of the property consisting of a 12,000 sq. ft. plasma center (far north space) and 4,350 sq. ft. of restaurant/retail space.

Staff has since come up with another option although we have not been able to review and discuss this at length. At a previous meeting the EDA reviewed three concept plans and approved one of these plans. The Planning Commission has reviewed and approved the plan presented to Council in their meeting materials. Director Hartshorn added more comment however, staff is asking for continuance of the item for further research.

Motion was made by Clpn. Vitelli and seconded by Clpn. Armon but further comments and discussion ensued.

Comments:

- The option to build another roadway would be best for the city and developer. Mayor said he was caught off guard since the Planning Commission and EDA approved the plan. What has changed? Director Hartshorn said extending the road would offer safety. Staff needs more time to consider this proposal.
- What came up after the planning Commission meeting? Director Hartshorn said there is a drive-through and set back issue. The newer option should be reviewed to pursue and explore the costs. Has the developer been notified? No.
- Clpn. Napier said he remembers this being discussed at a work session and he thinks having Lothenbach continue to Livingston is a good idea.
- Clpn. Bellows said the development of this property has been considered for quite a while. The developer had three options, three concept plans. Council, staff and Planning Commissioners have reviewed the plan and worked with the developer. In the city manager's briefing there was a reference for a need to revisit this road. What could possibly have come up in this period of time? It is inexcusable and irresponsible for staff

to make these changes. This developer worked with staff and frankly it makes us look as if we can't make a decision. He does not understand what could possibly have happened to make these changes after reviewing this project for a year. Remember there are tenants involved. What is the significant item that has come out? He is not in favor of continuing this item.

- Clpn. Vitelli said he sent an email to the Mayor and Clpns. Iago and Halverson regarding the concept plan from Carland. He hadn't seen these concepts and believes it's a lousy design. You can't get from the south to the north. He does not support staff all the time and he agrees there should be a hard corner at this site. This is a poor design which is why he votes to continue the issue.
- Clpn. Halverson said during the meeting Clpns. Vitelli and Armon were not there. Let's remember that she made a point and she is not in favor of a plasma center on Robert St. She is not a fan of putting more fast food options on Robert St. She was in favor of the third option.
- Mayor Meisinger said he is not going to approve a road extension. We have a development here for 50 to 65 new jobs. Currently property is worth \$2.3 million going up to \$8 million. That's a large tax base.
- Clpn. Bellows said he heard Clpn. Vitelli's concern but why did staff do this? What happened to warrant this developer losing a project? Additional comments were made.
- Clpn. Iago would like to hear from the developer.
- Clpn. Halverson said if it's a safety issue we should review this. She mentioned again, she is not in favor of a plasma center on Robert Street.
- Clpn. Vitelli said he didn't say he didn't like Cain's Chicken and didn't say he doesn't like Grifols.
- John Riley owns property on South Robert St. and two other parcels being considered for this project and is working with Venture Pass. They have worked hard with the developer to come up with a good plan for this site. This will benefit Robert Street and West St. Paul. When we chose to work with a developer it was because of their impeccable reputation. If you are going to continue this item, please do this if there is money in the budget. Right now he notices the vacant Rainbow building and other vacant properties. If you get the street through do it for us, the business owners.
- Developer Dave Carland asked what happens if we continue this? First of all there is a boom of real estate agents that we have worked with on this for many months. They have done everything and gotten feedback all along. He came to this meeting he didn't know he would be having this conversation. Early in the planning stages the Lothenbach extension was not in the plan for a variety of well thought out intentions and plans. To show up for a meeting – this is a poor way to do business and is inconsistent with what he expects. He said on May 2 he got an email from Ben (Director Boike) asking him if he had thought about extending Lothenbach? He reviewed the concept and at this time it's not going to work well. This was the agreement before the Planning Commission and their plan approval.
- Clpn. Vitelli and developer Carland made comments.
- Attorney Land said there are a couple of ways to retain that property if the road were to be extended.

- Grifols is key from a timing standpoint. Staying in their existing space is not an option. From a timing standpoint this business is a key player. A representative is in the audience.
- Manager Fulton said he presented the idea in the Friday briefing to give an idea on what Lothenbach improvements could be. Lothenbach improves the layout of Cain's Chicken. Director Carland said you are misrepresenting what was said. Manager Fulton said the continuance is to have an opportunity to consider the road. Mr. Carland said that would have been a great discussion at the January or February meetings.
- Mayor Meisinger said the Robert St. plan did not address this and that would have been the time. He disagrees there is a critical need to extend this street. Eliminating access could be a safety issue.
- Manager Fulton said the right in and right out here is an opportunity to control the intersection. Think if it's worthwhile to work with Mr. Carland and have a conversation.
- Clpn. Halverson said having a responsibility to the community and not so much as to the developer. We try to bring the best to West St. Paul.
- Clpn. Vitelli reiterated what transpired – he spoke with Ben Boike and he didn't think the Director would make a continuance. He is not in favor of the plan. Why didn't the developer contact Clpn. Vitelli? Mr. Carland said the City Manager, Matt Fulton, told him not to.

Motion was made by Clpn. Vitelli and seconded by Clpn. Armon to retract the motion to continue this item. All members present voted aye. Motion carried.

Continued comments:

- Clpn. Iago is in favor of approving the plan and having Grifols start as soon as possible but reserve the rest of the issues for traffic path discussion.
- Mr. Carland asked for approval and said he would not apply for 45 days which would give some time to study this idea of Lothenbach.
- Clpn. Halverson said let it be clear that she is not attacking Mr. Carland but she is saying that she needs to give a voice about things she hears; this is not an attack on your (Carland) skills. Mr. Carland explained Grifols wants to be located in a medical center on a bus line. This plan is a good fit for them and they reached out to him. Clpn. Halverson is not in favor of Grifols being located on Robert Street.
- Clpn. Bellows said it goes without saying that every one of us has been elected by citizens of West St. Paul. He is still concerned about the process and Carland's conversations with Mr. Boike. He is concerned with who called the May 19th meeting not Clpn. Vitelli and his email. Clpn. Bellows added additional comment.
- Clpn. Napier commented that he does not think Lothenbach is viable option given our financial state. Given the three concept plans you presented – this is the best of what was proposed.
- Clpn. Vitelli asked Mr. Carland – there is no possibility that Grifols can go to the north and Cain's Chicken to the south? Mr. Carland said he worked closely with staff and there is a challenge to basically start from scratch. We are at the point we need to move forward. What is the intended use of the property in the back? Overflow employee parking. The parking lot on the top, the Guild is using that, and at some point in time we might subdivide or replat. For now we are just leaving it as is.

The public hearing opened at 7:50 p.m.

- Dave Langer, commercial real estate broker, representing the 1701 Robert Street property. He's been working with the property owner for 4 years. It took a lot of convincing to sell at a particular price. There is a closing to happen in a few weeks and if this is extended the property owner will not be happy.
- Jim Edberg, representative for Ideal Credit, has been the listing agent for this property for the last three years. He attended a number of development meetings and you (this Council and staff) are earning the reputation of someone who is dysfunctional to work with. He hears a little mocking about the legislature but the brokers working with you are getting a feel for that. He hopes there is not a two week continuance.
- Brian Sherrick, president of Ideal Credit Union gave a little background on the Credit Union that has been a West St. Paul business for 25 years. They approached the city to see what opportunities could be had and were assured there was no interest by the city for this property. They looked to the city and ended up going back to Inver Grove Heights which brings them here today. With a sale pending today he is very perplexed. They came here several times and this thing could potentially get pushed back. This has the appearance that you guys are trying to take our property. He is concerned. He would like to move this deal forward.
- Sue Wilson, representative for Grifols, said they need to leave their current facility and would like to stay in West St. Paul.

The public hearing closed at 8:01 p.m.

Clpn. Halverson said she does not agree with the last minute approach for the road. She wants to be clear that she is not in favor of a plasma center in the middle of Robert Street. She is not here to hang up the whole deal.

Clpn. Vitelli said for the record again, he is not against Grifols and not against Cain's Chicken, he is against the layout.

Clpn. Armon seconded this to not stop anything. He has concerns about traffic flows but his questions were answered and he is in favor of the project.

Clpn. Napier said in all fairness to the process, we looked at the three plans and we supported this one, so for that reason he will support approval of what is presented.

Motion was made by Clpn. Bellows and seconded by Clpn. Iago to approve all recommendations: Resolution No. 16-49 approving the site plan, Resolution No. 16-50 approving the final plat and Resolution No. 16-51 CUP for outdoor seating in a B3 District and Resolution NO. 16-52 CUP to allow a medical office (plasma center) in a B3 District (conditional use permits for the redevelopment of 1685, 1701 and 1725 Robert Street for Venture Pass Partners, LLC). Clpns. Bellows, Iago, Napier, Armon, Halverson voted aye. Clpn. Vitelli voted nay. Motion carried.

The Mayor called a five (5) minute recess.

The mayor reconvened the meeting at 8:10 p.m.

Motion was made by Clpn. Bellows and seconded by Clpn. Armon to amend item D

D. Final Reading and Public hearing on proposed amendments to City Code Chapter 50 Section 50.08 Regarding Discharge of Prohibited Clear Water Drainage; Sump Pumps

City Manager Matt Fulton gave an overview and explained the first reading regarding the proposed ordinance amendments was held on April 25, 2016. The City Council has had numerous opportunities to discuss the Inflow/Infiltration (I/I) program in detail and is very interested in ensuring that this issue is resolved in a manner consistent with Met Council expectations and also minimally invasive and cost sensitive for West St Paul residents and businesses. If approved, the City Code amendments and changes to the I/I program would take effect on July 1, 2016.

Met Council staff has recognized the challenges that WSP is currently experiencing in attempting to correct all I/I issues over a relatively short timeframe of several years. The Met Council Environmental Services division has worked with City staff to develop a Memorandum of Understanding (MOU) that provides the City the opportunity to remove I/I from the community's (public and private) sanitary service lines over a longer period without the potential of additional surcharges being assessed against the City for excess I/I. The MOU will be considered by the Metropolitan Council, with the staff's strong recommendation, at its meeting on May 24, 2016. A summary of the proposed changes to this program are as follows:

- Effective July 1, 2016, change the I/I program to be something that is required to be dealt with at the time of selling an owner-occupied residential property. An I/I compliance inspection would need to occur prior to the sale of the property. This inspection would be conducted at no expense; provided an access point is made available and service line roots do not impede the ability to inspect the sanitary sewer service line. Any areas of non-compliance would need to be corrected within 12 months of the sale of the property. The owner/buyer would need to negotiate whose responsibility it is to correct any non-compliance areas.
- During the City's annual street repair program, inspections would be conducted on properties adjacent to the construction work so that any problems at the sanitary sewer main can be identified and planned for. Impacted property owners will be encouraged, but not required, to address I/I issues during the street improvement project and to work collaboratively as a neighborhood, to take advantage of the road being opened which possibly could save property owners money.
- Effective July 1, 2016, bringing rental properties into compliance would become a requirement for receiving a rental license to operate in the City. Rental properties would be required to bring the licensed facility into compliance within 24 months of receiving their next annual rental license. I/I compliance would need to be verified every 12 years. Rental properties would be responsible for identifying and correcting all internal I/I issues. The City would only inspect the service line(s) connecting to the sanitary main.

- Effective July 1, 2016, Commercial properties and Homeowner Associations would be required to become compliant within 24 months of the ordinance being approved. I/I compliance would need to be verified every 12 years after receiving first notice of compliance. The City would only inspect the service line(s) connecting to the sanitary main.
- Street excavation for correcting I/I non-compliance issues would be prohibited, except under unique circumstances as approved by the City Engineer. Any required I/I repairs within the right of way area would need to be done from outside of the right of way and not come any closer than two feet from the Sanitary Sewer main.
- The City would address any needed sanitary service line connection repairs at the time of undertaking sanitary sewer-main improvements. Any repairs to the service line connection during such a project would be the financial responsibility of the City.
- Monthly surcharges for not correcting I/I non-compliance areas within the allowed timeframes would be implemented and enforced.
- Staff would recommend the I/I program be brought in house and managed through the City's Public Works Department. The City Council has already approved the hiring of an I/I liaison, who would also be the person undertaking the inspections as well. This approach will save the City significant resources and help ensure accountability, customer friendliness, and quality of the program, including helping residents and businesses get through the process. Inspections would be scheduled throughout the City.
- The City would continue its current process of reimbursing 15% of all I/I repair costs for an individual property up to \$5,000 as well as provide the opportunity to have remaining I/I repair costs special assessed to the property and paid for over a ten year period at a very low interest rate. Given the "point of sale" nature of the program, the number of special assessments used for correcting I/I should be fewer as property equity is used to cover repair costs. Deferred assessments for income qualifying seniors would also continue to be provided.
- Staff would also propose a significant community educational campaign to help property owners understand the changes to the program and importance of correcting I/I issues.

As part of the Met Council MOU, annual work plans and progress reports will be expected. Staff will ensure that performance measurement indicators will be included so that progress is objectively measured.

Comments:

- Clpn. Iago said there are a couple of items to consider: the effective date is too soon and we need to expand education to the public and servicers and plumbers.
- Clpn. Bellows asked how long we could delay this being effective – 90 days or out to January 1. If there is a problem in the street then it's the homeowner responsibility – no said Manager Fulton we would let those problems remain until there was street construction.
- Clpn. Halverson would like to wait until January 1 at the latest or October 1 at the earliest. Manager Fulton said he understands the idea of waiting but we need to get this change to the Met Council.
- Clpn. Armon wants to get Met Council approval

- Mayor Meisinger said January 1 would be good for beginning compliance. Will it be fair to the person you are selling to now? Discussion regarding the wait to begin implementation. Mayor believes the housing market is crazy and sales are closing in 30 days which isn't enough time for fix-its. Clpn. Halverson said it's fair to give them a little more time. Clpn. Vitelli said this will impact buyers and sellers but delaying could be problematic.
- Clpn. Napier there is no way they would have to put this on a disclosure statement so technically I can sell my house the future owner will have to deal with it. Maybe we can put this on a disclosure statement. The inspection has to be done. Attorney Land said it's complicated and we can craft language but enforcement could be tricky. Manager Matt Fulton said he thinks there is responsibility for disclosure of the ordinance that is approved by the Council. Clpn. Napier is not in favor of waiting to January 1.
- Clpn. Bellows said it should be a sufficient time to get the work out to the real estate community, that this needs to be complied with, and they can assist in negotiations. For those that sell on their own we can include information in our newsletter, website and other forms we use for communication.
- Clpn. Halverson is in favor of outreach and communication efforts.
- Manager Matt Fulton said as of today there are 47 homes listed on MLS. Having a little more time and getting that training and education, and meeting with the Met Council has been helpful.

Public hearing opened at 8:32 p.m.

- Clare Bastien, a realtor who works in West St. Paul, said her main concern is education and allowing realtors advance notice. Thirty to 45 days to a closing is typical now. We are currently required to disclose facts and she found out about this by accident. There is a lot that needs to be done by educating the public and the realtors because they could be at risk. Do the right thing and give a little extension.
- The Council priority is to educate realtors and the public over the next 60 days.
- George Beckers, 1750 Humboldt, his property was inspected and an area under the City property was bad. Can he leave this alone now? If it's in the street you don't have to do anything. Work with City Engineer Darin Rezac so he can review your report. Fix it when you sell your home. Manager Fulton gave Mr. Beckers his business card.
- Ron asked about a condo unit on Robert Street that was scoped and found to have a sewer to fix for \$20,000 - who pays? Possibly your association or maybe the homeowner. Also, commercial properties need to be fixed in 24 months.
- Manager Fulton said one thing that Council could consider is to defer the time line on point of sale and think about non-homestead and other properties.
- Carl, 1325 Manomin, had an inspection done by SEH and is now hearing that we should not rely on SEH and have city do another review. Manager Fulton said you already got a lot of work done. You are welcome to use SEH and the process. There is no reason to wait because the issue won't go away. How do we put this on the taxes? Contact City Hall Finance Department and they will assist you with a special assessment.

Public hearing closed at 8:43 p.m.

Additional comments by Council:

- Clpn. Vitelli is confused with Mr. Beckers and street opening questions and wants to make sure the public is aware of the correct process. Clpn. Napier said education is the key for a successful program – education for the public and the realtors.
- Mayor Meisinger would like education to include a drawing. Yes, we have a drawing/diagram and a small newsletter, a website presentation, and other models. We will also try to hit all the realtors that are possible.
- Clpn. Iago said this is conceivable that the main is 15 feet into the street. What is magical about 2 feet from the main? We wanted to make sure the liner didn't get close to the main.
- Clpn. Bellows said it is elemental that Mr. Beckers is responsible for failure of clay tile in the street. Discussion regarding responsibility ensued with Manager Fulton adding comment.
- Mr. Beckers understands he is responsible for the line. He was reminded he can fix this now or in the future when he is ready to sell the property.
- Mayor Meisinger asked attorney Land – is there a responsibility by assuming the process of this? Attorney Land said anytime the staff takes on this type of responsibility, yes there is some liability.
- Clpn. Iago asked Director Beckwith - did you know that when we started the process in 2008 there was not a two-foot margin at that time. During that time the property owner was doing the whole fix-it from the main.
- Manager Fulton said staff would make sure the Met Council knows of changes. We will clarify extension of implementation to January 1, 2017; excavation is clear 2 feet from the main (property owner is responsible for main from home to the 2 feet prior); and add the warranty of 10 years for resinspection.

