



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

REGULAR CITY COUNCIL MEETING

August 8, 2016

6:30 p.m.

MUNICIPAL CENTER COUNCIL CHAMBERS

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. ADOPT THE AGENDA

5. OCWS BRIEFING

6. ROBERT STREET REVIEW

7. CITIZEN COMMENTS

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

8. COUNCIL COMMENTS

9. PROCLAMATIONS, PRESENTATIONS AND RECOGNITIONS

10. CONSENT AGENDA

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

A. City Meeting Minutes

Documents:

[7-25-16 OCWS MINS.PDF](#)

[7-25-16 CC MINS.PDF](#)

B. List Of Claims August 8, 2016

Documents:

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

C. Council Report - Additional Election Judge Appointments

Documents:

COUNCIL REPORT - ELECTION JUDGE APPOINTMENTS.PDF
RESOLUTION APPOINTING ADDITIONAL ELECTION JUDGES.PDF

D. Rental Licensing

Documents:

COUNCIL REPORT - RENTAL LICENSING.PDF

E. Animal Services Contract, Renewal

Documents:

COUNCIL REPORT - ANIMAL CONTROL CONTRACT.PDF
ANIMAL IMPOUND AGREEMENT.PDF

11. PUBLIC HEARING

A. Ordinance Change, Parking Or Stored Motor Vehicles (Second Reading)

Documents:

COUNCIL REPORT - ORDINANCE CHANGE, LIVING OUT OF A MOTOR
VEHICLE, SECOND READING.PDF
PUBLIC NOTICE, ORDINANCE CHANGE, PARKED OR STORED MOTOR
VEHICLES.PDF

12. NEW BUSINESS

A. Appeal Of A Decision By The Committee Of Adjustments Relating To A Variance Request
To Allow A Reduction In Minimum Lot Width At 260 Edgewood LN

Documents:

COUNCIL REPORT - VARIANCE APPEAL.PDF
COA REPORT - VARIANCE APPEAL.PDF
SIGNED RESOLUTION (DENIAL) - VARIANCE APPEAL.PDF
APPEAL LETTER - VARIANCE APPEAL.PDF
APPEAL NOTICE - VARIANCE APPEAL.PDF
RESOLUTION OVERTURNING COA - VARIANCE APPEAL.PDF

B. First Reading - City Ordinance Amendment Regarding Temporary Family Health Care
Dwellings

Documents:

COUNCIL REPORT - TEMP HEALTH DWELLING ODINANCE.PDF
ORDINANCE - TEMP HEALTH DWELLING ORDINANCE.PDF
ATTACHMENT - TEMP HEALTH DWELLING ORDINANCE.PDF

C. 1st Reading Of An Ordinance Regarding Vacation Of Allen Avenue

Documents:

COUNCIL REPORT - ALLEN AVENUE VACATION.PDF

D. Approve Installation Of Snow Shields On Dome Exits

Documents:

COUNCIL REPORT - APPROVE INSTALLATION OF SNOW SHIELDS ON
DOME EXITS.PDF
ATTACHMENT - PICTURE OF SNOW IN STAIRWELL.JPG
ATTACHMENT - DOME INSURANCE LETTER.PDF
ATTACHMENT - SMF DOME LETTER.PDF
ATTACHMENT - SNOW SHIELD DETAIL.PDF

E. Approve Consultant Contract For Safe Routes To School Project #17-3

Documents:

COUNCIL REPORT - APPROVE CONSULTANT AGREEMENT SRTS CP 17-
3.PDF

F. Award Bid For Safe Routes To School Project #14-6

Documents:

COUNCIL REPORT - AWARD BID FOR SRTS CP 14-6.PDF

G. Approve Change Orders For City Project #16-2

Documents:

COUNCIL REPORT - APPROVE CHANGE ORDERS FOR CP 16-2.PDF

H. Approve Consultant Contract For Charlton Street Improvement Project

Documents:

COUNCIL REPORT - APPROVE CONSULTANT CONTRACT FOR CHARLTON
STREET.PDF

13. OLD BUSINESS

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*

OPEN COUNCIL WORK SESSION
July 25, 2016 at 5:45 p.m.
MUNICIPAL CENTER
ADMINISTRATION CONFERENCE ROOM

1. Roll Call

Mayor David Meisinger called the work session to order at 5:45 p.m.

Present: Mayor David Meisinger and Councilmembers Halverson, Bellows, Iago, Napier and Vitelli. Clpn. Armon had an excused absence.

Others: 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, Assistant Park Director Dave Schletty, Attorney Korine Land and City Clerk Chantal Doriott.

2. Approve Agenda

Councilmembers added:

- Art on the Avenue Discussion
- Redevelopment Tools Discussion

3. Review the Regular Meeting Consent Agenda

Councilmembers added:

- Consent agenda item G. List of Claims – add Dairy Queen payment
- Move item 13.A. to 12.E.1.
- Attorney Land will address a letter the city received regarding potential discrimination.

4. Agenda Item(s)

4.A. Robert Street Median Landscape Design Discussion (Requested by Councilperson Bellows)

Clpn. Bellows said he has been looking at the median and noticed at the end there was course stone and other possible placement issues. The open space and random placement makes the area look unprofessional. There are also places the stones are uneven. He would like this to look as nice as possible. Unfortunately, the plan did not include stone all around and he wonders if the stone should be placed at the ends rather than having them placed haphazardly. This “finding” comes from what Clpn. Bellows inferred or was implicated. Director Beckwith said this design was approved by Council. Council was advised to drive Robert and review what is in place. Maybe we can get a picture of the area. Staff will address this at the next work session.

Clpn. Bellows questioned the Robert St. street lights/signal as they don't appear to be consistent with other city street signals. Director Beckwith explained the signals at intersections are per

MnDOT standards. The Robert St. signals have a cobra-style light at the top. The entire standard including the arm is galvanized. Clpn. Bellows thinks it clashes with what we have in place. Painting galvanized metal is not advised. Other maintenance items were discussed and Director Beckwith added that he had called the manufacture. There is a process they could do when they are manufacturing the “arm” in which they remove a layer and resurface it but you can’t paint galvanized steel. This is a MnDOT standard for galvanized steel. Clpn. Bellows would like to review the bid specs and what was approved by Council.

4.B. Informational Item - False Alarm Response Data

Police Chief Manila Shaver explained there were questions on false alarm fees at a previous meeting. The data included in the agenda packet deals with this issue.

Clpn. Bellows has an issue that we are not asking for compensation for the time that our police deal with these false alarms. The owner of the system should be taking care of the cost borne from the police answering the call. The first three alarm calls are set by Council ordinance.

Clpn. Napier agrees with Clpn. Bellows when the calls are excessive. Having alarms does make our community safer.

Clpn. Iago added that if the Police are out on false alarm calls other calls could begin to “stack”. When an Officer goes back time after time, again and again, they also might get a little complacent.

This will be brought forth at the regular meeting. Mayor Meisinger asked Chief Shaver if he would estimate the number of calls that are three or more.

4.C. Staff Updates

4.C.1. Status of Harmon Park Grass and Trees – Dave Schletty

Staff met with a vendor last week and basically reviewed everything and they agree the grass is in poor shape. The blue grass is growing and what you see that looks dead is rye grass. The green grass is there. We are working with them on cutting and fertilizing. We might do a little over-seeding. The grass is there and it’s established. The School District did agree to pick up the cost of the fertilizer. The city will apply it. There has been heavy use on our grass and they believe it will look better with time. The consultant said it was installed correctly. Check the spec to see if there is a warranty or something we are overlooking.

Regarding watering – we are getting decent coverage and it’s not the cause of the dry grass. We are looking for a booster pump.

- Clpn. Vitelli is not happy with the design of the irrigation system. Director Beckwith added that St. Paul Water might get involved. Staff will check to see who is responsible for checking the water pressure. Clpn. Bellows added if we knew right away about the pressure why did we wait until now to address it. Director Schletty said staff went back to the contractor and he suggested the addition of a booster pump and we decided to wait

with such a purchase. Clpn. Iago said if the system was checked in the beginning that is when it should have been addressed. He has spoken to residents and the manager about quite a few issues with water and the field looks horrible. We need to be firmer with contractors and vendors.

- Clpn. Halverson said we have a lot of money tied up in this park and we need to do something about the issues. What happened and who is responsible?
- Clpn. Vitelli is concerned about the soil – the color looks gray. Director Schletty said the top soil was approved before it was put down. Clpn. Vitelli said it was unacceptable.
- Clpn. Bellows asked if the system was designed for water pressure and did someone check to see if the pressure was present when they hooked up the system.
- The trees are also unacceptable. Director Schletty explained the trees were put in over a year ago and staff has notified the contractor that some need to be replaced as they are dead. The contractor has not given a time line as to when they will be replaced. They can do this in the fall as now (summer) is not a good time to plant trees. Director Schletty further explained that the city is holding contractor funds and can use this money for the tree replacement if needed. Council asked staff to work with Attorney Land on such a transaction.

4.C.2. Status of Robert Street Tree Installation

Director Beckwith explained the tree has a two year establishment plan and is outlined in the LS Black contract. Staff has been working with a botanist who has suggested replacing the 3 inch tree with a 2 inch tree.

- Clpn. Bellows could be in favor of the 2 inch tree if contractor agrees.
- Council told Director Beckwith to ask the contractor if he will work with staff on the replacement.

5. Discuss Special Council meeting to canvass Primary Election results and hold an Open Council Work Session to review the proposed 2017 General Fund Budget.

Assistant Manager Le will email Council several dates for the special meeting and work session; meeting notices will be published in accordance with law.

6. Adjourn

The work session adjourned at 6:20 p.m.

David Meisinger
Mayor
City of West St. Paul

WEST ST. PAUL CITY COUNCIL MEETING
July 25, 2016 at 6:30 p.m.
MUNICIPAL CENTER COUNCIL CHAMBERS

1. Call to Order

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

2. Roll Call

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

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

3. Pledge of Allegiance

4. Adopt the Agenda

- 10b add check payment to Dairy Queen part of the Robert Street project
- Move 13a to 12e.1
- Add 13 Art on the Avenue Reschedule Discussion

Motion was made by Clpn. Halverson and seconded by Clpn. Iago to approve the agenda with the revisions stated above. All members present voted aye. Motion carried.

5. OCWS Briefing

The City Council held a work session prior to this meeting to discuss the following:

Robert Street median and landscape design;
False alarm data;
Harmon Park grass and tree issues; and
Robert Street sign and light installations

6. Robert Street Review

Director Beckwith gave an overview. Traffic has changed and is mostly one lane along the corridor. You are able to see progress now. The east side of Thompson will have a closure on Wednesday depending on weather and water (rain). There will be a closure on Crawford early next week; Wentworth will also have a closure next week. Please give yourself and the workers a little extra time and space. There has been a lot of standing water in the roadway from rain and this is not normal now. There are a lot of potholes and erosion issues.

Muck is a hot topic so how are we doing? Director Beckwith said we are just getting back into it and there are some contaminated soils to deal with as well as muck issues.

7. Citizen Comments

John Howe, 2345 South Oak Drive, Red Wing: he is the former mayor of Red Wing and is running for 2nd Congressional District office. He is community driven and the only running candidate with their home phone number in the phone book. He asked for support and reminded all to work in the Primary on August 9.

Walter McFarland, 2017 Charlton, has two items: 1) the West St. Paul 11 year old traveling team won 2 state tournaments in one week. It would be great to recognize those kids and their three coaches: Shepard, Yenez and Ball. 2) There are many new families on Charlton and in this area. Unfortunately there is a lot of night truck traffic; heavy, noisy truck traffic. There are also vehicle races on Charlton taking place and he is concerned about safety in this area and also the noise and subsequent street repairs that will be needed. He appreciates anything staff and Council can do to help with the noise and traffic issues.

8. City Council Comments

Clpn. Vitelli said absentee voting is taking place at Dakota County offices including the Northern Service Center at 1 Mendota Road. As you enter the Northern Service Center go to the service window on the left and that is where you obtain an application and ballot. There is no absentee voting at city hall this year. Also, congratulations to the youth for the tournament wins. Lastly, condolences to Senator Metzen and his family. The senator did a tremendous job for many years for many people and was a long serving individual.

Clpn. Napier acknowledged the passing of Senator Jim Metzen - he will be deeply missed by our community. A Special Happy Birthday to Tom Holden who served on our City Council for 8 years and also served as City Manager. It was fun to celebrate his 90th birthday.

Clpn. Iago said Chick-Fil-A is scheduled to open in August. Activity will increase in Town Center 2 area by Lothenbach. We are trying to keep West St. Paul alive and we know it's difficult to get along Robert Street. It's important to patronize our businesses at this time.

Clpn. Halverson expressed condolences in the passing of Senator Metzen; it was a pleasure working with him. Also, the rain forced the postponement of Art on the Avenue so staff is busy on rescheduling some aspects of the event.

Clpn. Bellows would like to pay his respect to Senator Metzen for his 40 years of service in the house and senate. He will be sorely missed. Also, August 2 is Nite to Unite and we hope to see you out at one of the many neighborhood parties. Plus, you can't make a left turn going north from Marie onto Robert. You can't rely on habit at this time when driving. The street is coming along and soon Robert Street will be done. Businesses are doing some different things such as plantings, to brighten up this street.

9. Proclamations, Presentations and Recognitions

Mayor Meisinger explained that items A, B, D, and F were donations made to the City for the annual Art on the Avenue event. This event was postponed due to weather but parts of it will be rescheduled.

A. Acceptance of a Donation from Mayor David Meisinger

Motion was made by Clpn. Bellows and seconded by Clpn. Halverson to adopt Resolution No. 16-61 graciously accepting the \$250.00 donation from Mayor Meisinger as presented. All members present voted aye. Motion carried.

B. Acceptance of a Donation from d. t. meisinger development Inc.

Motion was made by Clpn. and seconded by Clpn. to adopt Resolution No. 16- 62 graciously accepting the \$250.00 donation from d. t. meisinger development, Inc. as presented. All members present voted aye. Motion carried.

C. Acceptance of a Donation from the Halverson Family

Motion was made by Clpn. Napier and Clpn. Vitelli to adopt Resolution No. 16-63 graciously accepting the \$250.00 donation from the Halverson Family as presented. All members present voted aye. Motion carried.

D. Acceptance of a K-9 Donation from Ken Neustel

Police Chief Manila Shaver gave an overview.

Motion was made by Clpn. Bellows and seconded by Clpn. Iago to graciously accept the \$200.00 donation from Ken Neustel as presented. All members present voted aye. Motion carried.

E. Acceptance of a Youth Education Grant from Super America

Motion was made by Clpn. Bellows nad seconded by Clpn. Napier to adopt Resolution No. 16-64 graciously accepting the Youth Education Grant from Super America. All members present voted aye. Motion carried.

F. Acceptance of a Donation from the South Robert Street Business Association

Motion was made by Clpn. Napier and seconded by Clpn. Halverson to adopt Resolution No. 16-65 graciously accepting the SRSBA donation for Art on the Avenue in the amount of \$300.00. All members present voted aye. Motion carried.

10. Consent Agenda

- A. City Meeting Minutes: June 13 regular meeting, July 11 regular meeting and July 11 work session

- B. List of Claims with the Dairy Queen payment for Robert St. Project Addition
- C. June 2016 Bank Reconciliation
- D. June 2016 Investment Report
- E. June 2016 General Fund Budget Report
- F. Council Report - Declare Six Vehicles as Surplus
- G. Council Report - City Licensing
- H. Rental Licensing
- I. Vacating the D/U Easements in the Riley Addition Plat
- J. Legal Services JPA for Controlled Substance Forfeitures – Resolution No. 16-70

Motion was made by Clpn. Vitelli and seconded by Clpn. Halverson to approve the consent agenda items as outlined above. All members present voted aye. Motion carried.

Welcome to the new owners of Tappers and please maintain the landscaping which is beautiful.

11. Public Hearing

A. 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

The public hearing opened at 6:58 p.m.

A representative (Ben Feldman) from St. Paul Regional Water is available to speak and/or answer questions.

The public hearing closed at 6:58 p.m.

Clpn. Iago said job well done by the Planning Commission as well as Assistant Director Ben Boike who worked with many. Thanks to the representative from St. Paul Regional Water for being cooperative and working with us and the residents.

Clpn. Halverson said thanks to the Planning Commission for adding conditions 7 and 8.

Clpn. Vitelli to Mr. Ben Feldman asked about pumping station water from the West Side in St. Paul and not just feeding the tower. The water on Imperial provides pressure for the West Side. If something happened - the tower has several pumps to provide water that is needed. Clpn. Vitelli would like to explore the idea of another tower down the road. Mr. Feldman said power issues were the main cause of concern. The generators and pumping stations have been helping with the issues and will continue to help quite a bit.

Motion was made by Clpn. Bellows and seconded by Clpn. Vitelli to approve the conditional use permit to allow the expansion of an essential service structure at 1365 Bidwell Street in conjunction with St. Paul Regional Water Services as presented. All members present voted aye. Motion carried.

12. New Business

A. Canvass the Primary Election Results

Assistant Manager Le will send Council an email to secure a special meeting date to canvass the Primary Election results. The agenda will be published in accordance with the law.

B. Approve Consultant Contract for Construction Administration of Safe Routes To School Project 14-6

Director Beckwith gave an overview of the Safe Routes to School project on Wentworth and Bellows which was granted funds for construction engineering. By law we are not obligated to take the lowest bid.

Motion was made by Clpn. Vitelli and seconded by Clpn. Napier to accept the bids as presented and award the contract to Kimley-Horn for the construction administration of the Wentworth Avenue and Bellows Street Safe Routes to School Project 14-6 in the amount of \$33,900.00. All members present voted aye. Motion carried.

C. Approve Supplemental Agreement 9 for Robert Street Project 11-3

Director Beckwith gave an overview of the negotiations for temporary and permanent easements along Robert Street.

Clpn. Vitelli asked about a sidewalk from Chick-Fil-A into the Target property and a stairway that appears not to be wheelchair accessible. Director Beckwith said he would have to defer it to the building dept. inspector, Dennis Schilling. It does appear to be the Chick-Fil-A project design.

Motion was made by Clpn. Napier and seconded by Clpn. Vitelli to approve the Supplemental Agreement #9 for the Robert Street Project 11-3 in an estimated amount of \$43,455.40 for the construction of a right-turn lane into Target as presented. All members present voted aye. Motion carried.