Motion was made by Clpn. Iago and seconded by Clpn. to Napier continue with the changes mentioned above and receive comment from the Met Council and present to Council for final approval. All members present voted aye. Motion carried.

B. Application for a Conditional Use Permit to allow for the expansion of an Essential Service Structure (building expansion) at 1365 Bidwell St. – St. Paul Regional Water Services

Assistant Community Development Director and City Planner Ben Boike gave an overview. Mr. Boike explained the applicant is proposing to expand the existing pump station building in order to add an emergency generator. Section 153.051 of the Zoning Ordinance requires a Conditional Use Permit (CUP) for all “Essential Service Structures” in the R1 District. As the attached narrative states, over the past several years, power outages at the station have become more frequent and have the potential to interrupt water service to the community. The proposed generator would allow for water service to continue during future outages. Please see the attached narrative for more information regarding the need for the generator as well as the attached Planning Commission memo for more information regarding the request.

In addition to the CUP request, the applicant also requested a setback variance to allow the building expansion.

Public hearing opened at 8:56 p.m.

Public hearing closed at 8:56 p.m.

Motion was made by Clpn. Bellows and seconded by Clpn. Iago to continue consideration of the conditional use permit for St. Paul Regional Water Services per staff recommendation. All members present voted aye. Motion carried.

C. Final Reading - City Ordinance Amendment, Section 92.02 regarding garbage and rubbish and temporary outdoor storage containers – City of West St. Paul

Ben Staff is recommending the attached ordinance amendment regarding residential storage of trash containers and temporary storage containers. Per the Summary Publication language in the attached ordinance, the proposed ordinance accomplishes the following:

- 1) Clarifies that trash containers can be set out no sooner than the day before collection day and must be removed no later than the day after collection day. When not awaiting collection, trash containers must be stored in the rear yard, garage or in an accessory building. However, they can be stored in a side yard if the house is setback at least 50 feet from the curb or if screened by a hedge or other enclosure.
- 2) Limits the location, length of time, and number of temporary outdoor storage containers allowed on a lot at one time on residential property and establish a permitting process. Temporary outdoor storage containers shall be limited to no more than two portable on-demand storage units and one roll-off dumpster, for no more than 30 days on a site in a 12 month period with extensions allowed if used in conjunction with a valid building permit.

There was discussion at the first reading relating to the enforcement of how long trash containers can be left at the end of driveways. Generally speaking, most residents put their trash out the day of service and take them back in at the end of the day. However, Staff does receive complaints about residents leaving them out for extended periods of time. The proposed language will simply allow staff to enforce the timeline (out day of and back in by the day after) when complaints are received.

Public hearing opened at 8:58 p.m.

No one wished to speak.

Public hearing closed at 8:58 p.m.

Motion was made by Clpn. Bellows and seconded by Clpn. Napier to adopt Ordinance No. 16-05 Amending Section 92.02 Regarding Garbage and Rubbish and Temporary Storage Containers. All members present voted aye. Motion carried.

12. New Business

A. Moved to 9.B.

B. Approve Joint Powers Agreement with Dakota County for Safe Routes to School Project #14-6

Public Works Director Ross Beckwith gave an overview. 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 Ave., 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 \$125,000 toward the project. Since the trail is along Wentworth Avenue, a Dakota County roadway, the County is also a partner on the project.

At the February 8, 2016 City Council meeting, increased construction and right-of-way costs totaling \$145,000 were presented. This put the overall estimated project cost at \$435,000 and additional city expense at \$45,140. Council direction was to continue to move forward with this project. Staff then met with MnDOT to discuss the increase in construction costs (as right-of-way expenses are not covered) and was successful in obtaining an additional \$41,700 of potential federal participation. The additional federal funds are only available for construction and construction administration costs and will follow the 80/20 cost split (80% federal/20% local). Therefore, depending on actual costs of construction and construction administration, all of the additional federal money may not be used.

Motion was made by Clpn. Vitelli and seconded by Clpn. Halverson to approve the Joint Powers Agreement with Dakota County for the Wentworth / Bellows Safe Routes to School Project #14-6 as presented. Clpns. Vitelli, Halverson, Bellows, Armon and Napier voted aye. Clpn. Iago was not present at vote time. The motion carried.

C. First Reading - Zoning Ordinance Amendment, Section 153.029 regarding Interim Use Permits – City of West St. Paul

Community Development Director Jim Hartshorn gave an overview. In 2011, the City Council approved language requiring an Interim Use Permit for temporary outdoor zoning uses in commercial districts, including sale of plants, food stands, sale of fireworks, display of general merchandise, etc. The current language requires all applicants to apply for an annual permit should they decide to continue the operation in consecutive years. The permit currently requires Planning Commission and Council approval each year.

In an attempt to streamline the process for returning applicants, staff is recommending amending the zoning ordinance to allow for an administrative review process should the request be similar to a previously approved request by Council. The following requirements to bypass the formal approval process include:

1. The application is a renewal of an Interim Use Permit which was previously approved by the City Council pursuant to 153.029 (C);
2. There have been no issues or violations with the existing Interim Use Permit;

3. There are no substantial changes to the Interim Use Permit as determined by the Zoning Administrator;
4. The Community Development Department has conducted an administrative review; and
5. The property owner on which the Interim Use Permit is located is current on all City fees.

Motion was made by Clpn. Halverson and seconded by Clpn. Armon to approve the first reading amending the Interim Use Permit application process as presented. All members present voted aye. Motion carried.

D. First Reading - Permit Parking Ordinance

Police Chief Manila Shaver gave an overview. Chief Manila explained there are certain areas in the city where the residents of a neighborhood may benefit from a permit parking zone, due to the limited availability of parking on residential streets. To that end, Staff has prepared an ordinance that allows the Council to establish a permit parking zone.

Elements of the ordinance include:

- A petition must be filed with the city clerk.
- The petition must:
 - ❖ Identify the proposed permit parking zone
 - ❖ Articulate the necessity for the zone
 - ❖ Provide the names, addresses and signatures of 70% of the property owners or occupants of properties within the proposed parking zone. (the signer's address must list to a property included the permit parking zone; only one signer/household)
- The City will send notice to property owners within 350 feet of the proposed permit parking zone informing them of the Council hearing to consider the zone
- The Council will consider the application at a hearing and may approve, deny or modify the permit parking zone
- Permanent parking permits will be issued to owners/occupants who reside at properties within the zone. They must identify the vehicles to which the permits will be affixed and those identified vehicles must register to the same address within the zone, with the exception of work vehicles, which will be allowed with proof of residency and proof of employment. Permits will be valid for as long as the person resides at the property.
- Temporary parking permits will be issued to owners/occupants who reside at properties within the zone, for use by their guests. They must identify the vehicles to which the permits will be affixed and the dates for which they will be needed. The dates will be listed on the permit.
- Fees for permanent and temporary permits may be established in the fee schedule.
- This is a first reading. If approved, it will be published for a public hearing and final reading. If adopted, Council will need to discuss the appropriate permit fees.

Comments:

- Attorney Land offered additional comment and detailed information on the proposed parking permit. At this time we are not asking for a fee amendment but cost recovery fees. Mayor Meisinger asked about staff being able to do this task. It's about \$1,500 to do

this work said Chief Shaver (on a city block). The signs do have a significant cost; additional comments were made. CSOs would help with enforcement.

- Clpn. Halverson said this would come before the Council for consideration and we could review the plan. There is a cost and we need to discuss how this would be assessed.
- Clpn. Bellows asked if there would be more than one parking zone. The stickers could be numbered and if there are only a couple of zones we should be ok.
- Clpn. Armon said to review a parking permit the address has to be tied to the registration. If there is part time student it won't be clear. Attorney Land said a student would be a resident and it would be tied to that property. Would that be tied to an apartment complex? Yes, as one signer.
- Clpn. Iago asked what the ruling was with respect to someone parking close to a person's driveway. Chief Shaver looked that up and as long as you are not blocking the driveway you are legal. A foot within that driveway is legal.

Public comments and additional staff and council comments:

- Michelle, 998 Livingston Avenue, is caller of some of these complaints. The situation at her home is not fair and yet there is nothing she can do. She sent a letter to people (regarding the parking complaints) around her (property) and two said nothing, one agreed the parking permit is ideal, one person is not in favor and two are in favor of something. If one neighbor is not in favor how can she take care of this issue? What else can be done?
- Director Hartshorn said he spoke with Developer Sherman and he is allowing a strip of parking for at least 10 vehicles on the western side of his new lot. This is nice but small help from the developer. Director Hartshorn will get more information.
- Clpn. Napier asked if we could do a temporary parking permit only for in front of her (998 Livingston) and her neighbor's house. In order for the Chief and his department to take legal action we need to change something.
- Staff offered comment – we could have one sign on the north side stating “permit parking only from here to the corner” so we don't litter the street with signs.
- Clpn. Iago gathered more information asking about her neighbors and the need to street park, etc. Michelle added more information. This is not really a parking issue it goes along with noise, litter, nuisance, people yelling at her dog, extra traffic, etc. the parking is not the whole issue. Hopefully there would be increased sense of security and less traffic.
- Chief Shaver said that 40% of the traffic there is from the apartment complex.
- Fee schedule – pass this now and the City Manager will figure out what to do with the fees. The parking fees from a ticket that violates this would be around \$50.00 or something else.
- Clpn. Iago what doors have we opened on the other side of the street? Land said every petition you review on its own merits and necessity.
- Council received continued clarification of the proposed ordinance.

Motion was made by Clpn. Napier and seconded by Clpn. Vitelli to approve the first reading of an ordinance amending section 72.05 of the Code regarding general parking restrictions as presented. All members present voted aye. Motion carried.

12. E. Interfund Loan

At fiscal year-end all city funds should have a positive cash balance. As of 12/31/2015 the Street Improvement Revolving Fund, which is used to account for the Robert Street Reconstruction Project, will have a negative balance of \$5,671,792. Staff is therefore proposing an interfund loan from the General Fund to cover this cash shortfall. This will be a short term interfund loan which will be repaid in 2016 with federal grant money and either additional state funds or bond proceeds.

Motion was made by Clpn. Bellows and seconded by Clpn. Iago to approve the interfund loan as presented and recommended above. All members present voted aye. Motion carried.

13. Old Business

There was no old business to discuss.

14. Adjourn

Motion was made by Clpn. Armon and seconded by Clpn. Halverson to adjourn the meeting at 9:34 p.m. All members present voted aye. Motion carried.

David Meisinger
Mayor
City of West St. Paul

TO: Mayor and City Council
THROUGH: Matt Fulton, City Manager
FROM: Joan Carlson, Finance Director
DATE: June 13, 2016
SUBJECT: April 2016 Bank Reconciliation



City of West St. Paul

BACKGROUND INFORMATION:

Attached is the summary bank reconciliation for April 2016.

FISCAL IMPACT:

There is no fiscal impact.

		Amount
Fund:		
Department:		
Account:		

STAFF RECOMMENDATION:

Approve the April 2016 bank reconciliation.

**CITY OF WEST ST. PAUL
BANK RECONCILIATION
April 30, 2016**

ANCHOR BANK BALANCE:

Ending Balance - Checking Account	641,554.20
Deposits in Transit	13,009.60
Outstanding Disbursements & Checks	(708,451.04)
Voided Check	
Petty Cash	3,000.00

RECONCILED BALANCE	(50,887.24)
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CITY TREASURER'S BALANCE:

Previous Month's Reconciled Balance	838,107.32
Daily Receipts Posted	927,279.94
Disbursement Checks Issued	(1,719,506.35)
Payroll Checks and Direct Deposits	(441,892.10)
Cash Journal Entries (net)	349,046.93

Adjustments:	Reverse Prior Months Adj.	464.16
	Adjustment	(464.16)
	April Adjustment	(3,922.98)

RECONCILED BALANCE	(50,887.24)
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CASH ACCOUNT BALANCE:

Adjustments:	(46,500.10)
	(4,387.14)

RECONCILED BALANCE	(50,887.24)
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CITY OF WEST ST. PAUL

04/30/16

FUND NUMBER AND NAME		CURRENT MONTH'S ACTIVITIES		
		BEGINNING BAL	NET REV / (EXP)	ENDING BAL
101	General Fund	7,161,706.76	(6,739,014.04)	422,692.72
209	Economic Development Authority	316,073.52	(36,934.42)	279,139.10
212	Insurance Fund	478,184.62	(20,319.03)	457,865.59
213	Innovation Fund	67,076.65	-	67,076.65
323	2006 GO Bonds	40,563.43	-	40,563.43
324	2008 GO Bonds	1,074.10	-	1,074.10
325	2009 GO Refunding Bonds	614,040.92	-	614,040.92
327	2008 Capital Note	606,601.33	-	606,601.33
328	2009 Capital Note	723,855.73	-	723,855.73
329	2012 GO Bonds	429,955.19	-	429,955.19
330	2013 GO Bonds	19,802.79	-	19,802.79
331	2014A GO Bonds	16,249.49	-	16,249.49
332	2014B GO Bonds	138,030.38	-	138,030.38
333	2015A Refunding Bonds	(166,490.85)	-	(166,490.85)
334	2015B Go Refunding Bonds	3,539.33	-	3,539.33
335	2015C Go Tax Increment Refunding	4,199.36	-	4,199.36
375	2005 G O TIF Bonds	(79,888.16)	-	(79,888.16)
401	Vehicle and Equipment Reserve	2,100,126.74	(35,532.69)	2,064,594.05
402	M S A Streets Fund	(989,546.44)	94,431.03	(895,115.41)
403	Street Maintenance Fund	562,167.53	250,000.00	812,167.53
409	Police and Fire PERA	230,209.02	-	230,209.02
411	Technology Replacement Fund	315,078.90	(388.49)	314,690.41
413	Parks Improvement Fund	(76,542.95)	2,217.60	(74,325.35)
415	Govt Facilities Cap Proj	696,919.35	(252,241.94)	444,677.41
420	Public Works Facility	-	-	-
450	TIF 1-1	1,216,259.82	-	1,216,259.82
451	TIF 1-2	247,914.32	-	247,914.32
452	TIF 1-3	(2,729.35)	(4,606.00)	(7,335.35)
453	Lowes TIF	90,397.71	-	90,397.71
551	Perm. Improv. Revolving Fund	(6,332,998.78)	6,454,387.00	121,388.22
600	Storm Sewer Utility	1,299,876.37	(492,220.50)	807,655.87
602	Public Utilities (Sewer) Fund	121,586.88	(492,567.87)	(370,980.99)
613	Golf Course Enterprise Fund	(20,395.92)	21,436.34	1,040.42
615	Civic Arena Enterprise Fund	189,971.51	(26,199.93)	163,771.58
616	Swimming Pool Enterprise Fund	(34,734.60)	32,056.12	(2,678.48)
617	Regional Athletic Center Fund	830,139.61	12,817.13	842,956.74
705	Investment Fund	(9,982,094.72)	350,000.00	(9,632,094.72)
CASH TOTAL ALL FUNDS		836,179.59	(882,679.69)	(46,500.10)

TO: Mayor and City Council
THROUGH: Matt Fulton, City Manager
FROM: Police Department
DATE: June 13, 2016
SUBJECT: City Business and Liquor Licenses



BACKGROUND INFORMATION:

Licensing Staff have reviewed the following business and liquor license applications and all requirements have been met.

All license holders must comply with all conditions placed on the property pursuant to any zoning approval.

2016 Business Licenses – No Background

Application for Fireworks License, Renaissance Fireworks, Robert Square lot, July 17 – July 5, 2016.

Application for Fireworks License, Renaissance Fireworks, Signal Hills parking lot, June 17 – July 6, 2016.

Application for Fireworks License, Kmart, 50 Signal Hills. *Contingent on receipt of the Certificate of Insurance.*

2016 Business Licenses – Background Required

Application and Permit for a Temporary On-Sale Liquor License for AMVETS Post 5, for a softball tournament to be held at the West St. Paul Sports Complex, 1650 Oakdale Ave on July 15, 16 and 17, 2016

FISCAL IMPACT:

Action	Fund	Department	Account	Amount
Liquor License fee	101	30000	32110	25.00
Other License Fee	101	30000	32199	300.00
Background Fee	101	30000	34208	100.00
			Total:	425.00

STAFF RECOMMENDATION:

In processing this application staff found no notable concerns or issues. Staff does not foresee any special or reasonable conditions. Council needs to consider the application for approval.

TO: Mayor and City Council
THROUGH: Matt Fulton, City Manager
FROM: Police Department
DATE: June 13, 2016
SUBJECT: Business Name Change, Nowaks Liquor



BACKGROUND INFORMATION:

Khue Dang, owner of Nowaks Liquor, has requested her business name be changed to Nowaks Liquor & Wine.

Ms. Dang has submitted updated forms from the Minnesota Revenue Department, Office of the Minnesota Secretary of State and the Department of the Treasury/Internal Revenue Service.

The Off Sale Liquor License has been submitted to the Minnesota Department of Public Safety/Alcohol & Gambling Enforcement for approval.

FISCAL IMPACT:

None.