D. 2017 Fee Schedule

Finance Director Joan Carlson gave an overview. The City Council was able to review next year's fee schedule during a previous work session. There are new fees: dangerous animals, general police services, and permit parking signs and sticker fee. The fees will be available on the city website.

Gilbert Gustafson, 994 Livingston, asked to comment on the permit parking and fees. Is the one-time fee for the sign at \$200 covering the cost of sign, inspection and installation? How will this be tracked to be a one-time fee? The parking issue is due in part to previously approved variance to allow the project not to comply with code and they are not providing the correct amount of parking. Now residents are affected by a decision you, as a Council, made. We are glad you are

addressing this but the mediation falls on us. Is there any way to not implement the fee but allow the sign and permit?

- Mayor Meisinger said the applications will be reviewed individually and acted upon as such. Clpn.
- Clpn. Vitelli asked if Emerson Hills got a variance for parking. Are we not meeting our own zoning? Staff will bring the answer back to a future meeting. Can this variance be part of the consideration and waiving the fee? Attorney Land said the resident would have to pay the fee with the application and then ask Council to reimburse said fee with approval of the application.

Motion was made by Clpn. Halverson and seconded by Clpn. Vitelli to adopt the 2017 Fee Schedule as presented which will be posted on the city website. All members present voted aye. Motion carried.

E. Approval of Emerald Ash Borer Treatment Contractor

Director Beckwith gave an overview of the Emerald Ash Borer (EAB) beetle issue that was discovered in West St. Paul earlier this spring. Director Beckwith outlined a treatment plan

- Mayor said the amount of \$30,000 has been budgeted.
- Clpn. Halverson asked if the fees require the company to state if there would be a group rate for residents on their property. One company did submit this in their proposal as a side bid but it was not a requirement of the request for quote.
- Clpn. Iago asked if any type of warranty comes with the injections or treatments. What is the track record? Director Beckwith was not sure with numbers. If the city of St. Paul is willing to spend a lot of money in the last two years with this company, he is sure they looked at that. As far as a warranty he not sure there would be a warranty, but will check.
- Director Beckwith further explained the three options – removal, deforestation and injection of treatment.

Motion was made by Clpn. Napier and seconded by Clpn. Vitelli to accept the bids and approve the contract with YTS Companies, LLC for the price per inch amount of \$3.65 and a total not to exceed the contract amount of \$30,000.00 for injection treatment of the City's public ash trees. All members present voted aye. Motion carried.

E.1. Special Assessment for 882 Stryker (deferred from May 9)

Finance Director Joan Carlson gave an overview of an abatement that was postponed and deferred for action from the May 9th meeting.

Motion was made by Clpn. Vitelli and seconded by Clpn. Bellows to adopt the assessment as presented for 882 Stryker. All members present voted aye. Motion carried.

F. Rental License Hearing for 218 Annapolis St. W. & 966/976 Robert Street - 1234 Properties, LLC

Attorney Land gave an overview. At the January 25, 2016 meeting, the City Council converted all licensed rentals under the ownership of 1234 Properties LLC at 218 Annapolis (5 units) and 966/976 Robert (3 units) to a provisional license. The provisional license included a mitigation plan outlining eleven (11) conditions with the intent to improve conditions at both properties. Staff has been monitoring the status of the mitigation plan. Based on numerous violations and inconsistent communications with the property owner and license holder, staff scheduled a rental license hearing for tonight's meeting to consider revoking the licenses.

1234 Properties, LLC is owned and operated by Christine Nsajja, according to the Secretary of State records (see Exhibit C). She also owns and operates One Life Health Services, a for-profit company that is registered with the State of Minnesota to provide group residential housing (GRH) (see Exhibit D). In addition, One Life Health Services is licensed by the State to provide Independent Living Services to people with disabilities living in community-based settings (see Exhibit E). In other words, Nsajja owns a building (rental property), provides housing for vulnerable adults (as a GRH provider) and provides the types of services that they require (Independent Living Services). However, Nsajja is not the contact person for the City for the rental license or for One Life Health. All contact has been through David Brooks, Nysha Cornelius (One Life Health's attorney), or Marquis Fanniel, the former caretaker at 218 Annapolis who does not have a lease with 1234 Properties LLC.

Council reviewed the mitigation plan and received an update on each condition. This will be included with the minutes as part of the city's record as are other documents that Attorney Land reviewed and asked for inclusion in the record. Attorney Land also reviewed a letter she received from their legal counsel late last Friday (7-22-16). Attorney Land added that One Life Health Services may be licensed by the state to provide independent living services but they are not licensed as a property management company. Attorney Land concluded her comments and deferred rebuttal until after the licensee was heard.

Mr. Kenneth Ubong Udoibok and Ms. Nysha Cornelius represent One Life Health Services and Christine and David Brooks. He received the file on Friday and he thought he should present the forms to the city attorney. He is concerned that the Council is not aware of some of the actions of the city that would rise to the level of federal and state anti-discrimination laws. He would like to respond to the bullets (points) if Council has the time. Mayor Meisinger said the Council has time to hear all Mr. Udoibok has to say. Mr. Udoibok continued - the bulk of this case is an account of the tenants making what the city attorney or city considers nuisance calls. The city has used a 2015 ordinance and events that occurred in 2016 to adjudicate decisions or events that happened in 2016, without consideration of the mental state of the tenants of 1234 Properties. The Council cannot make a proper decision. The reason for some of the calls is because the tenants have disabilities and one cannot properly investigate the case without taking under consideration these people are qualified under ADA and MN Statute. Mr. Udoibok also believes the scrutiny of similar cases is not the same. There is no specific wrongdoing that our tenants have committed that would rise to the level of his clients losing their rental license. If the city had separated the calls for the ones that are emergency and legitimate it would present a better picture. What troubles him is the demand that the city has made to his client. One is to have an on-site manager - someone that would be there for 24 hours. He doesn't know that the city can

demand this including that this on-site manager be paid for work in this small apartment building. He added further comments including the owner could exchange free rent for services. He is concerned about the tenants and his clients. He hopes it's not because of the mental health issues of the tenants for making the calls. He thinks a little patience and understanding would have corrected some of these issues.

My client does not necessarily have to have a management license. You can own an apartment and provide qualified services. He read some of the police reports and you can see the conflation of issues; the health care issues and the property issues.

Clpn. Vitelli is concerned that HIPPA and patient confidentiality areas may be breached. He is not sure these issues should be heard at the Council-level. Attorney Land said we are not naming people or violating HIPPA. These are vulnerable adults; that is a fact and in the record. We are solely concerned with the management of the apartments. Mr. Udoibok believes the city has gone into HIPPA due to the demands (mitigation plan). For his client to fully respond to your demands I have to have my client provide a release to the tenants on why they are living there and what is the reason why they can't call the police if someone is in the attic. All you need to do is read some of the police reports.

You will see our concern that we are not evicting anyone. Why would we want to compound such weight on one that is vulnerable? These are vulnerable people and we need to find a suitable place for them to live. It seems that looking at the police report – it looks like his client is doing something wrong and they are just accommodating and assisting and providing services to vulnerable adults. It looks like officers in West St. Paul are trying to transfer this level of scrutiny of his client to South St. Paul where we are not subjected to the same.

Another thing is the mitigation plan – when you go up against the city and the city says you need to take this plan or you lose your license – you take the plan and try to accommodate. What he believes, based on the evidence we are going to show, it doesn't matter what his client does in West St. Paul; the city does not want his client to provide the services. Below is a list of items review by Mr. Udoibok

1. Reduce or eliminate police calls – which he feels is sort of vague. We have completed a plan to reduce police calls. There were 63 calls but in 2016 the related calls were about ... 13 calls. You notice the numbers are mostly from 2015. The calls don't necessarily show what was a nuisance call versus an emergency call. If the question is – you have this property with vulnerable adults, the city's concern that we might not be able to answer all these calls – this is an issue of providing services. If these people are vulnerable adults and they need the services, they are entitled to said services. His client should not be punished because people have issues. Attorney Land said the city concedes that there has been a reduction in calls. This is not an issue this evening and this was not mentioned in the report. We will admit in the mitigation report the number of calls was identified as 9 qualified calls. Attorney Land added additional comments about calls and the city tiered-fee system. Related to the revocation hearing, this is not an issue and the city acknowledges the calls have decreased.

2. Regarding the onsite housing manager – why would you demand that? There is no reason for that and no authority for that. Clpn. Vitelli asked is it fair for the citizens of West St. Paul to use their tax payer dollars to take care of your vulnerable adults? Is that proper? An on-site manager who is qualified and trained to take care of these people, as we requested, could take care of the noise in the attic. The vulnerable adult could be told or taught that they go to the manager if they hear noises or have a problem. You don't call a West St. Paul policeman to fix your problems. We are not here to provide services to your residents. That is your job and responsibly to care for them and provide housing and services. This is the reason for the requirement. Taking care of his clients – demanding an on-site manager – what you are demanding is outside the function he offers. The issue is to reduce the number of nuisance calls. Mr. Udoibok thinks this condition is heavy handed. Clpn. Bellows said this was a provision that Mr. Brooks agreed to in the mitigation plan and while you allude that he is small business owner with perhaps not have a lot of experience, that is the total opposite of what he (Mr. Brooks) presented himself to this body. What we have required as part of this mitigation plan is no different than what we have done with other landlords where there have been problems. The issue is whether that landlord is operating the property within the confines of our city ordinance and whether they are agreeing to the agreed provisions in their rental license. Mr. Udoibok agrees that his client needs to comply with the rental license ordinance. We are here for an interpretation of the city ordinance. These demands are a reflection and subtle in a way for him to run his business properly and to meet the demands. Clpn. Bellows said has your client complied with the mitigation plan? Mr. Udoibok said the plan itself is unfair. Clpn. Bellows said if your client complied with the plan there is no discussion. Mr. Udoibok does not want to get into a debate. He said this is an unfair demand on his client. Mayor Meisinger said this Council put into place some provisions, which your client (Mr. Brooks) agreed to follow. Let's review the parts of the plan that you find incorrect or did not meet standards that you agreed to. Clpn. Vitelli added that rules have been imposed on other landlords and they complied. Mr. Udoibok said they had a manager who was purportedly called a security guard but he was a manager.
3. All people must sign a lease and the addendum was given to us by the city. Ms. Cornelius stated that everyone had a lease on the property except Marcus Fanniel because he had a verbal agreement with us with his employment contract that he could live there. Mayor said so you are telling me that all adults living at the facility units must sign a lease and that didn't happen. Marcus Fanniel did not have a lease.
4. Crime free lease addendum – that is what we have. Ms. Cornelius said she provided copies of the addendums to Laura Vaughn.
5. Tenants back ground checks to the police dept. – this was done. We do need to be concerned about confidential data. To the extent we can provide the police information, we did comply.
6. Copy of current lease – done and ongoing.
7. Unresolved code violations – resolved and no longer an issue.
8. Owner shall enforce lease agreements and tenant has resolved lease agreement issues including trespassing. We do that and it doesn't prescribe a specific conduct like conviction. They have terminated all problem tenant leases within a reasonable amount of time. You need to be fair and reasonable and comply with the law.

9. Owner shall not relocate nuisance tenants or other tenants to another property or rental property in West St. Paul. That is not an issue and they have never relocated anyone to another place in West St. Paul.
10. Rental license ordinance – they have no knowledge of any violations. Clpn. Bellows asked about the provision of relocation of tenants in West St. Paul which you say did not happen. Have you relocated anyone from South St. Paul to West St. Paul? Ms. Cornelius said she is not under the impression that they have.
11. We have complied with whatever code that the city has. This item was speaking specifically about the egress window and they have moved that tenant out. It took a while to find out if a permit had been pulled for that unit according the inspector request. No permit had been pulled for a renovation. They moved the tenant out and they are no longer using this as an apartment but rather as an office.
12. Noxious matter, weeds, long grass, rubbish, junk, snow and ice – keeping walks clear. Those letters were sent to the old address (1234 Properties previous address). The city expressed it's the address listed on the rental license. Ms. Cornelius said they have communicated to the city the correct address. 1234 Properties LLC is no longer in Eden Prairie. Ms. Cornelius said she thought the city had the updated address. Ms. Cornelius said the new address is 2854 Columbus Avenue and is 1234 Properties, LLC business address. She thought the address had been updated but has no tangible proof.
13. The owner will operate the property to not have repeat service call fees. Mr. Udoibok said they have made every effort to do that but they are human too.
14. The owner will cooperatively meet with staff about issues. They have complied. They can never be at fault with this process. Ms. Cornelius said she has worked very hard to work with and communicate with the staff but sometimes that hasn't worked well because of all the various employees with different duties at the city.
15. One Life health Services was instructed not to call the police dept. Of course, we are trying to comply with the mitigation plan.
16. Security video system meets the police dept. criteria.
17. Mr. Udoibok believes the main points have been addressed. Overall you want to take this into perspective. His client is trying to live here and provide services and do a good job. His clients happen to need reinforcement to live independently. He is trying his best. Forcing him out of West St. Paul will be a significant burden to people who otherwise he is doing well by.

Clpn. Bellows said to Mr. Udoibok - what we are trying to do is ask 1234 Properties to comply with the rental aspects of our ordinances. This has been asked of other landlords. Any landlord would be responsible for their tenants and the undue influence it impacts our city and city services. He appreciates the situation you are dealing with in respect to our tenants. That is a decision made by the landlord and not the city. We are asking 1234 Properties to comply with rules that we have asked of others. You made comments about selective enforcement or possible discrimination. This has nothing to do with race but rather a landlord and city. There was nothing you submitted in your documents that there was some sort of racial or ethnic factor in this. What we are talking about is a landlord/tenant complying with the law and impact on the city.

Clpn. Iago you mentioned one thing that maybe the city does not want this type of tenant in this city. We have a dozen group homes in our community. Every one of them house vulnerable

adults. Some of the rentals have tougher restrictions placed on them. It is far from inferring that we don't want this type of tenant. We don't know who the tenants are. We don't know what minority lives there. That is far from the truth. The rentals need to comply with the law. Mr. Udoibok said you realize a group home and independent living is quite different and there is no control. Clpn. Iago said he has spoken with Mr. Brooks and he knows what he is doing. He understands these items and he is smart person. Clpn. Iago said he is surprised Mr. Brooks wasn't in attendance at this hearing.

Mr. Udoibok said he didn't imply discrimination in his letter. Some of the demands would cause his client to violate the state and federal law. They are trying to accommodate and serve these adults. A little understanding of the people they are serving would be good. They are required to accommodate them and wish and the city would too.

What happens to tenants and relocation if the city revokes the license? The county understands this issue and the hearing and that license revocation may be an outcome of the hearing. They have informed their case workers that they may need to assist with housing. We also informed the State Dept. of Health and Services and they are aware these tenants may need to be relocated. Adoption of the resolution will allow time for the agencies to assist the tenants in finding alternative living arrangements.

Mayor Meisinger added that this hearing came about because the property owner was not meeting expectations by the city. Issues with 1234 Properties LLC was brought to the Council's attention on January 25. At that meeting Mr. Brooks (1234 Properties, LLC) agreed to fix 25 items on or related to his property. We gave him six months to take care of these issues and to date he has taken care of two or three items. A majority of them have not been taken care of. This is not an issue about the tenants; this is an issue about a property owner who is being treated as any other property owner. We welcome everyone into West St. Paul. This is about the property owner and is not about the tenants. This is unfortunate.

Clpn. Bellows said the actions of the city imposing a mitigation plan did nothing to preclude Mr. Brooks from providing any additional assistance to tenants. We appreciate the challenges he may have, but we look at this as a rental property issue.

Clpn. Halverson said we take this very seriously and we are concerned about the tenants but she supports the license revocation.

Mayor Meisinger added comments about selling the property. There is plenty of time for the property owner to consider his options.

Clpn. Napier added that having a full time person on-site could have resolved a lot of issues.

Derek Lynch, 218 Annapolis, said when he moved in he was told there would be someone on-site 24 hours and this did not happen. When dealing with the cops he has heard a lot of calls being made and there would have been fewer calls with the on-site person. The people actually had to call cops because the manager would not respond quickly enough. A lot of the issues were supposed to be dealt with and nothing has changed. Mayor Meisinger added that the county and

state have been notified so there should be resources available to the tenants. The city is also willing to assist you.

Motion was made by Clpn. Bellows and seconded by Clpn. Vitelli to adopt Resolution No. 16-68 revoking the rental licenses of 1234 Properties, LLC at 218 Annapolis Street West, 966 South Robert Street Unit #208 and 976 South Robert Street Units #103 and #105. All members present voted aye. Motion carried.

Agenda Item Added: Art on the Avenue

Art on the Avenue has been postponed from Saturday due to weather. Staff has been working with the DJ, color dash and other entertainment and putting these components into another event. Council would like to reschedule to Saturday, August 27 and have everything included that we can. Council would like final details sent to the public. Council thanked the donors and those who worked on this event.

13. Old Business

A. Special Assessment for 882 Stryker moved to 12.E.1.

14. Adjourn

Motion was made by Clpn. Halverson and seconded by Clpn. Bellows to adjourn the meeting at 8:39 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: July 25, 2016
SUBJECT: List of Claims



City of West St. Paul

BACKGROUND INFORMATION:

Invoices to be paid

FISCAL IMPACT:

\$2,971,681.06

STAFF RECOMMENDATION:

Approve payment of attached

CITY OF WEST ST PAUL

**Summary of List of Claims
Council Meeting of July 25, 2016**

PAYROLL CHECK REGISTER:

Payroll Period	7/4/16 - 7/17/16	
Date Paid	7/22/2016	\$160,362.84
Direct Deposit		

Payroll Period		
Date Paid		
Direct Deposit		

TOTAL NET PAYROLL		\$160,362.84
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DISBURSEMENT CHECK REGISTER:

Checks	122262 - 122399	\$2,272,559.21
EFTS	903 - 933	\$538,759.01

TOTAL DISBURSEMENT CHECKS		\$2,811,318.22
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<u>TOTAL PAYROLL, DISBURSEMENTS, ACH AND WIRE TRANSFERS</u>		<u>\$2,971,681.06</u>
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Payment Register