STAFF RECOMMENDATION:

Approve.

TO: Mayor and City Council
THROUGH: Matt Fulton, City Manager
FROM: Police Department
DATE: June 13, 2016
SUBJECT: Art on the Avenue



BACKGROUND INFORMATION:

The Art on the Avenue Committee has made the following request to the City for the event scheduled for July 23, 2016.

- Support the closing of Smith Avenue from Butler Avenue to Dodd Road;
- Allow activities at Dodd Park on July 23, 2016, that will include:
 - Art Vendors
 - Color Dash
 - Children's Entertainment
 - Music
 - Food Vendors
 - Beer Vendor
- Waive any fees associated with the Special Event Permit, and Outdoor Entertainment. for this event (no fee has ever been calculated due to it being waived in previous years);

FISCAL IMPACT:

Note: These are the fees that are requested to be waived.

Outdoor Entertainment	450.00
Special Event Permit	000.00
TOTAL	\$450.00

STAFF RECOMMENDATION:

Art on the Avenue has been an annual event for several years. The requests listed have been considered in previous years. If the Council has no concerns, approval of these items will authorize staff to work with the Art on the Avenue Committee to implement this annual event.

WEST ST. PAUL **ART** On The AVENUE

JULY 23RD 4-8 PM

JOIN WEST ST. PAUL ARTISTS AS THEY
DISPLAY THEIR WORK & PERFORM ON
SMITH AVENUE!

THANKS TO OUR SPONSORS! WEST ST. PAUL COMMERCIAL CLUB, SOUTH ROBERT ST.
BUSINESS ASSOCIATION, MAYOR MEISINGER AND THE CITY OF WEST ST. PAUL



ARTIST DISPLAYS 4-7 PM

- BROWSE A WIDE ARRAY OF LOCAL ART
- INTERACTIVE DEMOS FOR KIDS
- FACE PAINTING AND MORE!
- ARTISTS CAN REGISTER AT WSPMN.GOV

TRICIA & THE TOONIES 5PM

- MUSIC, PUPPETS, SKITS AND LAUGHTER
- SPECIAL ENVIRO-SHOW PROMOTES RECYCLING
- DODD PARK



BEER SOLD 5-8PM

- FROM 5-8 CLUB
- MUST BE 21+, WITH ID

DJ MUSIC FROM 6-8PM

- DODD PARK
- BRING YOUR DANCING SHOES!



KIDS COLOR DASH - 7 PM

- 1/4 MILE DASH STARTS AT BUTLER & SMITH
- SIGN UP AT WSPMN.GOV

TO: Mayor and City Council
THROUGH: Matt Fulton, City Manager
FROM: Sherrie Le, Assistant City Mgr.
DATE: June 13, 2016
SUBJECT: Personnel Policy – Respectful Workplace Policy



City of West St. Paul

BACKGROUND INFORMATION: The Respectful Workplace Policy is intended to replace the Sexual Harassment and Inappropriate Conduct Policy, which currently focuses primarily on Sexual harassment, to the exclusion of other types of harassment. It is more common for employers to adopt a policy that is more comprehensive and covers not only all types of prohibited behavior, but always clarifies what the City expects and why. This policy also complies with State and federal laws.

This policy was recently shared with the Labor-Management Committee to seek their thoughts and suggestions. Policy attached.

FISCAL IMPACT: None.

STAFF RECOMMENDATION: Staff requests approval of the Respectful Workplace Policy to replace the Sexual Harassment and Inappropriate Conduct Policy as part of the City of West St. Paul Personnel Policies.

RESPECTFUL WORKPLACE

1. SCOPE

The Respectful Workplace Policy applies to all employees of the City, including temporary and seasonal employees.

2. PURPOSE AND INTENT

The City of West St. Paul is committed to creating and maintaining a work environment free from all forms of harassment and discrimination. Such harassment is a violation of Title VII of the Civil Rights Act of 1964 and the Minnesota Human Rights Act.

This policy is intended to:

- define unlawful harassment and discrimination,
- specifically express the City's zero tolerance of unlawful harassment and discrimination,
- advise employees of their behavioral obligations above and beyond the letter of the law with respect unlawful harassment and discrimination, and
- inform all employees of their rights under this policy.

Not only is it the policy of the City of West St. Paul to maintain an environment free of all forms of illegal harassment and discrimination, it is the City's intent to maintain an environment that follows the spirit and intent of the law which is to provide a professional, respectful, positive work environment free from violent, offensive or degrading remarks or conduct. In other words, employees are expected to not only comply with the law, but the spirit and intent of the law. Therefore, while an employee's conduct may not rise to the level of unlawful harassment or discrimination, an employee's conduct could in fact violate the Respectful Workplace policy.

The City of West St. Paul will not tolerate such behavior by or toward any employee. Any employee found to have acted in violation of this policy shall be subject to appropriate disciplinary action, up to and including discharge from employment. It is the responsibility of both management and employees to preserve the City of West St. Paul as a respectful environment in which to work.

In keeping with this commitment, the City maintains a strict policy prohibiting unlawful harassment including, but not limited to, sexual harassment. This policy prohibits harassment in any form, including verbal and physical harassment on the basis of any protected class characteristic (race, color, creed, religion, national origin, disability, gender, marital status, age, sexual orientation, familial status, membership or activity in a local commission, or status with regard to public assistance.

3. DEFINITIONS

Discriminatory Behavior – Inappropriate remarks about or conduct related to an employee's race, color, creed, religion, national origin, disability, gender, marital status, age, sexual orientation, familial status, membership or activity in a local commission, or status with regard to public assistance.

Harassing behavior includes but is not limited to:

Verbal Harassment – Offensive words or comments that are made directly or indirectly to an individual, or to a group of people, regardless of whether the behavior was intended to harass.

Physical Harassment – Touching with any part of the body, assault, impeding or blocking movement, leering, or the physical interference with normal work, privacy or movement.

Visual Forms of Harassment – Derogatory, prejudicial, stereotypical or otherwise offensive posters, photographs, cartoons, e-mails, social media, notes, bulletins, drawings or pictures. This applies to any posted material, material maintained in or on City-owned equipment, or material on personal property in the workplace.

Sexual Harassment – Because sexual harassment is sometimes more difficult for employees to recognize, the following definition, based on Minnesota Statutes, is provided:

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal or physical conduct or communication of a sexual nature, when:

- a. submission to the conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment, public accommodations, or public services, education or housing;
- b. submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment, public accommodations or public services, education or housing; or
- c. that conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public accommodations or public services, education, or housing, or creating an intimidating, hostile, or offensive environment (and in the case of employment, the employer knows or should know of the existence of the harassment and fails to take timely and appropriate action).

Examples of inappropriate sexual conduct include but are not limited to: unwanted physical contact; unwelcome sexual jokes or comments (verbal or written); sexually explicit posters or pinups; repeated and unwelcome requests for dates or sexual favors; sexual gestures or any indication, expressed or implied, that job security or any other condition of employment depends on submission to or rejection of unwelcome sexual requests or behavior.

In summary, sexual harassment is the unwanted, unwelcome and repeated action of an individual against another individual, using sexual overtones as a means of creating discomfort.

Misconduct – Any behavior that is in violation of legal statute, written law, City of West St. Paul or departmental policy or procedural directive, rule, regulation or order, or established practice or duties of a City of West St. Paul employee. This includes any conduct which by its nature will reflect unfavorably upon the City and any act which can be the basis for a criminal, civil, or disciplinary action.

Offensive Behavior – May include, but is not limited to such work-related actions as overt rudeness, exclusion, angry outbursts, inappropriate joking, vulgar obscenities, name calling, disrespectful language, offensive pictures or written statements, or the intentional filing of an unfounded complaint under this policy.

Violent Behavior – The use of physical force, harassment, intimidation, threats or abuse of power or authority, when the impact is to control by causing pain, fear or hurt.

4. EMPLOYEE AND SUPERVISORY RESPONSIBILITY

All employees are equally responsible and accountable for maintaining a workplace that respects the dignity and rights of their coworkers and the citizens they serve. The City supports an organizational culture that fosters respect, civility and dignity of fellow coworkers and customers. The City also recognizes the importance of self-awareness as it relates to remarks and actions made towards one another, whether in their presence or not, that may be personally harmful and/or disruptive to others in the workplace.

Supervisors and managers are responsible for ensuring that employees are provided a work environment free of all types of harassment, including but not limited to the definitions of harassment defined in this policy. As representatives of the City of West St. Paul, supervisors and managers are held to a more rigorous standard of conduct especially when subordinates are the object of the prohibited behavior. In addition, certain positions which require substantial public trust, such as police officers, also are held to a higher standard.

5. REPORTING DISRESPECTFUL WORKPLACE BEHAVIOR AND ILLEGAL HARRASSMENT

a. Notification of Management

In order for a harassment issue to be addressed and action taken, information must be forwarded to the appropriate level of management.

Employees who feel that they have been victims of harassment, or employees who are aware of such harassment, should immediately report their concerns to any of the following:

- Immediate Supervisor
- Department Head
- Assistant City Manager/HR Director
- City Manager
- City Attorney

The City urges the employee to put the complaint in writing.

In addition to notifying one of the above persons and stating the nature of the harassment, the employee is also urged to take the following steps:

- 1) make it clear to the harasser that the conduct is unwelcome and document that conversation;
- 2) document the occurrences of harassment;
- 3) submit the documented complaints to the person listed above to whom the employee makes their report.
- 4) document and report any further harassment or reprisals that occur after the complaint is made. The City will take steps to prevent reprisal, so if it should occur, employees are encouraged to report it immediately.

b. Procedures Once The Report Is Received

Notification of Assistant City Manager/HR Director and City Manager.

After receiving any report alleging misconduct or disrespectful behavior, the recipient of the report will report the allegation to the Assistant City Manager/HR Director, or in the absence of the Assistant City Manager, the City Manager. This should be done immediately or as soon as practicable, unless the complaint is against one of those individuals. If the complaint is against the Assistant City Manager, the Assistant City Manager will not be involved. If the complaint is against the City Manager, the City Attorney will be involved in authorizing the investigation and the complaint will go to the City Council. Under normal circumstances, the City Manager will authorize an investigation and will assign an investigator, with the recommendation of the Assistant City Manager/HR Director.

c. Consequences of Failure to Report

Supervisors and Department heads are to perform **no** investigation function, unless they are assigned as the investigator by the City Manager. Failure of any supervisor to forward any report of alleged disrespectful behavior will result in discipline consistent with the terms of this Personnel Policy. This does not mean that supervisors cannot ask some brief intake questions of the complainant to determine what type of offense will need to be investigated and the relative seriousness of the offense.

d. All Employees Are Asked to Report

Third parties with knowledge or belief of conduct constituting disrespectful behavior toward others are strongly encouraged to report their knowledge or belief to City officials, as designated herein.

e. Complaints Against Someone Not an Employee

If an allegation of misconduct or disrespectful behavior is made against a non-employee, the complaint procedure is the same. The City will contact the individual's company representative, or other appropriate party, and inform them of the allegations against the employee and request appropriate action.

6. INVESTIGATION PROCESS

- a) The City will - in all cases – investigate allegations of any violation of this policy and will take appropriate remedial action to correct any substantiated violations of harassment and any related retaliation. Management has the obligation to provide an environment free of unlawful harassment. The City is obligated to prevent and correct unlawful harassment in a manner that does not abridge the rights of the accused or complainant. To accomplish this task, the cooperation of all employees is required.
1. Each situation will be evaluated on a case-by-case basis depending on the severity and the circumstances involved.
 2. Strict confidentiality is not possible in all cases of harassment as the accused has the right to answer charges made against them, particularly if discipline is a possible outcome. Reasonable efforts will be made to respect the confidentiality of the individuals involved, to the extent possible.
 3. The complainant and any witnesses may be asked to put their reports in writing.
 4. The person who is the subject of the complaint will be given a full opportunity to answer the allegations at the appropriate time.

b) Interim Actions

Pending completion of the investigation, the City may take any appropriate action necessary to protect the alleged victim, other employees, or citizens.

c) Findings

The investigator will determine the facts and make findings based on the facts, which will be presented in report form with any requested supporting materials to the Assistant City Manager/HR Director or any other authorized person for review. If the City Manager or Assistant City Manager determines that the investigation at any stage is insufficient or incomplete, he/she may re-assign the investigation to another qualified investigator or recommend additional actions to be taken to ensure an objective, accurate and complete investigation. If accepted, the report will be forwarded to the Department Head and/or City Manager for final action.

In all cases, if the complaint is against the City Manager or Assistant City Manager, they will not be involved in any part of the investigation or disposition. The complaint will be turned over to the City Attorney.

Findings Defined

Sustained – Evidence sufficient to prove allegations.

Not Sustained – Insufficient evidence to either prove or disprove allegations.

Exonerated - Incident/actions occurred but were lawful or proper. Incident/actions alleged to have been performed by the employee were, in fact, not performed by the employee.

Unfounded – Allegation is false or not factual.

d) Actions as a Result of Findings

If the allegations are sustained, disciplinary action, up to and including discharge, will be taken against the subject of the complaint. The City Manager or Department Head may return the disciplinary recommendation to a supervisor for administration.

A record of the complaint and the findings will become a part of the complaint investigation record and the file will be maintained separately from the complaining employee's personnel file. Any discipline above that of a verbal warning will be placed in the personnel file of the disciplined employee.

7. COMPLAINTS WITH POTENTIAL CRIMINAL VIOLATIONS

If it is the opinion of the City of West St. Paul that the complaint could involve potential criminal violations, the complaint will be referred by the Assistant City Manager or City Manager to legal authorities. If the legal authorities determine that potential violations exist, they will investigate the complaint. The City Manager may withhold conducting an internal investigation or issuing the final disposition until any related criminal charges are resolved.

Upon completion of any criminal proceedings that may follow, the City reserves the right to proceed with those steps allowed in City policy as it relates to the individual's employment with the City. Employees may be placed on administrative leave, with or without pay, depending on the circumstances, as deemed appropriate by the City Manager.

8. FALSE ALLEGATIONS

While encouraging the filing of legitimate complaints against employees, the City of West St. Paul seeks to hold accountable those filing false and malicious allegations. Allegations of serious misconduct found to be false and malicious will be subject to discipline up to and including discharge, and may be referred by the City Manager for prosecution, if applicable.

9. NOTIFICATION OF RESULTS

The Assistant City Manager or Department head will notify the complainant and subject of the investigation as to the final disposition of the investigation. Since discipline is private until all procedural appeal steps or grievance timelines have expired under the MN Data Practices Act, only such information that can legally be shared will be shared.

10. REPRISAL

Employees have the right to bring forth good faith allegations of harassment and/or discrimination, and or offensive work behavior and to file complaints with respect to such harassment without retaliation or reprisal.

Any action intended to intimidate, retaliate against, harass or disadvantage any person because the person has opposed violations of this policy; reported or complained of violations of this policy; or testified, assisted or participated in any investigation, proceeding, or hearing, under this policy or otherwise may be considered retaliation.

Every attempt will be made to provide protection against retaliation. Any City employee who engages in any act of retaliation or intimidation will be subject to disciplinary procedures, up to and including discharge.

11. DISCIPLINE

If the facts support the allegations, the perpetrator of the harassment will be subject to appropriate disciplinary action, up to and including discharge. Any employee found to have made a false complaint or found to have given knowingly false information during an investigation of such a complaint may also be subject to disciplinary action up to and including discharge.

TO: Mayor and City Council
THROUGH: Matt Fulton, City Manager
FROM: Community Development Department
DATE: June 13, 2016
SUBJECT: City Rental Licenses



City of West St. Paul

BACKGROUND INFORMATION:

2016 Rental Business Licenses – Background Required

According to the Rental Dwelling Ordinance, the city requires a background investigation for each applicant. In addition, the Police Department reviewed calls for service to the properties to help identify potential problem properties.

The Community Development Department reviewed the application, inspection report, rental density, and code compliance requirements.

The background investigation, inspection report, and code compliance review on the property listed below did not identify any incidents that would result in a denial of the rental license.

Applications/Rentals for approval:

172 Stanley Street East (New)
430 Mendota Road West (Renewal)
864-866 Dodd Road (New)

FISCAL IMPACT:

Application Fees Received:		Amount:
Fund:	101	
Department:	30000	
Account:	32170	\$ 2,040

STAFF RECOMMENDATION:

Staff recommends City Council approve the license applications.

TO: Mayor and City Council
THROUGH: City Manager
FROM: Finance Director
DATE: June 13, 2016
SUBJECT: List of Claims



City of West St. Paul

BACKGROUND INFORMATION:

Invoices to be paid

FISCAL IMPACT:

\$2,082,431.43

STAFF RECOMMENDATION:

Approve payment of attached

CITY OF WEST ST PAUL

**Summary of List of Claims
Council Meeting of June 13, 2016**

PAYROLL CHECK REGISTER:

Payroll Period	5/9/16 - 5/22/16	
Date Paid	5/27/2016	\$157,539.41
Direct Deposit		

Payroll Period	5/23/16 - 06/05/16	\$162,058.93
Date Paid		
Direct Deposit		

TOTAL NET PAYROLL

\$319,598.34

DISBURSEMENT CHECK REGISTER:

Check	121829	SRF Consulting	\$126,276.38
Checks	121955 - 122108		\$1,833,984.16
EFTS	849 & 856 - 873		\$248,447.27

TOTAL DISBURSEMENT CHECKS

\$2,208,707.81

TOTAL PAYROLL, DISBURSEMENTS, ACH AND WIRE TRANSFERS

\$2,528,306.15

Payment Register

From Payment Date: 5/27/2016 - To Payment Date: 6/13/2016

Number	Date	Payee Name	Transaction Amount
AP - Accounts Payable			
<u>Check</u>			
121955	05/27/2016	BECKWITH, ROSS	\$282.42
121956	05/27/2016	COMMERCIAL ASPHALT COMPANY	\$2,261.64
121957	05/27/2016	H & R PROPERTIES	\$3,300.00
121958	05/27/2016	HEROFF, JEFF	\$5,000.00
121959	05/27/2016	LE/SHERRIE	\$1,054.36
121960	05/27/2016	LUMBY/DARRIN	\$115.10
121961	05/27/2016	MALERICH, DANETTE	\$52.50
121962	05/27/2016	METROPOLITAN COUNCIL	\$41,822.55
121963	05/27/2016	REZAC, DARIN	\$14.99
121964	05/27/2016	SUN, CHENG HAI/KUEI-FENG	\$22,010.00
121965	05/27/2016	VAIL/STEVE	\$2,912.00
121966	06/13/2016	AIRTECH THERMEX	\$600.00
121967	06/13/2016	ANCOM COMMUNICATIONS	\$75.00
121968	06/13/2016	ARMOR SECURITY	\$65.50
121969	06/13/2016	ARROW MOWER	\$95.24
121970	06/13/2016	ATEC LLC	\$5,519.57
121971	06/13/2016	B T DESIGN	\$20.00
121972	06/13/2016	BCA CJTE	\$230.00
121973	06/13/2016	BENJAMIN FRANKLIN PLUMBING	\$45,900.00
121974	06/13/2016	BOLTON & MENK INC	\$824.00
121975	06/13/2016	CAPITOL BEVERAGE SALES	\$113.40
121976	06/13/2016	CAPRA'S UTILITIES	\$13,575.00
121977	06/13/2016	CARL BOLANDER & SONS	\$4,605.00
121978	06/13/2016	CDW GOVERNMENT, INC	\$3,460.19
121979	06/13/2016	CHAMBERLAIN, BRYAN	\$15.12
121980	06/13/2016	CHLIC-BLOOMFIELD EASC	\$2,495.32
121981	06/13/2016	CLITTY, LOUISE	\$988.80
121982	06/13/2016	COCA-COLA BOTTLING CO	\$365.27
121983	06/13/2016	COMCAST	\$490.62
121984	06/13/2016	CONTINENTAL SAFETY EQUIPMENT	\$650.00
121985	06/13/2016	CONTRACTORS & SURVEYORS	\$117.36
121986	06/13/2016	CORPORATE MARK INC	\$1,100.66
121987	06/13/2016	CUB FOODS	\$108.73
121988	06/13/2016	CURTIS 1000, INC - MINNESOTA	\$853.86
121989	06/13/2016	DAKOTA COMMUNICATIONS	\$55,602.00
121990	06/13/2016	DAKOTA COUNTY FINANCIAL SERV	\$267,539.66
121991	06/13/2016	DAKOTA COUNTY WARRANTS	\$300.00
121992	06/13/2016	DAKOTA GLASS & GLAZING	\$610.00
121993	06/13/2016	DEFIEL, JENINE	\$110.00
121994	06/13/2016	DOLAN/RITA	\$80.00
121995	06/13/2016	DORIOTT, CHANTAL	\$128.08
121996	06/13/2016	DOUGHERTY, LISA	\$693.75
121997	06/13/2016	DVS RENEWAL	\$186.00
121998	06/13/2016	EHLERS & ASSOCIATES	\$2,227.50
121999	06/13/2016	EUREKA CONSTRUCTION	\$854,034.35
122000	06/13/2016	FACTORY MOTOR PARTS	\$728.88
122001	06/13/2016	FANGEL/THOMAS	\$4,024.29
122002	06/13/2016	FILTRATION SYSTEMS INC	\$177.28
122003	06/13/2016	FORKLIFTS OF MINNESOTA, INC	\$95.48
122004	06/13/2016	GENERAL SECURITY SERVICES	\$119.70

Payment Register

From Payment Date: 5/27/2016 - To Payment Date: 6/13/2016

122005	06/13/2016	GERRY'S FIRE & SAFETY INC	\$38.00
122006	06/13/2016	GERTENS GREENHOUSE	\$646.98
122007	06/13/2016	GETTYSBURG FLAG WORKS	\$55.00
122008	06/13/2016	GOPHER STATE ONE-CALL	\$461.70
122009	06/13/2016	GRAYBAR	\$1,349.27
122010	06/13/2016	HANCO CORP	\$112.53
122011	06/13/2016	HARTSHORN, JIM	\$101.52
122012	06/13/2016	HAWKINS WATER TREATMENT	\$4,310.72
122013	06/13/2016	HENN, BETH	\$908.04
122014	06/13/2016	HERAS, CORA	\$958.80
122015	06/13/2016	HOLIDAY STATION STORES	\$135.00
122016	06/13/2016	HOME DEPOT CREDIT SERVICES	\$54.98
122017	06/13/2016	HOWELL, CHARLES	\$780.00
122018	06/13/2016	INTERNATIONAL CODE COUNCIL	\$84.85
122019	06/13/2016	INVER GROVE FORD	\$79.66
122020	06/13/2016	JERDE/TODD & BRENDA	\$812.25
122021	06/13/2016	JIM MURR PLUMBING	\$1,134.00
122022	06/13/2016	JJ TAYLOR DIST. OF MN	\$96.60
122023	06/13/2016	KEEPRS, INC	\$1,254.76
122024	06/13/2016	KIESLER'S POLICE SUPPLY INC	\$59.30
122025	06/13/2016	KISS'S COLLISION CENTER	\$2,022.73
122026	06/13/2016	KRAKER, ANNE MARIE	\$50.00
122027	06/13/2016	L-3 COMMUNICATIONS MOBILE VISI	\$439.00
122028	06/13/2016	LEAGUE OF MN CITIES	\$6,153.70
122029	06/13/2016	LEITNER, DENNIS	\$730.50
122030	06/13/2016	LILLIE SUBURBAN NEWSPAPERS	\$549.36
122031	06/13/2016	LMCIT	\$1,740.24
122032	06/13/2016	LMCIT- INS PREMIUMS	\$53,799.25
122033	06/13/2016	LMCIT- INS PREMIUMS	\$42,275.00
122034	06/13/2016	LOGIS	\$302.50
122035	06/13/2016	M C M A SECRETARIAT	\$174.72
122036	06/13/2016	M T I DISTRIBUTING	\$426.12
122037	06/13/2016	MALERICH, DANETTE	\$30.00
122038	06/13/2016	MANSFIELD OIL COMPANY	\$10,740.72
122039	06/13/2016	MARCO, INC	\$881.61
122040	06/13/2016	MCFOA	\$35.00
122041	06/13/2016	MCMULLEN INSPECTING, INC	\$5,246.40
122042	06/13/2016	MCQUILLAN BROS PLUMBING	\$19,342.75
122043	06/13/2016	MENARDS	\$995.38
122044	06/13/2016	METRO AREA MGMT ASSN	\$65.00
122045	06/13/2016	METZEN APPRAISALS	\$12,000.00
122046	06/13/2016	MINNEAPOLIS/CITY OF	\$47.70
122047	06/13/2016	MISTER CAR PARTNERS	\$121.52
122048	06/13/2016	MN BENEFIT ASSOCIATION	\$905.42
122049	06/13/2016	MN DEPT OF HEALTH	\$805.00
122050	06/13/2016	MN DEPT-EMPL & ECON DEV	\$4,110.00
122051	06/13/2016	MN GLOVE	\$303.22
122052	06/13/2016	MN LOCKS	\$22.50
122053	06/13/2016	MN MUTUAL LIFE	\$1,156.45
122054	06/13/2016	MN NCPERS LIFE INSURANCE	\$160.00
122055	06/13/2016	MN OCCUPATIONAL HEALTH	\$1,098.00
122056	06/13/2016	MN SECRETARY OF STATE	\$120.00
122057	06/13/2016	MOBILE PRO SYSTEMS	\$150.00
122058	06/13/2016	MPELRA-SEMINAR REG	\$250.00

Payment Register

From Payment Date: 5/27/2016 - To Payment Date: 6/13/2016

122059	06/13/2016	NATURE CALLS	\$685.00
122060	06/13/2016	NDC4 CABLE COMMISSION	\$136.50
122061	06/13/2016	NELSON AUTO CENTER	\$26,147.95
122062	06/13/2016	NORTHWOODS CHIROPRACTIC	\$454.00
122063	06/13/2016	NYSTROM PUBLISHING CO INC	\$4,695.80
122064	06/13/2016	O'REILLY AUTOMOTIVE, INC	\$350.21
122065	06/13/2016	PIONEER PRESS	\$100.00
122066	06/13/2016	PIONEER SECURESHRED	\$700.00
122067	06/13/2016	POWERPLAN/R D O EQUIPMENT	\$95.60
122068	06/13/2016	QUICKSILVER	\$27.35
122069	06/13/2016	REGENCY BUSINESS SOLUTIONS	\$51.21
122070	06/13/2016	RICOH USA INC	\$345.83
122071	06/13/2016	ROAD EQUIPMENT PARTS CENTER	\$377.90
122072	06/13/2016	ROONEY, LUCY	\$938.40
122073	06/13/2016	RUMPCA EXCAVATING	\$1,074.95
122074	06/13/2016	S ST PAUL, CITY OF	\$25.00
122075	06/13/2016	SAINTS COMMERCIAL FOOD SERVICE	\$280.68
122076	06/13/2016	SAM'S CLUB DIRECT	\$1,800.12
122077	06/13/2016	SAVATREE	\$846.00
122078	06/13/2016	SENTRY SYSTEMS INC	\$144.29
122079	06/13/2016	SFDMG, LLC	\$7,711.21
122080	06/13/2016	SHARROW LIFTING PRODUCTS	\$522.00
122081	06/13/2016	SHERWIN WILLIAMS	\$24.99
122082	06/13/2016	SHORT ELLIOTT HENDRICKSON, INC	\$12,625.00
122083	06/13/2016	SIGNART COMPANY, INC	\$1,725.00
122084	06/13/2016	SKB ENVIRONMENTAL	\$3,493.65
122085	06/13/2016	SRF CONSULTING GROUP INC	\$177,474.70
122086	06/13/2016	ST PAUL PUBLISHING CO	\$325.55
122087	06/13/2016	ST PAUL/CITY OF	\$2,652.96
122088	06/13/2016	STAPLES ADVANTAGE	\$387.52
122089	06/13/2016	SUNGARD PUBLIC SECTOR	\$10,000.00
122090	06/13/2016	SUPERIOR TECH PRODUCTS	\$1,499.02
122091	06/13/2016	TKDA	\$5,032.36
122092	06/13/2016	TRANSUNION RISK & ALTERNATIVE	\$25.00
122093	06/13/2016	TRIDISTRICT COMMUNITY	\$2,963.00
122094	06/13/2016	TROJE'S TRASH PICK-UP SERVICE	\$79.56
122095	06/13/2016	TSCHIDA, CHUCK	\$866.25
122096	06/13/2016	TURFWERKS	\$208.66
122097	06/13/2016	TWIN CITY JANITOR SUPPLY	\$1,215.20
122098	06/13/2016	TWIST OFFICE PRODUCTS	\$400.00
122099	06/13/2016	US BANK EQUIPMENT FINANCE	\$228.69
122100	06/13/2016	US BANK EQUIPMENT FINANCE	\$509.10
122101	06/13/2016	VANDERWERFF, JERRY	\$40.00
122102	06/13/2016	VANGUARD CLEANING SYSTEMS	\$2,029.80
122103	06/13/2016	WALMSLEY, GRACE	\$16.20
122104	06/13/2016	WARNING LITES OF MN	\$2,835.50
122105	06/13/2016	WEBER, MARSHA	\$708.75
122106	06/13/2016	WOLD ARCHITECTS & ENGINEERS	\$7,655.33
122107	06/13/2016	WSB & ASSOCIATES	\$7,308.50
122108	06/13/2016	XCEL ENERGY	\$15,708.95
Type Check Totals:			\$1,833,984.16

EFT

849	05/23/2016	MN STATE TREASURER	\$3,193.00
856	05/31/2016	I C M A RETIREMENT TRUST-457	\$7,311.82

Payment Register

From Payment Date: 5/27/2016 - To Payment Date: 6/13/2016

857	05/31/2016	MII LIFE --- VEBA	\$3,091.92
858	05/31/2016	MN DEPARTMENT OF REVENUE	\$10,622.28
859	05/31/2016	MSRS - 457	\$1,915.00
860	05/31/2016	MSRS HCSP	\$2,168.81
861	05/31/2016	PUBLIC EMPLOYEES RETIRMNT	\$46,773.48
862	05/31/2016	PUBLIC EMPLOYEES RETIRMNT	\$372.16
863	05/31/2016	SW/WC SERVICE COOPERATIVE	\$86,344.50
864	05/31/2016	MII LIFE --- VEBA	\$1,452.69
865	05/31/2016	SELECTACCOUNT	\$544.04
866	05/31/2016	HIGHER STANDARDS INC	\$962.71
867	05/31/2016	SELECTACCOUNT	\$642.22
868	05/31/2016	CHASE, NEW YORK	\$18,018.75
870	06/13/2016	ANCHOR BANK OF W. ST PAUL	\$257.98
871	06/13/2016	MN STATE TREASURER	\$2,221.00
872	06/13/2016	THE HARTFORD-PRIORITY	\$1,295.37
873	06/13/2016	DEARBORN NATIONAL	\$431.81
Type EFT Totals:			<u>\$248,447.27</u>

TOTAL CHECKS & EFTS \$2,082,431.43

TO: Mayor and City Council
THROUGH: Matt Fulton, City Manager
 Jim Hartshorn, Comm. Dev. Dir.
FROM: Ben Boike, Assistant Comm. Dev. Dir.
DATE: June 13, 2016
SUBJECT: Final Reading: IUP Amendment



City of West St. Paul

BACKGROUND:

In 2011, the City Council approved language requiring an Interim Use Permit for temporary outdoor zoning uses in commercial districts, including sale of plants, food stands, sale of fireworks, display of general merchandise, etc. The current language requires all applicants to apply for an annual permit should they decide to continue the operation in consecutive years. The permit currently requires Planning Commission and Council approval each year.

In attempt to streamline the process for returning applicants, Staff is recommending amending the zoning ordinance to allow for an administrative review process should the request be similar to a previously approved request by Council. Staff is recommending the following requirements to bypass the formal approval process:

- (1) The application is a renewal of an Interim Use Permit which was previously approved by the City Council pursuant to 153.029 (C);
- (2) There have been no issues or violations with the existing Interim Use Permit;
- (3) There are no substantial changes to the Interim Use Permit as determined by the Zoning Administrator;
- (4) The Community Development Department has conducted an administrative review; and
- (5) The property owner on which the Interim Use Permit is located is current on all City fees.

PLANNING COMMISSION:

The Planning Commission met in regular session on May 17, 2016 and voted 7-0 to recommend approval of the proposed amendment as written. No one from the public wished to speak on the item.

FISCAL IMPACT

N/A

		Amount
Fund:		
Department:		
Account:		

STAFF RECOMMENDATION:

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

ATTACHMENT:

Ordinance amending Section 153.029

TIMELINE:

May 17, 2016 – Planning Commission (public hearing)

May 23, 2016 – Council first reading

June 13, 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 153.029
REGARDING INTERIM USE PERMITS

The City Council of West St. Paul does ordain:

SECTION 1. AMENDMENT. West St. Paul Zoning Ordinance Section 153.029 is hereby amended by adding the following:

(G) Exceptions. Notwithstanding the provision of division 153.029 (C) above, an interim use shall not require a hearing before the Planning Commission or City Council and may be approved administratively, provided that:

- (1) The application is a renewal of an Interim Use Permit which was previously approved by the City Council pursuant to 153.029 (C);
- (2) There have been no issues or violations with the existing Interim Use Permit;
- (3) There are no substantial changes to the Interim Use Permit as determined by the Zoning Administrator;
- (4) The Community Development Department has conducted an administrative review; and
- (5) The property owner on which the Interim Use Permit is located is current on all City fees.

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
FROM: Bud Shaver, Police Chief
Korine Land, City Attorney
DATE: June 13, 2016
SUBJECT: Permit Parking Zone Ordinance, Public Hearing & Final Reading



City of West St. Paul

BACKGROUND INFORMATION:

There are certain areas in the city where the residents of a neighborhood may benefit from a permit parking zone due to the limited availability of parking on residential streets. To that end, Staff has prepared an ordinance that allows the Council to establish a permit parking zone upon request from residents. Elements of the ordinance include:

- A petition must be filed with the city clerk
- The petition must:
 - Identify the proposed permit parking zone and suggest hours of enforcement
 - Articulate the necessity for the zone
 - Provide the names, addresses and signatures of 70% of the property owners or occupants of properties within the proposed parking zone. (the signatures must be listed to a property included the permit parking zone; only one signature per household)
- The City will send notice to property owners in the proposed permit parking zone and within 350 feet of the proposed permit parking zone informing them of the Council hearing
- The Council will consider the application at a hearing and may approve, deny or modify the permit parking zone
- Permanent parking permits may be issued to owners/occupants who reside at properties within the zone. They must identify the vehicles to which the permits will be affixed and those vehicles must register to the same address within the zone. (with the except of work vehicles, which will be allowed with proof of residency and proof of employment) Permits will be valid for as long as the person resides at the property.
- Temporary parking permits may be issued to owners/occupants who reside at properties within the zone for use by their guests. They must identify the dates for which they will be needed, which will be listed on the permit.