From Payment Date: 6/24/2016 - To Payment Date: 7/25/2016

Number	Date	Payee Name	Transaction Amount
AP - Accounts Payable			
<u>Check</u>			
122262	07/12/2016	CHLIC-BLOOMFIELD EASC	\$2,855.69
122263	07/12/2016	FIDELITY SECURITY LIFE	\$301.87
122264	07/12/2016	LAW ENFORCEMENT LABOR	\$1,210.71
122265	07/12/2016	MN BENEFIT ASSOCIATION	\$905.42
122266	07/12/2016	MN NCPERS LIFE INSURANCE	\$160.00
122267	07/12/2016	MN TEAMSTERS LOCAL #320	\$1,030.00
122268	07/25/2016	ABBOTT, ALLISON	\$755.25
122269	07/25/2016	ABDO, EICK & MEYERS, LLP	\$14,107.00
122270	07/25/2016	ADVANTAGE SIGNS & GRAPHICS	\$652.65
122271	07/25/2016	ANCOM COMMUNICATIONS	\$84.30
122272	07/25/2016	ARROW BUICK GMC TRUCKS	\$52.24
122273	07/25/2016	ARROW MOWER	\$97.56
122274	07/25/2016	ATEC LLC	\$313.00
122275	07/25/2016	AUTOMATIC SYSTEMS	\$239.65
122276	07/25/2016	B & K TRAINING	\$2,100.00
122277	07/25/2016	BARNA, GUZY & STEFFEN, LTD	\$665.00
122278	07/25/2016	BAUER BUILT INC	\$1,349.76
122279	07/25/2016	BENJAMIN FRANKLIN PLUMBING	\$14,890.00
122280	07/25/2016	BERGERSON - CASWELL	\$612.50
122281	07/25/2016	BOLTON & MENK INC	\$1,243.50
122282	07/25/2016	BOND TRUST SERVICES	\$63,425.00
122283	07/25/2016	BOYER FORD TRUCKS INC	\$36.01
122284	07/25/2016	BROOKS OFFICE INTERIORS INC	\$130.00
122285	07/25/2016	CAPITOL BEVERAGE SALES	\$255.00
122286	07/25/2016	CAPRA'S UTILITIES	\$5,800.00
122287	07/25/2016	CDW GOVERNMENT, INC	\$1,152.05
122288	07/25/2016	CINTAS UNIFORMS	\$121.92
122289	07/25/2016	CLARY BUSINESS MACHINES	\$35.85
122290	07/25/2016	COLLINS ELECTRICAL CONSTRUCT	\$68.00
122291	07/25/2016	COMPAR INC	\$15,320.00
122292	07/25/2016	CORPORATE MARK INC	\$1,000.85
122293	07/25/2016	CUB FOODS	\$14.48
122294	07/25/2016	CUNINGHAM GROUP	\$6,212.50
122295	07/25/2016	DAKOTA COMMUNICATIONS	\$55,602.00
122296	07/25/2016	DAKOTA COUNTY FINANCIAL SERV	\$22,549.00
122297	07/25/2016	DAKOTA COUNTY TREASURE-	\$3,850.00
122298	07/25/2016	DELL MARKETING	\$3,655.76
122299	07/25/2016	DEPUTY REGISTRAR #35	\$12.00
122300	07/25/2016	DIAMOND VOGEL PAINT	\$347.70
122301	07/25/2016	EAGAN, CITY OF	\$50.00
122302	07/25/2016	EHLERS & ASSOCIATES	\$2,817.50
122303	07/25/2016	EMERGENCY AUTOMOTIVE TECH	\$279.20
122304	07/25/2016	EUREKA CONSTRUCTION	\$1,081,054.91
122305	07/25/2016	FLEXIBLE PIPE TOOL COMPANY	\$359.30
122306	07/25/2016	GABRIEL PROPERTIES	\$10.00
122307	07/25/2016	GLOBE PUBLISHING COMPANY	\$168.70
122308	07/25/2016	GOPHER STATE ONE-CALL	\$473.85
122309	07/25/2016	GRAINGER INC	\$185.40
122310	07/25/2016	GUBASH/ANDREW	\$447.95
122311	07/25/2016	HEALTHEAST MEDICAL TRANSPORT	\$170.00

Payment Register

From Payment Date: 6/24/2016 - To Payment Date: 7/25/2016

122312	07/25/2016	HOLIDAY STATION STORES	\$105.00
122313	07/25/2016	HOME DEPOT CREDIT SERVICES	\$36.36
122314	07/25/2016	HORNUNG'S	\$230.72
122315	07/25/2016	HOSE/CONVEYORS	\$451.09
122316	07/25/2016	IBARRA, ALMA	\$50.00
122317	07/25/2016	INVER GROVE FORD	\$690.40
122318	07/25/2016	JIM MURR PLUMBING	\$242.00
122319	07/25/2016	KEEPRS, INC	\$881.28
122320	07/25/2016	KENNEDY & GRAVEN	\$14,299.94
122321	07/25/2016	L-3 COMMUNICATIONS MOBILE VISI	\$304.00
122322	07/25/2016	L.T.G. POWER EQUIPMENT	\$51.67
122323	07/25/2016	LANGUAGE LINE SERVICES	\$161.67
122324	07/25/2016	LAW ENFORCEMENT TARGETS INC	\$168.00
122325	07/25/2016	LEVANDER, GILLEN & MILLER	\$38,893.15
122326	07/25/2016	LILLIE SUBURBAN NEWSPAPERS	\$360.75
122327	07/25/2016	LMCIT	\$3,053.53
122328	07/25/2016	LMCIT	\$5,331.92
122329	07/25/2016	LOE'S OIL COMPANY INC	\$200.00
122330	07/25/2016	LS BLACK CONSTRUCTORS	\$425,751.39
122331	07/25/2016	M & B SERVICES	\$4,900.00
122332	07/25/2016	M P C A	\$62.50
122333	07/25/2016	MANSFIELD OIL COMPANY	\$10,674.92
122334	07/25/2016	MAYER ARTS INC	\$522.00
122335	07/25/2016	MCMULLEN INSPECTING, INC	\$2,577.40
122336	07/25/2016	MCQUILLAN BROS PLUMBING	\$16,987.00
122337	07/25/2016	MEEKS APPRAISAL & CONSULTING	\$10,000.00
122338	07/25/2016	MENARDS	\$885.06
122339	07/25/2016	METRO SALES	\$130.00
122340	07/25/2016	METROPOLITAN COUNCIL	\$138,214.18
122341	07/25/2016	METROPOLITAN COUNCIL	\$7,380.45
122342	07/25/2016	MIDWAY FORD	\$220.68
122343	07/25/2016	MIDWEST PLAYSCAPES	\$158.12
122344	07/25/2016	MIKE BROTHERS LLC	\$339.50
122345	07/25/2016	MIRA, MARIA	\$50.00
122346	07/25/2016	MISTER CAR PARTNERS	\$98.00
122347	07/25/2016	MN DEPT OF TRANS-COMMISIONER	\$2,913.71
122348	07/25/2016	MN DEPT-EMPL & ECON DEV	\$41,110.00
122349	07/25/2016	MN GLOVE	\$64.75
122350	07/25/2016	MN LOCKS	\$779.70
122351	07/25/2016	MN MUTUAL LIFE	\$1,160.15
122352	07/25/2016	MN OCCUPATIONAL HEALTH	\$885.00
122353	07/25/2016	MN OFFICE OF ADMIN HEARINGS	\$120.00
122354	07/25/2016	MN OFFICE OF ENTERPRISE TECH	\$969.00
122355	07/25/2016	MN UNEMPLOYMENT INSURANCE	\$2,933.00
122356	07/25/2016	NATURE CALLS	\$685.00
122357	07/25/2016	NETWELL NOISE CONTROL	\$1,980.00
122358	07/25/2016	NITTI SANITATON INC	\$169.18
122359	07/25/2016	O'KANE/PENELOPE	\$34.88
122360	07/25/2016	O'REILLY AUTOMOTIVE, INC	\$205.15
122361	07/25/2016	OFFICE DEPOT	\$3.17
122362	07/25/2016	ORKIN COMMERCIAL SERVICES	\$124.65
122363	07/25/2016	OVERLINE & SON, INC	\$688.38
122364	07/25/2016	PERRON, JAMES	\$541.50
122365	07/25/2016	PRINTEEZ & PROMOTION	\$1,705.00

Payment Register

From Payment Date: 6/24/2016 - To Payment Date: 7/25/2016

122366	07/25/2016	RAMSEY COUNTY	\$20.00
122367	07/25/2016	RCM SPECIALTIES INC	\$16,054.40
122368	07/25/2016	REGENCY BUSINESS SOLUTIONS	\$131.96
122369	07/25/2016	RICOH USA INC	\$195.88
122370	07/25/2016	RONNEL BUILDERS	\$3,000.00
122371	07/25/2016	SAM'S CLUB DIRECT	\$260.11
122372	07/25/2016	SAVATREE	\$1,215.00
122373	07/25/2016	SCHILLING, DENNIS	\$189.00
122374	07/25/2016	SFDMG, LLC	\$5,194.25
122375	07/25/2016	SHARROW LIFTING PRODUCTS	\$228.00
122376	07/25/2016	SHERMAN ASSOCIATES	\$64,954.39
122377	07/25/2016	SHORT ELLIOTT HENDRICKSON, INC	\$7,925.00
122378	07/25/2016	SKADRON ANIMAL HOSPITAL P A	\$16.30
122379	07/25/2016	SKB ENVIRONMENTAL	\$3.68
122380	07/25/2016	SOUTHVIEW GARDEN CENTER INC	\$67.50
122381	07/25/2016	SPRWS	\$13,464.42
122382	07/25/2016	ST PAUL PUBLISHING CO	\$200.55
122383	07/25/2016	ST PAUL REGIONAL WATER	\$38,816.95
122384	07/25/2016	ST PAUL/CITY OF	\$8,773.47
122385	07/25/2016	STEPP MANUFACTURING CO. INC	\$53.25
122386	07/25/2016	TESSMAN SEED	\$307.34
122387	07/25/2016	TRANSUNION RISK & ALTERNATIVE	\$25.00
122388	07/25/2016	TRI STATE BOBCAT INC	\$825.00
122389	07/25/2016	TROJE'S TRASH PICK-UP SERVICE	\$968.97
122390	07/25/2016	TWIN CITY SAW	\$98.99
122391	07/25/2016	UNIFORMS UNLIMITED	\$530.34
122392	07/25/2016	US BANK EQUIPMENT FINANCE	\$228.69
122393	07/25/2016	US BANK EQUIPMENT FINANCE	\$450.62
122394	07/25/2016	VANGUARD CLEANING SYSTEMS	\$2,179.80
122395	07/25/2016	VERSATILE VEHICLES, INC	\$625.00
122396	07/25/2016	VOYANT COMMUNICATIONS, LLC	\$2,162.96
122397	07/25/2016	WOLD ARCHITECTS & ENGINEERS	\$2,483.06
122398	07/25/2016	WSB & ASSOCIATES	\$16,715.00
122399	07/25/2016	XCEL ENERGY	\$33,428.40

Type Check Totals:

\$2,272,559.21

EFT

903	06/30/2016	SELECTACCOUNT	\$217.31
904	06/30/2016	MII LIFE --- VEBA	\$1,551.92
905	07/12/2016	ANCHOR BANK OF W. ST PAUL	\$51,961.02
906	07/12/2016	DEARBORN NATIONAL	\$431.81
907	07/12/2016	I C M A	\$150.00
908	07/12/2016	I C M A RETIREMENT TRUST-457	\$7,131.82
909	07/12/2016	MII LIFE --- VEBA	\$3,041.15
910	07/12/2016	MN DEPARTMENT OF REVENUE	\$10,488.01
911	07/12/2016	MSRS - 457	\$1,865.00
912	07/12/2016	MSRS HCSP	\$2,161.36
913	07/12/2016	PUBLIC EMPLOYEES RETIRMNT	\$45,807.74
914	07/12/2016	THE HARTFORD-PRIORITY	\$1,305.25
915	07/12/2016	MII LIFE --- VEBA	\$1,551.92
916	07/25/2016	ANCHOR BANK OF W. ST PAUL	\$266.39
917	07/25/2016	MN STATE TREASURER	\$3,283.00
918	07/25/2016	MN STATE TREASURER	\$2,980.76
919	07/25/2016	BOND TRUST SERVICES	\$29,556.24
920	07/25/2016	BOND TRUST SERVICES	\$22,862.50

Payment Register

From Payment Date: 6/24/2016 - To Payment Date: 7/25/2016

921	07/25/2016	BOND TRUST SERVICES	\$31,446.88
922	07/25/2016	BOND TRUST SERVICES	\$12,620.00
923	07/25/2016	BOND TRUST SERVICES	\$12,887.50
924	07/25/2016	BOND TRUST SERVICES	\$63,778.13
925	07/25/2016	BOND TRUST SERVICES	\$98,690.00
926	07/25/2016	BOND TRUST SERVICES	\$20,306.67
927	07/25/2016	BOND TRUST SERVICES	\$10,700.00
928	07/25/2016	THE HARTFORD-PRIORITY	\$1,305.25
929	07/25/2016	SÉLECTACCOUNT	\$242.01
930	07/25/2016	SELECTACCOUNT	\$97.02
931	07/25/2016	SELECTACCOUNT	\$1,210.54
932	07/25/2016	HIGHER STANDARDS INC	\$2,278.31
933	07/25/2016	SWWC SERVICE COOPERATIVE	\$96,583.50
Type EFT Totals:			<u>\$538,759.01</u>

TOTAL CHECKS & EFTS \$2,811,318.22

TO: Mayor & City Council
THROUGH: Matt Fulton, City Manager
FROM: Chantal Doriott, City Clerk
DATE: August 8, 2016
SUBJECT: Election Judge Appointments



BACKGROUND INFORMATION :

Pursuant to M.S. Statute 204B.21, Subd. 2, Election Judges for precincts in a municipality shall be appointed by the governing body of the municipality. The persons named in the attached proposed resolution have received election judge training and certification. These election judges will serve for West St. Paul's Primary on August 9, 2016 and/or General Election on November 8, 2016. These judges are in addition to judges appointed in June.

FISCAL IMPACT:

Election judges are paid for training and working the polls per the previously approved 2016 Temporary/Seasonal Employee Hourly Wage Schedule.

STAFF RECOMMENDATION :

Approve and adopt the attached Resolution appointing additional election judges for the 2016 Primary and General Election.

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

RESOLUTION NO. 16-

**RESOLUTION APPOINTING ADDITIONAL ELECTION JUDGES AND/OR
ABSENTEE BOARD JUDGES FOR THE AUGUST 9 PRIMARY and
THE NOVEMBER 8, 2016 GENERAL ELECTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST ST. PAUL,
MINNESOTA:**

The persons named below are hereby appointed as Election Judges and/or Absentee Ballot Board Judges for the 2016 Primary and/or General Election to be held in the City of West St. Paul, Dakota County, and State of Minnesota. The Election Judges are appointed to serve at any or all elections conducted by the City.

Lisa Antony
Danette Malerich
Joyce Wahlquist
Maria Dorman

Jim Hansen
Michael Kuchera
Kay Russell
Penelope O’Kane

Marjorie Haselrud
Diana Kammerer
Gabe Fromm

Adopted by the City Council of the City of West St. Paul this 8th day of August, 2016.

Ayes:

Nays:

David Meisginer, Mayor

Chantal M. Doriott, City Clerk

TO: Mayor and City Council
THROUGH: Matt Fulton, City Manager
FROM: Community Development Department
DATE: August 8, 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:

976 Robert St S # 203 (New)
180 Carol Lane (New)

FISCAL IMPACT:

Application Fees Received:		Amount:
Fund:	101	
Department:	30000	
Account:	32170	\$ 330

STAFF RECOMMENDATION:

Staff recommends City Council approve the license applications.

TO: Mayor and City Council
THROUGH: Matt Fulton, City Manager
FROM: Manila Shaver, Chief of Police
DATE: August 8, 2016
SUBJECT: Animal Control Contract, Renewal

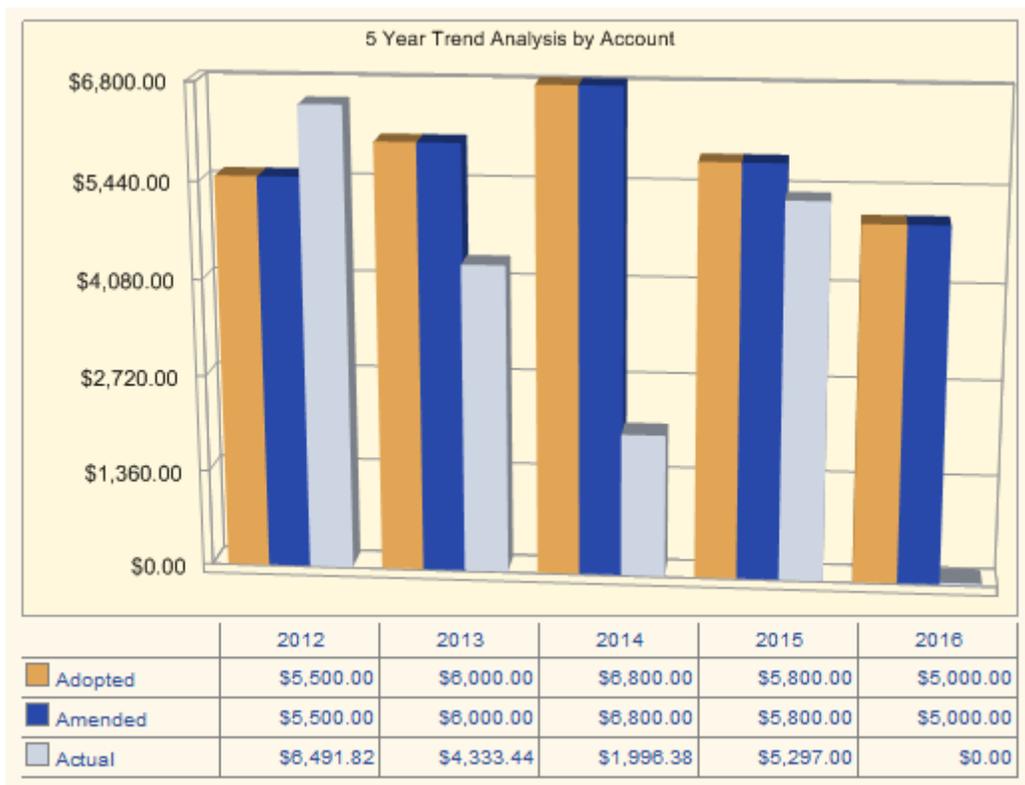


BACKGROUND INFORMATION:

For over fourteen years the City has had an agreement with Dr. David Abramowicz of South St. Paul Animal Hospital in providing animal impoundment services for our community. This arrangement has worked well for both parties. Because of the length of time in working with Dr. Abramowicz, our officers and citizens have become very familiar with using this vendor.