Fees - The ordinance allows for the imposition of fees to recover costs of establishing and issuing permits for a permit parking zone, but does not require it. The Council may wish to consider establishing nominal fees at this time, which may be increased later if we find that it is warranted. The proposed fees will not fully recover the costs associated with the implementation of a parking permit zone. Additionally fees need to be reasonable, not cost-prohibitive and sensitive to those in the permit parking

zone who may not have signed the petition. Listed below are several fee options and a proposed fee amount:

Permit Parking Zones	Amount	Rationale
Parking Permit Petition Fee	\$100	To help recover the cost of processing the permit request
Permit Parking Zone signs	No fee?	Creating and posting these signs costs about \$200 each; a typical city block would require about 8 signs or between \$50 and \$100 for each resident.
Permanent Parking Permit Fee	Initial fee \$0, Replacement sticker \$15	The police department wants to encourage residents to have ownership of their permits
Temporary Parking Permit Fee	\$5/car; up to a max. of 5 permits per application	These permit requests may consume a lot of police staff time to issue and enforce

The Council may consider any fee or combination thereof and if approved, we will have the Fee Resolution updated to include these fees for your consideration at the next Council meeting.

FISCAL IMPACT:

Signs will cost about \$200/sign
 Approximately 8 signs are required/block
 Administrative costs for notice and permit verification and processing is estimated to be \$200/permit parking zone

STAFF RECOMMENDATION:

Hold the public hearing and adopt the ordinance on final reading

ATTACHMENTS:

An Ordinance Amending Section 72.05 of the West St. Paul City Code Regarding General Parking Restrictions

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

AN ORDINANCE AMENDING SECTION 72.05
OF THE WEST ST. PAUL CITY CODE REGARDING
GENERAL PARKING RESTRICTIONS

The City Council of West St. Paul does ordain:

SECTION 1. AMENDMENT. West St. Paul City Code Section 72.05 is hereby amended as follows:

72.05 GENERAL PARKING RESTRICTIONS.

(A) *No parking, stopping, standing, bus stop zones.*

- (1) The City Council may, by resolution, designate certain streets or portions of streets as “no parking”, “no stopping,” “no standing” or “bus stop” zones and may limit the hours in which the restrictions apply.
- (2) Except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or a traffic control device, no person may stop or park a vehicle in an established no stopping, standing or bus stop zone.
- (3) No vehicle may be parked in a no-parking zone during hours when parking is prohibited. No vehicle, except a bus, may be parked or standing in a bus stop zone.

(B) *Time limit parking zones.* The Council may, by resolution, designate certain areas where the right to park is limited during specified hours. No person may park a vehicle in any limited parking zone for a longer period than so specified on a posted sign.

(C) *Permit parking zones. No person may park a vehicle in a permit parking zone without first obtaining and displaying the proper permit.*

(1) *Petition. In order to establish a permit parking zone, 70% of the residents and/or businesses who have an address within the proposed permit parking zone must sign and file a written petition with the city clerk containing the following information:*

- a. *The specific streets, blocks or area that should be included in the permit parking zone, with a map depicting the proposed permit parking zone;*
- b. *The hours during which the parking permit should be enforced;*
- c. *The necessity for the permit parking zone.*

d. The printed names, addresses and signatures of 70% of the property owners or adult occupants of properties within the proposed permit parking zone. For purposes of calculating 70%, only one signature shall be counted per property or per legal address.

(2) Council consideration. Upon receipt of a valid petition, the city shall notify all property owners and occupants, if known, within the proposed permit parking zone, as well as those property owners within 350 feet of the proposed permit parking zone of the date and time that the petition will be considered by the council. After a hearing, the council may approve, modify or deny the permit parking zone in order to protect the health, safety and welfare of the citizens of the city. If approved, a permit parking zone establishing the boundaries of the zone and hours of enforcement will be adopted by city council resolution.

(3) Permanent Parking Permits. Upon application to the Police Department, owners and occupants who reside at a property address that is within an approved permit parking zone may be issued a parking permit. The applicant must identify the vehicles to which the parking permit will be permanently affixed by make, model and license plate number, and pay the appropriate fee. The vehicles must register to the same property address for which the parking permit is being requested. Employees who park work vehicles at their residence may provide proof of residency at that address and proof of employment as sufficient documentation for a permanent parking permit. The parking permits shall be valid as long as the owner or occupant resides at the property that is within the permit parking zone.

(4) Temporary Parking Permits. Owners and occupants who reside at a property address that is in the permit parking zone may apply for a temporary parking permit on behalf of their guests. The applicant must identify the dates for which the temporary parking permit is requested, and pay the appropriate fee. The dates shall be listed on the temporary parking permit, which must be prominently displayed in the vehicle.

(5) The Council may establish appropriate fees by city council resolution to recover the costs associated with consideration and implementation of a permit parking zone.

~~(C)~~(D) Prima facie violation. The presence of any motor vehicle on any street when standing or parked in violation of this section is prima facie evidence that the registered owner of the vehicle committed or authorized the commission of the violation.

SECTION 2. 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 accomplishes the following: a) It adds a permit parking zone; b) it articulates the process to establish a permit parking zone; and c) it allows for fees to be established to recover the cost of this specialized signage and permit system.

SECTION 3. 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: City Manager
FROM: PW & Parks Dir./City Engineer
DATE: June 13, 2016
SUBJECT: Approve Consultant Contract for Crusader Avenue Sewer Lining
City Project 17-2



City of West St. Paul

BACKGROUND INFORMATION:

The current 2016-2020 Capital Improvement Project (CIP) includes a 2017 construction project to line large concrete sewer main on Crusader Avenue. Lining sanitary sewer mains is a cost effective way to restore pipe integrity as well as seal the pipe from I/I.

There is approximately 2,657 feet of existing 18-inch concrete gravity sewer main that runs under Crusader Avenue from Bidwell Street to Robert Street. Lift Stations 3 and 4 both discharge into this line, so proper bypassing of the flow is a critical component of the project. The existing pipe is nearly 50 years old and televising has revealed extensive concrete corrosion. In addition, there is a 337 foot piece of 21-inch sanitary sewer on Robert Street from Crusader Avenue to Carol Avenue which is in similar condition and will be included in this project.

Manhole rehabilitation will be performed as needed once the bypass pumping is underway and the condition of each invert can be thoroughly inspected. A separate manhole invert at Oakdale Avenue and Annapolis Street has been identified as needing repairs. This will require bypass pumping and will be included in this project.

Based on the above, staff recently solicited RFP's (Request for Proposals) from three consulting engineering firms for engineering services on the project. The consulting services will include project design, plan/specification preparation, contract administration, construction inspection, and as-built drawings on the project. All three consulting firms submitted proposals in response to the RFP and the proposal amounts are shown below.

Consulting Firm	Total Amount
AE2S, Inc.	\$ 38,900
Donohue & Associates, Inc.	\$ 45,200
Foth Infrastructure & Environment, LLC	\$ 79,746

All three firms have experience with large diameter sewer lining projects. Proposals were reviewed for project team experience, timeline to complete the work and cost. Staff is recommending that AE2S, Inc. be chosen for this project.

FISCAL IMPACT:

The CIP shows a budget of \$500k for this project. Based on the contract amount of \$38,900 it is anticipated that the entire project will stay within the budgeted amount.

		Amount
Fund:	602	
Department:	49450	
Account:	40530	\$38,900

STAFF RECOMMENDATION:

Staff recommends that the City Council approve a contract with AE2S, Inc. for the design and construction administration of the Crusader Avenue Sewer Lining Project, City Project 17-2, for an hourly not-to-exceed contract amount of \$38,900.

TO: Mayor & City Council
THROUGH: City Manager
FROM: City Attorney
DATE: June 13, 2016
SUBJECT: 435 Bernard Street East

**CITY OF
WEST ST. PAUL**



AGENDA ITEM: _____

ATTACHMENTS: _____ 1 _____

BACKGROUND INFORMATION:

City Staff is requesting that the Council initiate an action for abating a hazardous building at 435 Bernard Street East. The conditions of the property are so deplorable that it has been posted as uninhabitable. The building is in such a state of disrepair that the Building Official is recommending demolition. We recommend that the Council issue an Order requiring Owner to demolish the building.

The process to pursue an action against a hazardous building or property is articulated in Minn. Stat. § 463.15 through Minn. Stat. § 463.251 and is as follows:

- 1. Building Official's Report.** The Building Official prepares a report on the status of the building to present to the City Council, articulating the facts that make the building or property hazardous. The statute defines "Hazardous building or hazardous property" as "any building or property, which because of inadequate maintenance, dilapidation, physical damage, unsanitary condition or abandonment, constitutes a fire hazard or a hazard to public safety or health." (Minn. Stat. §463.15, subd. 3) The report includes pictures to support the conclusion.
- 2. City Council's Order.** Based on the Building Official's report, the City Council then issues an Order requiring the owner to repair or remove the hazardous conditions or raze or remove the building and providing a reasonable time to do so.
- 3. Service of the Order.** Once approved by the Council, the Order is served on the owner, any tenants, and all lienholders in the same manner as a civil court action. Within 20 days, the owner or a lienholder can serve an Answer specifying any facts in dispute.
- 4. Default Judgment.** If no Answer is served and the owner does not comply with the timeframe in the Order, the City must file the Order with the court and ask the court to enforce the Order as a default judgment. The court would hear the presentation of evidence, affirm or modify the Order, and enter a judgment.
- 5. Contested Cases.** If an Answer is served, then the action must follow the Rules of Civil Procedure, which involves discovery, trial, and a judgment. If the City's Order is upheld following a trial, the court would enter a judgment and fix a time after which the building must be destroyed or repaired or the hazardous condition removed or corrected.
- 6. Enforcement of Judgment.** If a judgment is not complied with in the time prescribed in the Judge's order, the City may perform the work and assess the costs as a special assessment. If the building is razed or removed by the City, the City Council may sell any salvageable and valuable materials at public auction. The City must keep an accurate account of the expenses incurred, including filing fees, service fees, publication fees, attorney's fees, appraiser's fees, witness fees, including expert witness fees and traveling expenses from the time the original Order was made, and can recover it from the amount, if any, received from the sale of the salvage, after asking the court for approval. If the amount received

from the sale does not equal or exceed the amount of expenses, the court shall by its judgment certify the deficiency to the City Clerk for collection. If not paid by October 1, the clerk shall assess it as a special assessment against the property.

A Resolution and Order has been attached which contains all of the Building Official's reports and photos.

FISCAL IMPACT:

If the City obtains an Order from a judge authorizing the City to abate the nuisance, all costs associated *after* tonight's action are recoverable through an assessment.

STAFF RECOMMENDATION:

Adopt Resolution and Order to Remove Structure at 435 Bernard Street East

ATTACHMENT:

Resolution and Order to Remove Structure at 435 Bernard Street East

**CITY OF WEST ST. PAUL
DAKOTA COUNTY, MINNESOTA
RESOLUTION NO. 16-**

**RESOLUTION AND ORDER TO REMOVE
STRUCTURE AT 435 BERNARD STREET EAST
IN WEST ST. PAUL**

WHEREAS, Marcia K. Lacore is the Owner (“Owner”) of 435 Bernard Street East, West St. Paul, Minnesota (the “Property”);

WHEREAS, in the fall of 2014, the West St. Paul Code Enforcement division began monitoring the Property after viewing excessive clutter on the exterior of the Property;

WHEREAS, in late November 2015, the West St. Paul Code Enforcement division began receiving complaints indicating that the severe dilapidation of the Property was allowing stray animals to enter into the Property;

WHEREAS, in late November 2015, a complainant reported that the Owner had been removed from the Property after a medical incident;

WHEREAS, the Owner currently resides at Southview Acres Health Care Center in West St. Paul, and the Property has been vacant since November 2015;

WHEREAS, on December 2, 2015, the West St. Paul Code Enforcement Officer inspected the exterior of the Property and confirmed that the complaints it had received were valid. Code Enforcement found that there were hazardous, unsanitary, and unsafe conditions on the outside of the Property;

WHEREAS, on December 4, 2015, the Property was deemed uninhabitable and posted for building violations (see notice attached hereto and incorporated herein as **Exhibit A**), St. Paul Regional Water was contacted for an emergency shut off due to the frozen rear exterior door and wall (see emergency water shut off letter attached hereto and incorporated herein as **Exhibit B**), and compliance letters were sent to the Owner for an abandoned vehicle and broken windows and doors (see compliance letters attached hereto and incorporated herein as **Exhibit C**);

WHEREAS, on December 4, 2015, the West St. Paul Code Enforcement Officer sent a letter to the Owner requesting that the City be allowed to conduct an inspection inside the Property on or around December 9, 2015 (see inspection request letter attached hereto and incorporated herein as **Exhibit D**);

WHEREAS, the West St. Paul Code Enforcement Officer contacted the Owner’s case worker at Southview Acres (the “Case Worker”);

WHEREAS, on December 11, 2015, the Owner, through her Case Worker, allowed West St. Paul Code Enforcement Officer and Building Official to conduct an interior inspection of the Property;

WHEREAS, the West St. Paul Code Enforcement Officer and Building Official found the Property to be in serious disrepair, with excessive clutter and an extreme amount of biohazard incontinence inside the Property. The Property met the criteria for a “level 5” rating, the highest rating possible, on the hoarding scale. A full interior inspection was not conducted due to the amount of clutter within the Property;

WHEREAS, following the inspection, West St. Paul Code Enforcement division issued a compliance letter to Owner ordering that the numerous code violations and life safety issues on the Property be corrected by January 29, 2016 (the letter is attached hereto and incorporated herein as **Exhibit E**);

WHEREAS, on January 15, 2016, the West St. Paul Code Enforcement division issued compliance letters to Owner ordering that the abandoned vehicles, broken windows, and broken doors be repaired and removed by February 15, 2016 (the letters are attached hereto and incorporated herein as **Exhibit F**);

WHEREAS, the Owner requested several extensions due to medical setbacks;

WHEREAS, the West St. Paul Code Enforcement division granted the extensions;

WHEREAS, the Building Official asked the Case Worker for permission to re-inspect the Property;

WHEREAS, through her Case Worker, the Owner gave the Building Official permission to re-inspect the Property;

WHEREAS, on April 5, 2016, West St. Paul Code Enforcement Officer and the Building Official re-inspected the Property and found that the numerous code violations and life safety issues remained on the Property;

WHEREAS, the Building Official has provided a timeline of the City’s involvement at the Property (**Exhibit G**) and submitted photographs of the interior and exterior of the Property (**Exhibit H**), all of which are attached hereto and incorporated herein;

WHEREAS, according to the Building Official’s reports, the following life, health, and safety hazards exist on the Property:

1. There is an extreme amount of used incontinence pads filling the dining room creating a serious biohazard and a foul odor.
2. The entire house lacks proper emergency egress.
3. There is excessive clutter within the entire house ranging from one foot to four feet deep.

4. The house has not been properly maintained; the interior and exterior walls and the ceiling are rotting and have developed holes.
5. The gutters are blocked.
6. The bay window in the rear of the Property is deteriorated to a point that it has fallen apart.
7. There are broken windows and siding left on the ground on the exterior of the home.
8. A concerning lack of housecleaning and maintenance has left the house in an extremely unsanitary condition.
9. There is no water service to the Property due to a suspected pipe breaking.

WHEREAS, it is the desire of the City Council that these life, health, and safety hazards be repaired or removed.

NOW, THEREFORE, BE IT RESOLVED that the West St. Paul City Council finds that the Property constitutes a fire hazard and a hazard to the public safety, health and welfare is a hazardous building, as defined in Minnesota Statutes, Section 463, because of inadequate maintenance, dilapidation, physical damage, and unsanitary conditions.

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

1. Marcia K. Lacore, Owner of the Property at 435 Bernard Street East, West St. Paul, Minnesota, must remove the building on the Property by July 13, 2016.
2. Neither the Owner nor any person nor animal is allowed to occupy or reside on the Property.
3. Unless an Answer is filed within 20 days of service, as provided in Minnesota Statutes, Section 463.18, if the Owner does not comply with this Order, a motion for summary enforcement of this Order will be made to the District Court of Dakota County. If summary enforcement is sought, the Court may issue a judgment, giving the Owner reasonable time to comply with the City's Order. If there is no compliance, the City will be authorized to remove the building on the Property. The cost of demolition of the building may be a lien against the real estate, which may be levied and collected as a special assessment.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WEST ST. PAUL
THIS 13th DAY OF JUNE, 2016.