Our current agreement will expire on August 27, 2016. In working with Dr. Abramowicz he is requesting the renewal of the current agreement, with no cost increases or other substantive changes. Thus, the only change in the proposed agreement is the date, "2016," found in section 2.03 on page two of the agreement.

Besides seldom raising his fees during the past fourteen years, Dr. Abramowicz's fees are always below or at competitive rates with other service providers. The below chart depicts a five year trend analysis of the expense of this agreement.



Other important notes:

1. Most assessed fees are recovered when an animal owner retrieves a pet;
2. While there is a fee for cats, for the past several years the City has stopped capturing and euthanize cats; and
3. The City averages just over \$4,500 for animal service fees each year.

FISCAL IMPACT:

With no change in fees and a consistent amount of animals being impounded each year, the police department does not anticipate any significant change in this account/ agreement.

STAFF RECOMMENDATION:

Approve the amended agreement by passing the attached draft resolution.

On Motion of Clpn.

Seconded by Clpn.

RESOLUTION NO. 16-

RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT

BE IT RESOLVED, that the City of West St. Paul will enter into a cooperative agreement with Dr. David Abramowicz (South St. Paul Animal Hospital) and the City for animal impound services.

WHEREAS, Section 90 of the Code provides for a kennel to be the Municipal Animal Pound for the impounding of Animals found in violation of Section 90 or the laws of the State of Minnesota; and

WHEREAS, Dr. David Abramowicz, a licensed veterinarian, owns and operates an animal hospital and a kennel known as South St. Paul Animal Hospital PA at 501 North Concord Street, South St. Paul, Minnesota; and

WHEREAS, the Parties desire to operate the Municipal Animal Pound upon the terms, conditions and provisions of this Agreement.

NOW, THEREFORE, in consideration of the premises and the mutual covenants and agreements set forth herein, the Parties agree to the conditions and responsibilities as outlined in the executed agreement.

The City Manager matt Fulton is hereby authorized to execute such agreements and amendments, as are necessary to implement the project on behalf of the City of West St. Paul.

Adopted by the City Council of the City of West St. Paul on August 8, 2016

Ayes: Nays:

Attest:

David Meisinger, Mayor

Chantal Doriott, City Clerk

MUNICIPAL ANIMAL IMPOUND AGREEMENT

AGREEMENT, dated as of August 8, 2016, by and between the City of West St. Paul, a Minnesota municipal corporation, and Dr. David Abramowicz. (Each being sometimes referred to as Party", or collectively as "Parties").

WHEREAS, Section 905 of the Code provides for a kennel to be the Municipal Animal Pound for the impounding of Animals found in violation of Section 905 or the laws of the State of Minnesota; and

WHEREAS, Dr. David Abramowicz, a licensed veterinarian, owns and operates an animal hospital and a kennel known as South St. Paul Animal Hospital PA at 501 North Concord Street, South St. Paul, Minnesota; and

WHEREAS, the Parties desire to operate the Municipal Animal Pound upon the terms, conditions and provisions of this Agreement.

NOW, THEREFORE, in consideration of the premises and the mutual covenants and agreements set forth herein, the Parties agree as follows:

ARTICLE ONE

Definitions

Section 1.01. Definitions: When used in this Agreement, the following words or phrases have the following meanings and the following definitions shall be equally applicable to both the singular and plural forms of any of the terms herein defined:

"Agreement" means this Agreement, as it may be amended, supplemented or restated from time to time,

"Animal" means a dog or cat.

"City" means the City of West St. Paul.

"Municipal Animal Pound" or "Pound" means the South St. Paul Animal Hospital PA, 501 North Concord Street, South St. Paul, Minnesota.

"Code" means the West St. Paul City Code.

"Abramowicz" means Dr. David Abramowicz.

Certain other terms capitalized but not defined herein shall have the meaning assigned to such terms in Section 905 of the Code.

ARTICLE TWO
The Agreement

Section 2.01. Purpose: The purpose of this Agreement is to define the rights and obligations of the City and Abramowicz with respect to the operation of the Pound throughout the term of this Agreement.

Section 2.02. Cooperation: The City and Abramowicz will cooperate and use their best efforts to ensure the most expeditious implementation of the various provisions of this Agreement. The Parties agree in good faith to undertake resolution of disputes, if any, in an equitable and timely manner and in accordance with the provisions of this Agreement. Unforeseen problems and situations involving the Agreement on any additional concerns not covered in the contract, can be resolved by having an open discussion with Dr. Abramowicz and a representative of the City.

Section 2.03. Term: This Agreement shall remain in effect for two (2) years commencing August 27, 2016 unless either party gives written notice for termination as articulated in Section 6.05 of this agreement.

Section 2.04. Recitals: The above recitals are true and correct as of the date of this Agreement and constitute a part of this Agreement.

ARTICLE THREE
Designation of Pound

Section 3.01. Pound Designation: The City hereby designates the South St. Paul Animal Hospital as the Municipal Animal Pound and Pound Keeper pursuant to Section 905 of the Code.

ARTICLE FOUR
Abramowicz's Obligations

Section 4.01. Impoundment: Abramowicz shall confine Animals in the Pound delivered there by police officers or the community service officers of the City, for the time periods required by this Agreement, and dispose of unclaimed Animals as provided herein, and with the understanding that not more than eight (8) Animals may be confined at any time. If Animals are delivered to the Pound that will result in the maximum number being exceeded, Dr. Abramowicz will use his best efforts to find appropriate boarding facilities for them.

Section 4.02. Pound Condition: The Pound shall be maintained in a clean and sanitary condition at all times.

Section 4.03. Animal Care: Animals impounded in the Pound shall receive kind treatment, sufficient food and water for the Animal's comfort, and proper care and shelter.

Section 4.04. Pound Hours:

- a) The Pound shall be open to the public from 8:00 a.m. to 6:00 p.m., Monday through Friday and from 8:00 a.m. to noon on Saturday. The Pound will not be open to the public on Sunday or on legal holidays.
- b) Police officers and the community service officer of the City shall have access to the Pound 24 hours per day, 7 days a week.

Section 4.05. Holding Periods:

- a) Except as otherwise provided in this section, impounded Animals shall be confined for six (6) calendar days, unless sooner claimed by the owner.
- b) If an Animal is known to be or suspected of being rabid and has, or has not, bitten a person, it must be confined in the Pound for not less than ten (10) days.

Section 4.06. Kennel License: At all times during the term of this Agreement, Abramowicz shall maintain a kennel license issued by the State of Minnesota for the Pound.

Section 4.07. Claimed Animals; Fees: Prior to the release of a claimed Animal to its owner, Abramowicz shall collect in cash, or immediately available funds, the impound fee, boarding fee, and medical fee, if any. A dog shall not be released unless it has a valid license issued by the City, or the municipality in which the Owner lives, as the case may be.

Section 4.08. Unclaimed Animals: Unclaimed Animals are to be disposed of after the six (6) day period. This document defines a term in the contract between South St. Paul Animal Hospital PA and the City of West St. Paul in regards to the contract for impounding services. The purpose of the definition is to prevent a misunderstanding in regards to the term, and thereby avoid any unforeseen legal entanglement as a result of action taken by South St. Paul Animal Hospital PA.

The term to be defined as "Disposal;" It is agreed that when an impounded animal comes to the end of its six (6) days stay, it is to be disposed of. Typically, this is meant to mean euthanasia. However, it is understood that in the humanitarian interest to the citizens of the City of West St. Paul, animals may be disposed of in other ways that South St. Paul Animal Hospital PA sees fit. This can include, but not limited to, keeping the animal longer than the six (6) day period in order that the animal may be spared and placed in a home or shelter. No additional charges will be made to the City of West St. Paul beyond the disposal fee. All additional costs beyond the six (6) days shall be the responsibility of South St. Paul Animal Hospital PA.

The animals are not to be sold for research or any other purpose that the Minnesota Board of Animal Health would consider unethical.

Section 4.09. Insurance: Abramowicz, at his cost, shall at all times during the term of this Agreement, have and keep in force insurance in an amount not less than \$10,000 for property damage arising from one occurrence, \$200,000 for personal injuries or death, and \$600,000 for personal injuries or death arising out of a single occurrence. The City shall be named as an additional insured under the policy. Any policy maintained under this section shall provide that it shall not be canceled, materially changed, or not renewed without sixty (60) days prior written notice by the insurer to the City. Abramowicz shall furnish a certificate or certificates showing such insurance in effect.

ARTICLE FIVE
Fees; Payment

Section 5.01. Fees. The following fees shall be charged:

- A. Impound fee \$25.00;
- B. Boarding Fee:
 - 1. \$25.00 per day or fraction thereof for a dog,
 - 2. \$21.00 per day or fraction thereof for a cat.
 - 3. \$25.00 per day or fraction thereof for an exotic animal
- C. Disposal Fee:
 - 1. \$70.00 for an Animal under 50 pounds,
 - 2. \$90.00 for an Animal 50 pounds or more.
- D. Medical fee to stabilize Animal for the confinement period, \$50.00 maximum.
- E. After the first year of this contract and each year thereafter until the contract becomes void, Dr. Abramowicz may increase the disposal fees articulated in item "c" above once per year and by no more than 10% of the current disposal fee rate. Notification of an increase in disposal fees shall be done to the police chief in writing and at least 90 days before such an increase will take effect.