Ayes: Nays:

Attest:

David Meisinger, Mayor

Chantal Doriott, City Clerk

NO TRESPASSING

**THIS STRUCTURE IS DEEMED UNSAFE
AND MAY NOT BE ENTERED OR OCCUPIED!**

Under section 425.15 Lack of Water Service of the Housing Code of the
City of West St. Paul's Department of Community Development

**ANY UNAUTHORIZED PERSON or PERSONS REMOVING THIS
SIGN SHALL BE PROSECUTED!**

It shall further be unlawful for any person to enter, occupy or reside
in the structure without prior approval of the City Building Official;

435 Bernard St E _____ 12/04/12015
Street Address _____ Effective Date

Dennis Schilling _____
West Saint Paul Building Official





CITY OF WEST ST. PAUL

City Hall
1616 Humboldt Avenue
West St. Paul, MN 55118
651-552-4100
www.cityofwstp.org

RE: West St. Paul Code Section(s):
425.15 Water Shut Offs
902 Hazardous and Vacant Buildings

COMPLIANCE LETTER

Date: Dec 04, 2015

From:
Sabrina Gorr
Building Inspections
651-552-4142

An inspection was conducted at your residence or business that revealed the following violations of the West St. Paul City Code. Your attention is respectfully directed to section **902-Hazardous and Vacant Buildings** of the West St. Paul Municipal Code.

To:
LACORE MARCIA K
435 BERNARD ST E
WEST SAINT PAUL, MN 55118-1625

Compliance Date: Emergency water shut off conducted

Location Address:
435 BERNARD ST E, WEST ST PAUL, MN 55118
423410002250



4 2 3 4 1 0 0 0 2 2 5 0

Case Number:
CE20150001584
Section and Description:
425.15 Water Shut Offs

STATUS: Open

Detailed Description:

425.15. Minimum Standards: Basic Equipment and Facilities
Subd. 1. Sinks. Every dwelling unit must contain a kitchen sink in good working condition and properly connected to a water supply system approved by the Building Inspector that must provide at all times an adequate supply of heated and unheated running water, under pressure and connected to a water and sewer system approved by the Building Inspector. Every occupant of a dwelling unit must keep all plumbing fixtures in a clean and sanitary condition and must be responsible for the exercise of reasonable care in their proper use and operation.

STATUS: Open

902 Hazardous and Vacant Buildings

Detailed Description:

902.01 Subd. 1. "Hazardous building or hazardous property" means any building or property, which because of inadequate maintenance, dilapidation, physical damage, unsanitary condition, or abandonment, constitutes a fire hazard or a public safety or health hazard. Subd. 2. "Neighborhood association" means an organization recognized by the City as representing a neighborhood within the City. Subd. 3. "Secure" may include, but is not limited to, installing locks, repairing windows and doors, boarding windows and doors, posting "no-trespassing" signs, installing exterior lighting or motion-detecting lights, fencing property, and installing a monitored alarm or other security system.

902.07. Repair or Removal of Hazardous Building; Hazardous Property Conditions: The City Council may order the owner of any hazardous building or property within the City to correct or remove the hazardous condition of the building or property or to raze or remove the building.

**Water main broke within the home- rear door frozen shut
Possible-suspected hazard house-**



Corrections: The city conducted an emergency water shut off; the property will be posted as a hazzardous property/uninhabitable. An internal inspection must be conducted

Please review the aforementioned ordinance and correct any noncompliance conditions by the following date , after which a compliance inspection will be performed.

Thank you for your prompt cooperation. If you have any questions, concerns or special needs, please feel free to contact me at the telephone number listed above. I will be happy to assist you.

Failure to comply with this notice within the given date of compliance may result in the issuance of a misdemeanor citation requiring a court appearance and the possible imposition of jail and/or fines.

In addition, if you do not comply with this notice the City may perform the work at your expense. If work is performed, you will be sent an invoice. If not paid within 30 days after you are billed, the City will assess these costs against your property.



CITY OF WEST ST. PAUL

City Hall
1616 Humboldt Avenue
West St. Paul, MN 55118
651-552-4100
www.cityofwsp.org

RE: West St. Paul Code Section(s):
2007.05 Vehicle-Inoperable or Abandoned Vehicles

COMPLIANCE LETTER

Date: Dec 04, 2015

From:
Sabrina Gorr
Building Inspections
(651) 552-4142

An inspection was conducted at your residence or business that revealed the following violations of the West St. Paul City Code. Your attention is respectfully directed to section Vehicles of the West St. Paul Municipal Code.

To:
LACORE MARCIA K
435 BERNARD ST E
WEST SAINT PAUL, MN 55118-1625

Compliance Date: December 14, 2015

Case Number:
CE20150001585

Location Address:
435 BERNARD ST E, WEST ST PAUL, MN 55118
423410002250



4 2 3 4 1 0 0 0 2 2 5 0

Section and Description:
2007.05 Vehicle-Inoperable or Abandoned Vehicles

STATUS: Open

Detailed Description:

Subd. 1. No person may place, park, permit to remain, store or leave upon an open space area of any premises located anywhere in the City any Inoperable or Abandoned Vehicle for more than seven days. Subd. 3. Definition. For purposes of this Section, an "Inoperable" or "Abandoned" Vehicle has the following meaning: a. A vehicle that does not have valid current vehicle license and registration; b. A vehicle that lacks essential parts that would render it operable; or c. A vehicle that is in a rusted, wrecked, extensively damaged, partially dismantled or junked condition.

Vehicle has been abandoned on the vacant property- abandoned/open storage

Corrections: must either remove the vehicle or properly store it in a garage or other place of storage by December 14, 2015.

Please review the aforementioned ordinance and correct any noncompliance conditions by the following date December 14, 2015, after which a compliance inspection will be performed.

Thank you for your prompt cooperation. If you have any questions, concerns or special needs, please feel free to contact me at the telephone number listed above.

Failure to comply with this notice within of its receipt or posting may result in the issuance of a misdemeanor citation requiring a court appearance and the possible imposition of jail and/or fines.

Inoperable Vehicles:

If this notice is in regard to an inoperable vehicle and you do not comply, the City may impound any vehicles in violation, pursuant to City Code section 2007.05 subd. 6. If impounded you may reclaim the vehicle only upon the payment of towing, storage and administrative costs to the City. Any vehicle not reclaimed will be disposed of at auction or sale.





CITY OF WEST ST. PAUL

City Hall
1616 Humboldt Avenue
West St. Paul, MN 55118
651-552-4100
www.cityofwesp.org

RE: West St. Paul Code Section(s):
425.19 Broken Windows & Doors
902.01 Hazardous Buildings/902.27 Securing Vacant Buildings
425.19. Stairs, Porches, Decks and Railings.
425.19 Exterior Broken/Missing Siding, Stucco and Brick

COMPLIANCE LETTER

Date: Dec 04, 2015

An inspection was conducted at your residence or business that revealed the following violations of the West St. Paul City Code. Your attention is respectfully directed to section 400-425-Property Maintenance - Residential/Commercial of the West St. Paul Municipal Code.

From:
Sabrina Gorr
Building Inspections
(651) 552-4142

Compliance Date: January 04, 2015

To:
LACORE MARCIA K
435 BERNARD ST E
WEST SAINT PAUL, MN 55118-1625

Case Number:
CE20150001583

Location Address:
435 BERNARD ST E, WEST ST PAUL, MN 55118
423410002250



4 2 3 4 1 0 0 0 2 2 5 0

Section and Description:
425.19 Broken Windows & Doors

STATUS: Open

Detailed Description:

Subd. 1 Foundations, exterior walls, windows, exterior doors, floors and roofs must be watertight, rodent-proof, and kept in sound condition and repair.

STATUS: Open

902.01 Hazardous Buildings/902.27 Securing Vacant Buildings

Detailed Description:

902.01. Definitions. For purposes of this Section, the terms defined have the following meanings:

Subd. 1. "Hazardous building or hazardous property" means any building or property, which because of inadequate maintenance, dilapidation, physical damage, unsanitary condition, or abandonment, constitutes a fire hazard or a public safety or health hazard.

Subd. 3. "Secure" may include, but is not limited to, installing locks, repairing windows and doors, boarding windows and doors, posting "no-trespassing" signs, installing exterior lighting or motion-detecting lights, fencing property, and installing a monitored alarm or other security system.

902.27. Securing Vacant Buildings

Subd. 1. Order; notice. If a building becomes vacant or unoccupied and is deemed hazardous due to the fact that the building is open to trespass and has not been secured, the City Council may order the building secured. Notice of the order must be served upon the owner of record of the premises or the owner's agent, the taxpayer identified in the property tax records for that parcel, the holder of the mortgage or sheriff's certificate, and any neighborhood association for the neighborhood in which the building is located that has requested notice by delivering or mailing a copy to the interested persons at the last known address. Service by mail is complete upon mailing.

STATUS: Open

425.19. Stairs, Porches, Decks and Railings.

Detailed Description:

- a. Every outside stair, porch and deck must be constructed safely, be capable of supporting a load as determined in the Building Code, and kept in sound condition and repair.
- b. Every stairway, porch, deck or step that is more than 30 inches above grade must have guardrails and intermediate rails no more than four inches apart and according to the Building Code or maintained according to the Building Code under which it was originally constructed.
- c. Every flight of stairs that is more than three risers high must have handrails according to the Building Code or maintained according to the Building Code under which it was originally constructed.
- d. Stairs, steps, porches, decks, handrails, balustrades and guardrails deemed hazardous by the Building Inspector must be corrected so as to be in compliance with the Building Code.

STATUS: Open

425.19 Exterior Broken/Missing Siding, Stucco and Brick

Detailed Description:

All exterior surfaces other than decay-resistant woods, brick or rock must be protected from the elements and decay by paint that is not lead-based paint, or by other protective covering or treatment. The protective surface on exterior walls of a building above ground must be maintained in good repair so as to provide sufficient covering and protection against deterioration of the structural surface underneath. A protective surface on exterior walls will be deemed to be out of repair if:

(A) More than 25% of the paint on the surface area of the plane or wall is blistering, cracking, peeling or no longer adhering. This surface area includes window trim, cornice members, porch railings and other areas. If the paint is covering a weather-resistant surface such as brick, plaster or metal, instead of repainting the entire surface area, the paint may be removed in its entirety. (B) More than 10% of the brick or stone in a chimney is loose or deteriorating. (C) More than 25% of the brick or stone in a wall is loose or deteriorating. (D) More than 25% of the finish coat of a stucco wall is worn through or chipped away. If an exterior surface is required to be repaired under this Section, the entire exterior surface area must be repaired or replaced.

Rear window/porch has deteriorated and fallen apart.

Gutters are full of leaves, unable to flow freely

General lack of care to exterior home

Soffit/fascia/framing has deteriorated and fallen apart above the window

Corrections: Must make repairs to the issues mentioned above by January 04, 2015. A permit will be required for all repairs made.**

Please review the aforementioned ordinance and correct any noncompliance conditions by , after which a compliance inspection will be performed.

Thank you for your prompt cooperation. If you have any questions, concerns or special needs, please feel free to contact me at the telephone number listed above.

Failure to comply with this notice by the compliance date indicated may result in the issuance of an administrative citation with a fine and/or criminal citation requiring a court appearance and the possible imposition of jail and/or fines.

Marcia Lacore
435 Bernard St E
West St. Paul, MN 55118

December 04, 2015

RE: 435 Bernard

To whom it may concern,

On Wednesday December 02, 2015, West St. Paul Police Code Enforcement was called to the property regarding violations within and outside of the home.

The City of West St. Paul requests entry to 435 Bernard St E at 3:00 pm Wednesday December 09, 2015 to inspect the conditions within. The Code Enforcement Officer, Sabrina Gorr and Building Official Dennis Schilling will come to the property on December 09th at 3:00 pm.

Section 425.09 authorizes the building Official to make an inspection of dwellings with in the City of West St. Paul. This section says the City must give notice to the owner in writing 72 hours prior to making the inspection, and the inspection should be made between the hours of 8:00 am and 4:30pm.

Once notice is given, the owner, or occupant must give the Building Official free access to the dwelling, and its premises for the purpose of the inspection.

Again, the City of West St. Paul requests entry to 435 Bernard St E , **December 09, 2015 at 3:00pm.**

Should the owner or occupant refuse to allow the inspection of the premises, the building official will seek an Administrative Search Warrant from the court to allow entry of the premises, and the inspection to take place.

Should you have any questions, please call me at 651-552-4142

Sincerely,

Sabrina Gorr
Code Enforcement Officer
City of West St. Paul





CITY OF WEST ST. PAUL

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

www.cityofwsp.org

MUNICIPAL CENTER 651-552-4100
Parks/Recreation/Public Works 651-552-4150 FAX 651-552-4190
Police 651-552-4200 TDD 651-322-2323

RE: West St. Paul Code Section(s):

COMPLIANCE LETTER

From:
Sabrina Gorr, Code Enforcement Officer
Building Inspections
(651) 552-4142

Date: December 11, 2015

An inspection was conducted at your residence or business that revealed the following violations of the West St. Paul City Code. Your attention is respectfully directed to section of the West St. Paul Municipal

To:
MARCIA LACORE
435 BERNARD ST E
WEST SAINT PAUL, MN 55118

Case Number:

Compliance Date: January 29, 2015

CE20150001584

Location Address:
435 Bernard St E, WEST ST PAUL, MN 55118

RE: INSPECTION FINDINGS

On December 11, 2015, your property was inspected by the City of West St. Paul's Code Enforcement Officer, Sabrina Gorr for numerous life safety issues.

*The following violations were observed and documented. Following the violation are the corrections that need to be made by the compliance date given. **A full inspection was not conducted due to the severity of the homes condition. ***

This property has been deemed hazardous/unsanitary for use for the following reasons:

- There was an extreme amount of used incontinence pads filling the dining room creating a huge biohazard, also contributing to the odor present.
- The entire house lack proper emergency egress.
- There is an overly excessive amount of clutter within the entire house ranging from 1 foot to 4foot deep.
- There is a lack of maintenance on the house; the interior and exterior is rotting through, there are holes in walls and ceiling within the home.
- The gutters are completely backed up and the bay window in the rear of the property has deteriorated and has fallen apart, including an upper rear porch. There are involuntary trees growing. There are broken windows and siding left on the ground on the exterior of the home
- There is a concerning lack of housecleaning which has contributed to the unsanitary condition of the house.
- Code Enforcement turned off the water due to a suspected pipe breakage.



Section 305**Interior Structure**

305.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure that they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

-Section 702 of the International Property Maintenance Code**Means of Egress**

•702.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the International Fire Code.

•[F] 702.2 Aisles. The required width of aisles in accordance with the International Fire Code shall be unobstructed.

•[F] 702.3 Locked doors. Means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the International Building Code.

•[F] 702.4 Emergency escape openings. Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

The entire home within has lacked all together in housecleaning: Years of cobwebs on the windows, walls, ceilings and fixtures exist; the entire home is covered in some kind of dirt, dust or debris. Garbage has been left in all areas in the home. The lower level ceiling and wall is exposed, fully able to see electrical wiring. (Only 1 room was observed in the lower level.) There is a 3 foot wall extending from the rear stairwell, going into the living room of incontinence pads. There is about 3feet of junk, garbage and debris which exists throughout the entire main floor.

Corrections:

- The entire home & garage needs to be emptied out, cleaned, dusted, and sanitized with proper cleaning supplies.
- All appliances within the home need to be either thrown out or inspected once they are cleaned thoroughly.
- All biohazardous materials must be properly disposed of.
- All areas with in the home which have rotted through, or become exposed must be repaired; any plumbing or electrical issues that have lacked maintenance must be fixed; this includes walls, ceilings or any other damaged parts of the home.

Section 504**Plumbing Systems & Fixtures**

504.1 General. Plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. Plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

504.3 Plumbing system hazards. Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

Due to the hoard, a proper assessment was not conducted; however, there is suspected damage to pipes within the home from what was seen from the inspection

Corrections:

- Must repair/replace any damage done to pipes within the home once the excessive clutter is removed.
- A proper inspection must be conducted after all items and biohazard has been removed.

Section 505**Water System**

505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. Kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the International Plumbing Code

505.3 Supply. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

Water was turned off

Corrections:

- Must turn water back on or properly winterize the home once the property has been cleaned out.

**Section 604
Electrical Facilities**

604.3 Electrical system hazards. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

604.3.2.1 Electrical equipment. Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits that have been exposed to fire, shall be replaced in accordance with the provisions of the International Building Code.

-2011 National Electrical Code

- All outlets and switches shall be provided with the required cover plates.
- All light fixtures shall be in working order
- Any open and exposed wires must be properly enclosed

Due to extensive hoard, a proper assessment was not done

Corrections:

- Must ensure all plate covers are on, no wires are exposed, wiring is not faulty, and all electrical equipment adheres to current guidelines.
- A proper inspection of electrical issues must be conducted once the excessive clutter is removed.

-Section 704 of the International Property Maintenance Code

[F] 704.1 General. Systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the International Fire Code.

[F] 704.2.1.1 Group R-1. Single- or multiple-station smoke alarms shall be installed in all of the following locations in Group R-1: 1. In sleeping areas. 2. In every room in the path of the means of egress from the sleeping area to the door leading from the sleeping unit.

It is suspected that smoke alarms may be missing or defective

Corrections:

- Install all required smoke detectors per above Code.

-Section 299F.51 of the Minnesota State Statutes

- Every single family dwelling shall be equipped with one or more approved carbon monoxide detector.
- Carbon monoxide detectors shall be located within ten feet of each room lawfully used for sleeping.

It is suspected that carbon monoxide are missing or not working.

Corrections:

- Install all required carbon monoxide detectors per State Statute.

- Section 301 of the International Property Maintenance Code.

301.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

301.2 Responsibility. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises that are not in a sanitary and safe condition and that do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control

Exterior Structure

304.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

304.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings: 1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength; 3. Structures or components thereof that have reached their limit state.

The exterior of the property has involuntary trees growing within the fenced portion of the back yard. The rear exit door is rotted through and does not properly shut or lock; the rear bay window is rotted through on both the upper portion of the window (including the sheathing) and the lower portion of the window (including the footboard and plywood soffit) and the whole lower unit beneath the bay window has rotted through and has fallen apart. One portion of the deck has fallen off. Gutters are completely clogged. Siding is missing.

The gutters are completely backed up and the bay window in the rear of the property has deteriorated and has fallen apart, including an upper rear porch. There are involuntary trees growing. There are broken windows and siding left on the ground on the exterior of the home

Corrections:

- Must clear out the gutters
- Must remove all voluntary trees from the back yard.
- Must remove all junk, windows and siding from the ground in the back yard
- Must repair/replace the siding
- Must make repairs or replace all exterior issues which are due to the deterioration and rot which compromises the home.

Please review the aforementioned ordinances' and correct all noncompliance conditions by January 29, 2016, after which a compliance inspection will be performed. Failure to comply with this notice within the date given will result in the City taking action and will move forward with the process of condemnation 463, abatement and/or demolition.

[A] 108.1 General. When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.

[A] 108.1.3 Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

If you have any questions or concerns, feel free to contact me.

Please review the aforementioned ordinance and correct any noncompliance conditions by the compliance dates, after which a compliance inspection will be performed.

Thank you for your prompt cooperation. If you have any questions, concerns or special needs, please feel free to contact me at the telephone number listed above. Failure to comply with this notice by the compliance date indicated may result in the issuance of an administrative citation with a fine and/or criminal citation requiring a court appearance and the possible imposition of jail and/or fines.

Sabrina Gorr, Code Enforcement Officer
Building Inspections
(651) 552-4142

COMPLIANCE LETTER

435 Bernard St E, WEST ST PAUL, MN 55118



CITY OF WEST ST. PAUL

City Hall
1616 Humboldt Avenue
West St. Paul, MN 55118
651-552-4100
www.cityofwsp.org

RE: West St. Paul Code Section(s):
2007.05 Vehicle-Inoperable or Abandoned Vehicles

COMPLIANCE LETTER

Date: Jan 15, 2016

From:
Sabrina Gorr
Building Inspections
(651) 552-4142

An inspection was conducted at your residence or business that revealed the following violations of the West St. Paul City Code. Your attention is respectfully directed to section Vehicles of the West St. Paul Municipal Code.

To:
LACORE MARCIA K
435 BERNARD ST E
WEST SAINT PAUL, MN 55118-1625

Compliance Date: February 15, 2016

Case Number:
CE20150001585

Location Address:
423410002250
435 BERNARD ST E, WEST ST PAUL, MN 55118



4 2 3 4 1 0 0 0 2 2 5 0

Section and Description:
2007.05 Vehicle-Inoperable or Abandoned Vehicles

STATUS: Open

Detailed Description:

Subd. 1. No person may place, park, permit to remain, store or leave upon an open space area of any premises located anywhere in the City any Inoperable or Abandoned Vehicle for more than seven days. Subd. 3. Definition. For purposes of this Section, an "Inoperable" or "Abandoned" Vehicle has the following meaning: a. A vehicle that does not have valid current vehicle license and registration; b. A vehicle that lacks essential parts that would render it operable; or c. A vehicle that is in a rusted, wrecked, extensively damaged, partially dismantled or junked condition.

Vehicle has been abandoned on the vacant property- abandoned/open storage

Corrections: must either remove the vehicle or properly store it in a garage or other place of storage by February 15, 2016.

Please review the aforementioned ordinance and correct any noncompliance conditions by the following date February 15, 2016, after which a compliance inspection will be performed.

Thank you for your prompt cooperation. If you have any questions, concerns or special needs, please feel free to contact me at the telephone number listed above.

Failure to comply with this notice within of its receipt or posting may result in the issuance of a misdemeanor citation requiring a court appearance and the possible imposition of jail and/or fines.

Inoperable Vehicles:

If this notice is in regard to an inoperable vehicle and you do not comply, the City may impound any vehicles in violation, pursuant to City Code section 2007.05 subd. 6. If impounded you may reclaim the vehicle only upon the payment of towing, storage and administrative costs to the City. Any vehicle not reclaimed will be disposed of at auction or sale.





CITY OF WEST ST. PAUL

City Hall
1616 Humboldt Avenue
West St. Paul, MN 55118
651-552-4100
www.cityofwsp.org

RE: West St. Paul Code Section(s):
425.19 Broken Windows & Doors
902.01 Hazardous Buildings/902.27 Securing Vacant Buildings
425.19. Stairs, Porches, Decks and Railings.
425.19 Exterior Broken/Missing Siding, Stucco and Brick

COMPLIANCE LETTER

Date: Jan 15, 2016

An inspection was conducted at your residence or business that revealed the following violations of the West St. Paul City Code. Your attention is respectfully directed to section 400-425-Property Maintenance - Residential/Commercial of the West St. Paul Municipal Code.

From:
Sabrina Gorr
Building Inspections
(651) 552-4142

Compliance Date: February 15, 2016

To:
LACORE MARCIA K
435 BERNARD ST E
WEST SAINT PAUL, MN 55118-1625

Case Number:
CE20150001583

Location Address:
423410002250
435 BERNARD ST E, WEST ST PAUL, MN 55118

FINAL NOTICE



4 2 3 4 1 0 0 0 2 2 5 0

Section and Description:
425.19 Broken Windows & Doors

STATUS: Open

Detailed Description:

Subd. 1 Foundations, exterior walls, windows, exterior doors, floors and roofs must be watertight, rodent-proof, and kept in sound condition and repair.

STATUS: Open

902.01 Hazardous Buildings/902.27 Securing Vacant Buildings

Detailed Description:

902.01. Definitions. For purposes of this Section, the terms defined have the following meanings:

Subd. 1. "Hazardous building or hazardous property" means any building or property, which because of inadequate maintenance, dilapidation, physical damage, unsanitary condition, or abandonment, constitutes a fire hazard or a public safety or health hazard.

Subd. 3. "Secure" may include, but is not limited to, installing locks, repairing windows and doors, boarding windows and doors, posting "no-trespassing" signs, installing exterior lighting or motion-detecting lights, fencing property, and installing a monitored alarm or other security system.

902.27. Securing Vacant Buildings

Subd. 1. Order; notice. If a building becomes vacant or unoccupied and is deemed hazardous due to the fact that the building is open to trespass and has not been secured, the City Council may order the building secured. Notice of the order must be served upon the owner of record of the premises or the owner's agent, the taxpayer identified in the property tax records for that parcel, the holder of the mortgage or sheriff's certificate, and any neighborhood association for the neighborhood in which the building is located that has requested notice by delivering or mailing a copy to the interested persons at the last known address. Service by mail is complete upon mailing.

STATUS: Open

425.19. Stairs, Porches, Decks and Railings.

Detailed Description:

- a. Every outside stair, porch and deck must be constructed safely, be capable of supporting a load as determined in the Building Code, and kept in sound condition and repair.
- b. Every stairway, porch, deck or step that is more than 30 inches above grade must have guardrails and intermediate rails no more than four inches apart and according to the Building Code or maintained according to the Building Code under which it was originally constructed.
- c. Every flight of stairs that is more than three risers high must have handrails according to the Building Code or maintained according to the Building Code under which it was originally constructed.
- d. Stairs, steps, porches, decks, handrails, balustrades and guardrails deemed hazardous by the Building Inspector must be corrected so as to be in compliance with the Building Code.

STATUS: Open

425.19 Exterior Broken/Missing Siding, Stucco and Brick

Detailed Description:

All exterior surfaces other than decay-resistant woods, brick or rock must be protected from the elements and decay by paint that is not lead-based paint, or by other protective covering or treatment. The protective surface on exterior walls of a building above ground must be maintained in good repair so as to provide sufficient covering and protection against deterioration of the structural surface underneath. A protective surface on exterior walls will be deemed to be out of repair if:

(A) More than 25% of the paint on the surface area of the plane or wall is blistering, cracking, peeling or no longer adhering. This surface area includes window trim, cornice members, porch railings and other areas. If the paint is covering a weather-resistant surface such as brick, plaster or metal, instead of repainting the entire surface area, the paint may be removed in its entirety. (B) More than 10% of the brick or stone in a chimney is loose or deteriorating. (C) More than 25% of the brick or stone in a wall is loose or deteriorating. (D) More than 25% of the finish coat of a stucco wall is worn through or chipped away. If an exterior surface is required to be repaired under this Section, the entire exterior surface area must be repaired or replaced.

Rear window/porch has deteriorated and fallen apart.

Gutters are full of leaves, unable to flow freely

General lack of exterior home

Soffit/fascia/trim has deteriorated and fallen apart above the window

Corrections: Must make repairs to the issues mentioned above by February 15, 2015. A permit will be required for all repairs made.**

Please review the aforementioned ordinance and correct any noncompliance conditions by February 15, 2016, after which a compliance inspection will be performed.

Thank you for your prompt cooperation. If you have any questions, concerns or special needs, please feel free to contact me at the telephone number listed above.

Failure to comply with this notice by the compliance date indicated may result in the issuance of an administrative citation with a fine and/or criminal citation requiring a court appearance and the possible imposition of jail and/or fines.

Review of 435 Bernard St E

Fall of 2014, code enforcement began to monitor the property after having suspicion of excessive clutter due to the aesthetics from the exterior perspective but did not have any reported concerns from the neighbors, nor could code enforcement get back any correspondence from the property owner.

A few compliance letters were written for gutters over the past few years, however no citations were given.

Late November, code enforcement began taking in complaints on how the exterior of the property had severe dilapidation in the rear of the property, allowing stray animals into the home. One caller mentioned that the owner was taken from the home on a medical incident.

Code enforcement conducted an exterior inspection and found the complaints to be valid. The property was posted for building violations on December 04, 2015. The water company was contacted for an emergency shut off due to the frozen over rear exterior door (and wall).

Code enforcement connected with a case worker, Tracy, at the facility Southview Acres in West St. Paul, where the owner has resided since the medical incident.

Code enforcement conducted an interior inspection with the case worker who oversees the property owner. The property was found to be in serious disrepair, displays an over excessive amount of clutter, and had an over excessive amount of biohazard incontinence, grading it to be a level 5 on the hoarding scale (the highest level possible). A full interior inspection was unable to be conducted due to the amount of stuff within the home.

An order to clean the property was prepared and sent to the owner (and case worker providing the owner services).



Over time code enforcement had provided several extensions to the owner due to medical setbacks, the owner being proactive in looking for help from family other entities as well as waiting approval the reversal mortgage company on the hazard insurance, which the owner had recently been told expired and no longer has the insurance as an option. It sounds like the owner's niece had taken over power of attorney recently, but had not returned any of the city's calls nor calls back to the case worker at Southview Acres.

Recently, the building department requested verbal permission for reentry via Tracy, the case worker so the building official could make an assessment with in the property. The owner gave the approval and lock box number. Code Enforcement and the building department made a final assessment and the Building Official determined that the building should be demolished.







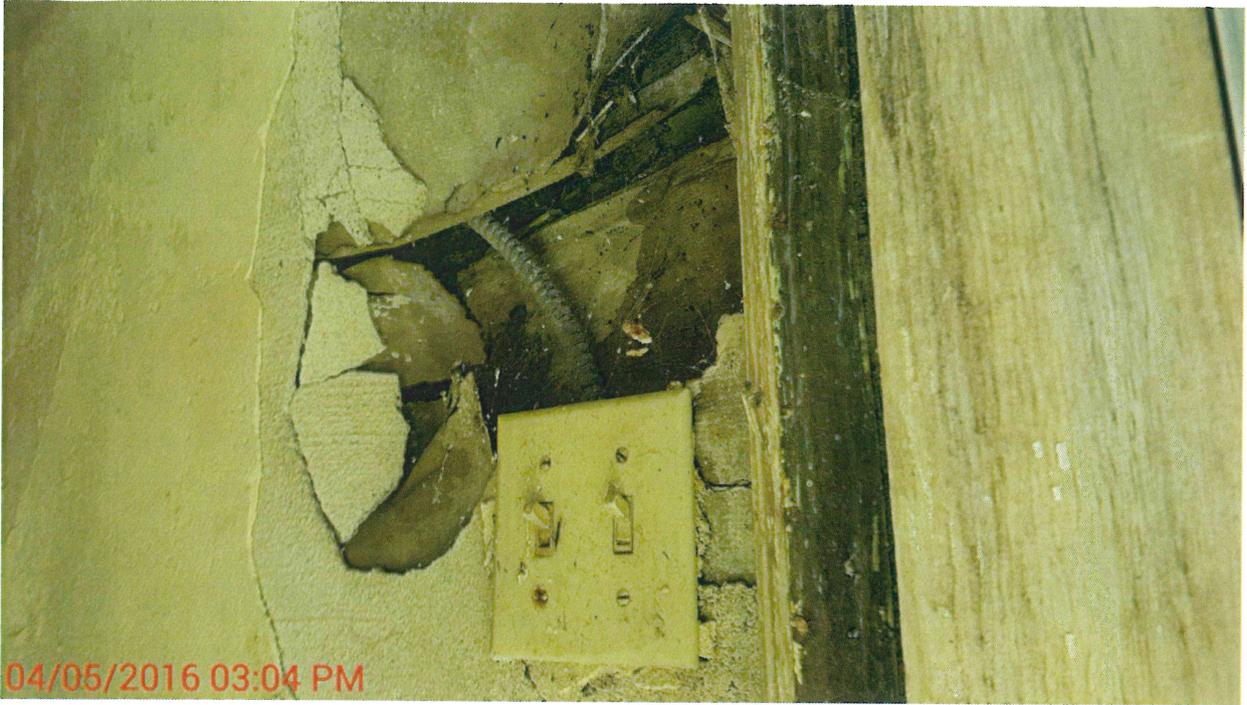






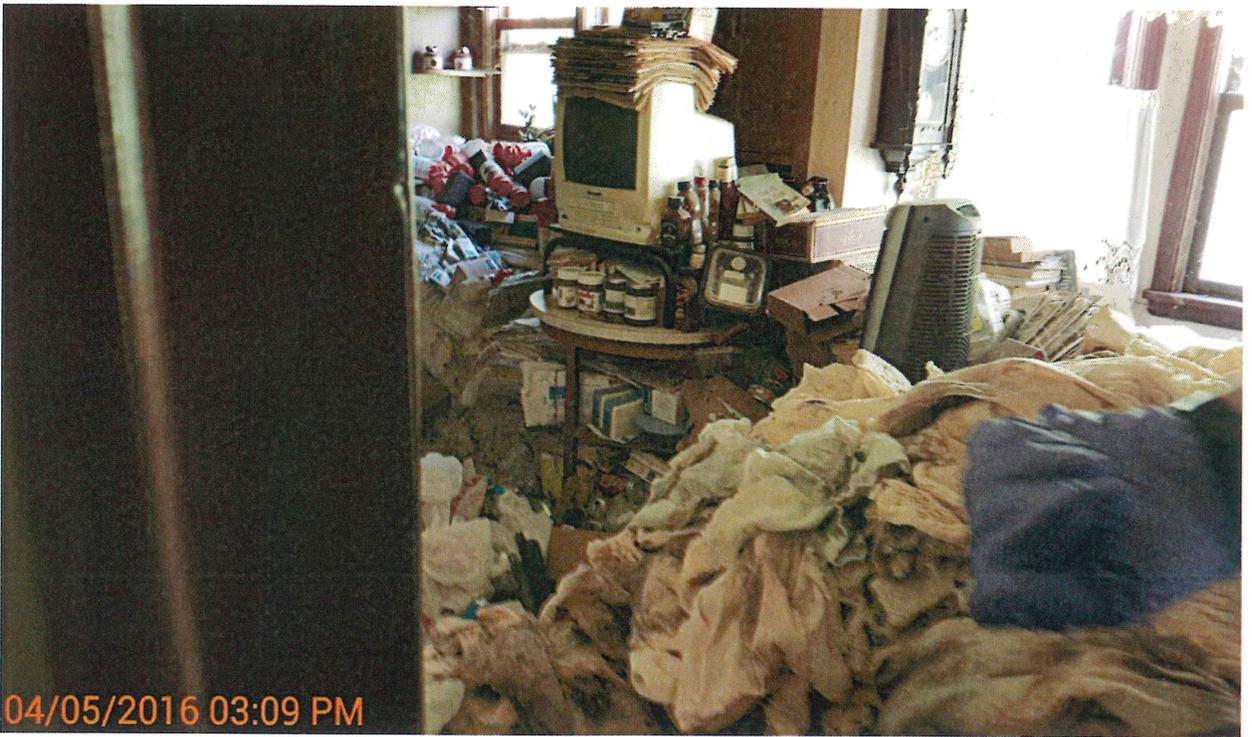








04/05/2016 03:07 PM



04/05/2016 03:09 PM

TO: Mayor and City Council
FROM: Matt Fulton, City Manager
DATE: April 25, 2016
SUBJECT: Final Reading of a mendments to City Code Chapter 50, Section 50.08 regarding discharge of prohibited clear water drainage; Sump Pumps. (Con't from 5/23/16)



BACKGROUND INFORMATION : The first reading regarding the proposed ordinance amendments was held on April 25, 2016. The City Council also held and closed the public hearing on this topic at its meeting on May 23. Action was continued to the June 13 meeting to allow for a couple of modifications relating to the timing for implementation and placing an acceptable compliance period for all properties meeting ordinance requirements.

DISCUSSION : The Met Council has approved the attached Memorandum of Understanding supporting the proposed approach for addressing I/I in WSP. It accepted the City's request to defer implementation for owner-occupied single family homes until January 1, 2016 as well as the request to assign a 10 year acceptance period for all properties brought into compliance.

One additional requirement that hasn't been discussed to date are specific effective date provisions relating to Robert Street properties. There are 59 properties that remain out of compliance, including 29 that are located as part of the 2016 construction area. It is critical to assure that inspections are completed immediately with these properties and, for those that cannot be lined and require excavation in the street right of way, this activity be completed by September 1 and before the final layer of asphalt is laid.

A summary of the proposed changes to this program are as follows:

- Effective January 1, 2017, the I/I program will required areas of non-compliance to be dealt with at the time of selling a owner-occupied residential property. An I/I compliance inspection would need to occur prior to the sale of the property. This inspection would be conducted at no expense, provided an access point is made available and service line roots do not impede the ability to inspect the sanitary sewer service line. Any areas of non-compliance would need to be corrected within 12 months of the sale of the property. The owner/buyer would need to negotiate and assign responsibility for correcting any non-compliance areas.
- During the City's annual street repair program, inspections would be conducted on properties adjacent to the construction work so that any problems at the sanitary sewer main can be identified and planned for. Impacted property owners will be encouraged, but not required, to address I/I issues during the street improvement project and to work collaboratively as a neighborhood, to take advantage of the road being opened which possibly could save property owners money.
- Effective July 1, 2016, bringing rental properties into compliance would become a requirement for receiving a rental license to operate in the City. Rental properties would be required to have an inspection completed by the time of licensing and bring the licensed facility into compliance within 24 months of receiving their next annual rental license. I/I compliance would need to be verified every 12 years. Rental properties would be responsible for identifying and correcting all internal I/I issues. The City would only inspect the service line(s) connecting to the sanitary main.
- Effective July 1, 2016, Commercial properties and Homeowner Associations would be required to become compliant within 24 months of the ordinance being approved. I/I compliance would

need to be verified every 12 years after receiving first notice of compliance. The City would only inspect the service line(s) connecting to the sanitary main.

- Street excavation for correcting I/I non-compliance issues would be prohibited, except under unique circumstances as approved by the City Engineer. Any required I/I repairs within the right of way area would need to be done from outside of the right of way and not come any closer than two feet from the Sanitary Sewer main.
- The City would address any needed sanitary service line connection repairs at the time of undertaking sanitary sewermain improvements. Any lining repairs to the service line connection during such a project would be the financial responsibility of the City.
- Monthly surcharges for not correcting I/I non-compliance areas within the allowed timeframes would be implemented and enforced.
- The I/I program will be brought in house and managed through the City's Public Works Department. The City Council has already approved the hiring of an I/I liaison, who would now also be the person undertaking the inspections as well. This approach will save the City significant resources and help ensure accountability, customer friendliness, and quality of the program, including helping residents and businesses get through the process. Inspections would be scheduled through the City. During the transition period, SEH will remain available for assisting with inspection requirements.
- The City would continue its current process of reimbursing 15% of all I/I repair costs for an individual property up to \$5,000 as well as provide the opportunity to have remaining I/I repair costs special assessed to the property and paid for over a ten year period at a very low interest rate. Given the "point of sale" nature of the program, the number of special assessments used for correcting I/I should be fewer as property equity is used to cover repair costs. Deferred assessments for income qualifying seniors would also continue to be provided.
- Staff would also propose a significant community educational campaign to help property owners understand the changes to the program and importance of correcting I/I issues.

As part of the Met Council MOU, annual workplans and progress reports will be expected. As part of this, staff will ensure that performance measurement indicators will be included so that progress is objectively measured.

FISCAL IMPACT

As a result of bringing the inspections in-house, it is expected that City savings will exceed \$100,000/year.

STAFF REQUEST FOR CONSIDERATION

Staff is requesting the Council to take the following actions:

1. Consider approval of the proposed Ordinance amendments to City Code Chapter 50, Section 50.08 regarding Discharge of Prohibited Clean Water Drainage; Sump Pumps
2. Consider approving the proposed MOU with the Metropolitan Council regarding I/I schedule and responsibilities.

**2016 Memorandum of Understanding
Relating to Ongoing Inflow and Infiltration Program
Between
City of West St. Paul
And
Metropolitan Council**

WHEREAS:

1. The Council has adopted the Inflow and Infiltration (I/I) program procedures pursuant to Minnesota Statutes (M.S.), chapter 473, including section 473.145-146 and section 473.858, and the MCES's Waste Discharge Rules, and are declared to be necessary for the efficient, economic, and safe operation of the regional sanitary sewer system and for protection of the health, safety, and general welfare of the public in the metropolitan region.
2. The Metropolitan Council Environmental Services (MCES) policy regarding I/I is contained in the *2040 Water Resources Policy Plan*, adopted by the Metropolitan Council in May 2015.
3. The Ongoing I/I Mitigation Program requires that the Council establish inflow and infiltration goals for all communities discharging wastewater to the regional wastewater system. Communities that have excessive inflow and infiltration in their wastewater collection systems will be required to eliminate the excessive inflow and filtration within a reasonable time period.
4. The City of West St. Paul has been identified by the Council as contributing excessive inflow and infiltration in the wastewater collection system.
5. Because of circumstances related to age of infrastructure, age of housing stock, historical building methods used to handle clear water, and capacity in the local wastewater collection systems, West St. Paul will be undertaking a long term I/I mitigation program.

Now, therefore, the Metropolitan Council ("Council") and the City of West St. Paul ("City") hereby agree as follows:

1. **Purpose of Agreement:** The parties to the Memorandum of Understanding ("MOU") recognize the need to outline their joint and separate efforts in the area of inflow and infiltration mitigation.
2. **Continuation of private property I/I mitigation:** The City will adopt and implement ordinances which require the following effective January 1, 2017:

- a. An I/I compliance inspection shall occur prior to the sale of a property. The property shall be brought into compliance within 12 months from the date of the sale of the property.
- b. Properties affected by the city's annual pavement management program shall be offered a free lateral inspection. The city shall encourage private property owners to have non-compliant services replaced.
- c. Rental properties shall be required to become compliant within 24 months of the property's annual rental license renewal.
- d. Commercial properties and homeowner associations shall be required to become compliant within 24 months of the ordinance becoming effective.

The City will properly enforce the ordinance. An estimated 250-500 properties will be inspected and the lateral connection repaired or replaced on an annual basis.

3. **I/I Policy Implementation:** The City will report to the MCEs a list of compliant properties including addresses and cost of service lateral repair including city contribution. The report shall be submitted by March 31 each year. The City will also submit a report documenting expenditures to the City's wastewater collection system. The Council will advise West St. Paul of wastewater flows including exceedances, but the city will not be subjected to an I/I surcharge or workplan assignment.
4. **Joint Study:** The Council and the City will work jointly to measure wastewater flows and groundwater elevations in order to assess program effectiveness.
5. **Comprehensive Plan Amendment:** The City will submit a comprehensive sewer plan update to the Council by December 31, 2018. The amendment will identify additional improvements to reduce the potential for excessive I/I.
6. **Effective Date:** This MOU shall be effective upon execution by both of the parties.
7. **Termination Upon Mutual Agreement.** The parties may terminate this agreement upon mutual written consent.

METROPOLITAN COUNCIL

By:

Title:

Regional Administrator

Date:

APPROVED AS TO FORM

By:

FOR THE CITY OF WEST ST. PAUL

Mayor:

City Manager:

Date:

APPROVED AS TO FORM

By:

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)~~ (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)~~ (B) *Ownership.* The property owner shall own and be responsible for the maintenance of the sanitary sewer service lateral between the city's sanitary sewer main within the street and the building being served, including the connection to the main.

~~(C)~~ (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.

~~(D)~~ (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.

~~(E)~~ (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.

(F) ~~(E)~~ Inspections. The City shall conduct inspections of single-family owner-occupied properties to ensure compliance with this section. Failure to have an inspection as required in this section is a violation of the city code. ~~Inspection shall be conducted pursuant to § 10.17.~~

(1) Except as set forth in § 50.08 (F)(3), inspections are required when the following occurs:

- a. The property is offered for sale or conveyance by deed or contract for deed, unless the Certificate of Compliance is still valid pursuant to § 50.08 (G);
- b. The city orders a street reconstruction project and the property is adjacent to a street in the project area;

(2) Inspections shall be conducted pursuant to §10.17. In addition to the inspection requirements in §10.17, owners shall be required to comply with the following:

- a. Provide sufficient access to the sanitary sewer service lateral within the dwelling, building or other structure, including removal of any obstacles so that the sanitary sewer service lateral is completely accessible to the inspector;
- b. Clear the sanitary sewer service lateral of any root intrusions or any other intrusions to allow clear televising of the sanitary sewer service lateral from the dwelling, building or other structure to its connection with the city's sanitary sewer main.

(3) Inspections shall not be required under the following circumstances:

- a. It is a newly constructed dwelling and title to the property is transferred to the first owner;
- b. It is the sale or other transfer of title of any property with a dwelling that is being conveyed to a public body;
- c. It is the sale or transfer of title of any property that contains a dwelling that will be demolished;
- d. It is the sale or conveyance of any property that contains a dwelling by a sheriff or other public or court officer in the performance of their official duties. This exception does not apply to the sale by a person appointed by a probate court.

(4) The city shall complete its inspection reports within 10 business days from the date of the inspection and immediately send the report to the property owner. The reports shall indicate all deficiencies discovered in sufficient detail to identify the obstructions and the specific section(s) of the sanitary sewer service lateral that must be repaired.

(G) *Certificates of Compliance.* If a property is in compliance with this section, the city shall issue a Certificate of Compliance. No new inspections or certificates for single-family owner occupied properties shall be required until one of the events in section 50.08(F)(1) occurs. Certificates of Compliance for single-family residential properties are valid for a period of 10 years. Certificates of Compliance for residential rental properties and commercial, industrial and HOA properties (as defined below) are valid for a period of 10 years.

(H) *Residential rental properties.* For residential rental properties, the property owner is required to obtain an independent inspection and submit an inspection report to the city upon submission of a new or renewal rental license application. The inspection report shall indicate that the property is free from prohibited discharges and prohibited connections, including illegal sump pumps. If there are any violations discovered, the property owner shall have 24 months from the date of adoption of this ordinance to correct any deficiencies and provide a corrected inspection report. The city shall conduct a reinspection of all service lines connecting to the sewer main to verify compliance. Upon verification, the city shall issue a Certificate of Compliance.

(I) *Commercial, Industrial and HOA Properties.* For commercial and industrial properties and condominium or townhome residential properties with a homeowner's association ("HOA Properties"), property owners are required to obtain an independent inspection and submit an inspection report to the city. The inspection report shall indicate that the property is free from prohibited discharges and prohibited connections, including illegal sump pumps. If there are any violations discovered, the property owner shall have 24 months from the date of adoption of this ordinance to correct any deficiencies and provide a corrected inspection report, unless a different correction date is required by the city. The city shall conduct a reinspection of all service lines connecting to the sewer main to verify compliance. Upon verification, the city shall issue a Certificate of Compliance.

(J) ~~(F)~~ *Violations.*

(1) *Violations discovered at time of sale.*

a. *Seller Responsibilities.* 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. prior to the sale,~~ the seller is responsible for correcting the violations, unless the buyer has assumed such responsibility as provided in subsection b. below.

Failure of a seller to disclose to a buyer that there are uncorrected violations of this section is a violation of the city code. When correcting the violations, all necessary permits shall be obtained from the city. Upon completion of the corrections, the city shall reinspect the property to verify compliance.

b. Buyer Responsibilities. If a seller cannot correct the violations prior to the sale the buyer must assume the responsibility for correcting the violations. The buyer shall sign a written acknowledgement from the city that includes:

1. The buyer's acceptance and assumption of responsibility for correcting the violations within one year after closing on the property;
2. That the buyer understands that a reinspection is required to verify the corrections have been completed;
3. That the buyer holds the city harmless from liabilities and claims if the buyer occupies the dwelling prior to corrections of the violations.
4. That failure to correct violations or deficiencies is a violation of the city code and subjects the buyer to penalties as stated in §50.08 (K), (M), and (N)

(2) Violations and corrections under the roadway. When the inspector determines that there has been a violation of any provision of this section and the violations are under the roadway, the property owner will perform the repairs, except as stated in subsection (3) below. However, a property owner shall not excavate in the roadway without permission from the City Engineer.

(3) Non-excavation violations and corrections within two feet from the main. When the property owner is correcting violations of the sanitary sewer service lateral between the street and the building and the corrections only involve lining of the sanitary sewer service lateral, the owner shall stop all repairs at a distance of two feet from the city's sanitary sewer main. The city shall assume responsibility for any lining within two feet from the main, which will be done in conjunction with scheduled street repair work.

(K) ~~(G)~~ Surecharge Penalty.

(1) A monthly ~~surecharge penalty~~ of \$50 for owner-occupied single-family properties not on Robert Street; a monthly penalty of \$500 for owner-occupied single-family properties on Robert Street; ~~and a surecharge a monthly penalty~~ of \$300 for ~~all other~~ residential rental, commercial, industrial and HOA properties not on Robert Street; and a monthly penalty of \$1,000 ~~for residential rental, commercial, industrial and HOA on Robert Street~~ shall be added to each sewer and water bill if:

~~(a)~~ An owner fails to complete an inspection pursuant to §50.08(F), (H) and (I);

~~(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~~ within the time frames required by this ordinance;

~~(a)(c)~~ An owner fails to allow an inspection or reinspection to verify compliance; or

~~(b)(d)~~ 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 city's~~ 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 penalty~~ shall be added for every month during which the property is not in compliance.

~~(L)~~ ~~—(H)~~ Temporary waiver. The ~~Public Works Director~~City Engineer 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~~City Engineer 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~~City Engineer. The ~~Public Works Director~~City Engineer 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.

~~(M)~~ ~~—(I)~~ Public nuisance. An owner or occupant who ~~fails to have an inspection, who~~ has done work that does not comply with this section, who reconnects to a previously disconnected prohibited discharge, ~~who fails to pay the penalty~~ or who has failed to do the work required by this section within the ~~specified~~ 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](#).

~~(N)~~ ~~—(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. EFFECTIVE DATE FOR COMMERCIAL, INDUSTRIAL, HOA AND RESIDENTIAL RENTAL PROPERTIES NOT ON ROBERT STREET. For Commercial, Industrial, HOA and residential rental properties not on Robert Street, this

Ordinance shall be in full force and effect on July 1, 2016. Failure to comply as of the Effective Date shall result in the imposition of the appropriate penalties stated in §50.08(K).

SECTION 5. EFFECTIVE DATE FOR SINGLE-FAMILY OWNER-OCCUPIED PROPERTIES. For single-family owner-occupied properties, this Ordinance shall be in full force and effect on January 1, 2017. Failure to comply as of the Effective Date shall result in the imposition of the appropriate penalties stated in §50.08(K).

SECTION 6. EFFECTIVE DATE FOR ALL PROPERTIES ON ROBERT STREET. For all properties fronting on Robert Street this Ordinance shall be in full force and effect on July 1, 2016. For these properties, any violation in the road right of way that would require excavation to repair must be corrected by September 1, 2016. Failure to comply as of the Effective Date shall result in the imposition of the appropriate penalties stated in §50.08(K).

SECTION 7. 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 provides new triggering events when homeowners have to comply with inflow and infiltration deficiencies. For single family owner-occupied homes, the inspections will be conducted by city inspectors at the time of sale or at the time of a street reconstruction project. If the property is being sold, any deficiencies may be repaired by the seller or buyer. If the buyer elects to complete the repairs, the buyer has one year after the sale to do it. If there is a street reconstruction project and the issues are between the curb and the city main, the city will perform the repairs. Rental properties will be required to have an inspection at the time the owners apply for or are renewing a rental license, but must do so within 24 months after the ordinance is adopted. Commercial, industrial properties and those properties with a homeowners' association will be required to obtain independent inspections and complete any repairs within 24 months after the ordinance is adopted. After the city has verified compliance, a Certificate of Compliance will be issued, which shall be valid for a period of 10 years.

Passed this _____ day of _____, 2016.

Ayes:

Nays:

Attest:

David Meisinger, Mayor

Chantal Doriott, City Clerk