Section 5.02. Fees Payment: The City shall pay the boarding fee, euthanasia fee or medical fee with regard to each unclaimed Animal. Uncontested fees shall be paid within 30 days following receipt by the City of the statement.

Section 5.03. Monthly Statement; Activity Report: Abramowicz shall monthly submit a written statement to the City of all fees earned in the preceding month. At the same time, Abramowicz shall remit to the City all fees collected in the preceding month. The monthly statement shall show for each type of Animal in the preceding month (a) the number impounded, (b) the number of days each Animal was confined, (c) the disposal costs, (d) medical costs, and (e) the number

placed for adoption. The City shall make payment to Abramowicz for services including boarding, disposal, and medical treatment of animals where an owner cannot be found.

ARTICLE SIX
Default: Termination

Section 6.01. Events of Default: The persistent or repeated failure or refusal by a Party to fulfill substantially any of its material obligations under this Agreement shall constitute an Event of Default on the part of the defaulting Party.

Section 6.02. Opportunity to Cure: No event set forth in this Section 6.01 shall constitute an event of Default giving rise to the right to terminate unless and until (a) written notice is given to the defaulting Party, specifying that a particular Event(s) of Default exists which will, unless corrected within a reasonable period of time which shall be not less than five (5) days, constitute a material breach of this Agreement on the part of the defaulting Party, and (b) the defaulting Party has not corrected such default within such reasonable period of time.

Section 6.03. Unavoidable Delay: Unavoidable Delay means a delay resulting from a cause over which the Party required to make performance does not have control and which cannot or could not have been avoided by the exercise of reasonable care, including but not limited to acts of God, accidents, war, civil unrest, embargoes, strikes, litigation, and delays of the other Party or its contractors, employees, or agents in the performance of their duties under this Agreement.

Section 6.04. Performance Excused: In the event of an Unavoidable Delay, the inability or delay in the performance of any of the terms and provisions of this Agreement shall be excused and shall not constitute an Event of Default.

Section 6.05. Termination: Either Party shall have the right to terminate this Agreement if an event of Default as defined in Section 6.1 on the part of the other Party has occurred. A Party shall give ninety (90) days written notice of termination to the other Party. No termination shall limit or otherwise affect the respective rights and obligations of either party accrued prior to the date of such termination.

ARTICLE SEVEN
General Provisions

Section 7.01. Notices: All notices, requests, or other communications required or permitted to be given or made under this Agreement by either Party hereto shall be in writing and shall be deemed to have been duly given or served if delivered personally to or sent by United States registered or certified mail, postage prepaid, return receipt requested, addressed to the party intended to receive such notice, at the addresses set forth below, or at such other addresses as the Parties may designate from time to time by notice given to the other party in the manner hereinbefore set forth:

If to the City: City: City of West St. Paul
 1616 Humboldt Avenue
 West St. Paul, MN 55118
 Attn: Chief of Police

If to Abramowicz: Dr. David Abramowicz
 501 North Concord Street
 South St. Paul, MN 55075

In the case of a mailed notice, the registration or certification slip, and not the return slip, shall be conclusive as evidence of the mailing date of any such notice. All mailed notices are deemed delivered 72 hours after deposit in a regularly maintained United States Post Office *mail* box in Minnesota, or upon personal delivery.

Section 7 .02. Further Action: The Parties agree to execute such further documents, and take such further actions, as may be reasonably required or expedient to carry out the provisions and intentions of this Agreement, or any agreement or document relating hereto or entered into in connection herewith.

Section 7 .03. Assignment: Neither Party's rights and obligations hereunder shall be assignable without the prior written consent of the other Party.

Section 7.04. Choice of Law: This Agreement shall be governed and construed and enforced in accordance with the laws of the State of Minnesota.

Section 7. 05. Entire Agreement: This Agreement supersedes any prior agreements and contains the entire agreement of the Parties and all representations with respect to the subject matter hereof. Any prior correspondence, memoranda, or agreements are replaced in total by this Agreement.

Section 7.06. Amendments: Any amendments to this Agreement shall be in writing and signed by all Parties.

Section 7.07. Counterparts: This Agreement may be executed in counterparts, any one of which shall be deemed to be an original, but such counterparts when taken together shall constitute but one agreement.

Section 7.08. Captions: Captions are for convenience only and shall not be deemed part of the contents of this Agreement.

Section 7.09. Parties in Interest: This Agreement shall be binding upon and inure solely to the benefit of the Parties hereto and their permitted assigns, and nothing in this Agreement,

expressed or implied, is intended to confer upon any other person any rights or remedies of any nature under or by reason of this Agreement.

Section 7 .10. Waiver: The waiver of any of the rights or remedies arising pursuant to this Agreement on any one occasion by any Party shall not constitute a waiver of any rights or remedies in respect to any subsequent breach or default of the terms of this Agreement.

Section 7 .11. Conflict of Interest: Abramowicz represents and warrants that no member, official, officer, or employee of the City has or shall have any interest, direct or indirect, in this Agreement or the proceeds thereof.

Section 7 .12. Minnesota Government Data Practices Act: Information supplied by Abramowicz to the City is subject to the Minnesota Government Data Practices Act (the "Act"), Minnesota Statutes, Chapter 13. Such information shall become public data unless it falls into one of the exceptions in the Act. Abramowicz shall notify the City of any data that Abramowicz believes is classified as non-public data.

Section 7 .13. Examination of Records: Pursuant to Minnesota Statutes, Section 168.06, subd. 4, the books, records, documents, and accounting procedures and practices of Abramowicz relative to this Agreement are subject to examination by the City, or its authorized representative, and either the legislative auditor or the state auditor, as appropriate. Abramowicz shall maintain the records for a period of not less than three (3) years from the date of the termination of this Agreement.

CITY OF WEST ST. PAUL

By: _____
David Meisinger, Mayor

By: _____
Matt Fulton, City Manager

By: _____
Dr. David Abramowicz

TO: Mayor and City Council
THROUGH: Matt Fulton, City Manager
FROM: Bud Shaver, Police Chief
Korine Land, City Attorney



City of West St. Paul

DATE: August 8, 2016
SUBJECT: An Ordinance Amending Section 72.05(D) Regarding Parked or Stored Motor Vehicles (Second Reading)

BACKGROUND INFORMATION:

City staff attempted to address the growing number of individuals living out of their motor vehicles, trailers and other makeshift structures in the City with the recent recodification of the City's Codes. However, when the recodification process was completed it was noted this change was adopted under the "Motor Home" section. With the language under this section it meant that an individual would have to be living out of a motor home to be in violation. The issue staff was trying to mitigate was individuals living out of vehicles, trailers and makeshift structures. These devices do not have certain elements that foster healthy, sanitary living shelters such as bathroom and washing (water) facilities, food storage, heat, etc..

Moreover, the police department continues to be contacted remove individuals living out of motor vehicles, trailers and other temporary structures from being parked on private property and in City parks. In just about every case, the individuals have been put in contact with Social Services to help address any immediate needs; many times this assistance has been refused.

The City Attorney has drafted a simple language change to section 72.05(D) of the City Code making it a violation of City Code for a person to live out of a vehicle, tent, trailer or some other type of temporary structure.

FISCAL IMPACT:

None

STAFF RECOMMENDATION:

This is a public hearing and a final (second) reading. Upon hearing from all those wishing to be heard the Council will need to reject or pass the draft ordinance language.

ATTACHMENTS:

An Ordinance Amending Section 72.05(D) of the West St. Paul City Code regarding parked or stored motor vehicles.

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

**AN ORDINANCE AMENDING SECTION 72.05(D) OF THE WEST ST. PAUL CITY
CODE REGARDING PARKED OR STORED MOTOR VEHICLES**

The City Council of West St. Paul does ordain:

SECTION 1. West St. Paul City Code Section **72.05 (D)** relating to **Parked or Stored Motor Vehicles** is hereby amended as follows:

(6) No camp car, trailer, motor vehicle, tent or other temporary structure may be parked or placed upon any public street or on any public or private premises in the city and used as a shelter or enclosure of persons and their effects for the purpose of living therein.

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

Passed this ____ day of _____, 2016.

Ayes:

Nays:

Attest:

David Meisinger, Mayor

Chantal Doriott, City Clerk



**CITY OF
WEST ST. PAUL**

City Hall
1616 Humboldt Avenue
West St. Paul, MN
55118-3972
651-552-4100
FAX 651-552-4190
TDD 651-322-2323
www.wspmn.gov

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

TO WHOM IT MAY CONCERN:

Notice is hereby given the City Council will hold a public hearing during the regular meeting on August 8, 2016 at 6:30 p.m. at the City Municipal Center, Council Chamber, 1616 Humboldt Ave. to consider the following:

**AN ORDINANCE AMENDING SECTION 72.05(D) OF THE West St. Paul CITY CODE
REGARDING PARKED OR STORED MOTOR VEHICLES**

Interested persons will be heard at this meeting. If you have any questions, please contact Police Chief Manila Shaver at 651-552-4201. If you need any type of accommodation to participate in the meeting, please contact the ADA Coordinator 651-552-4102 at least 5 (five) business days prior to the meeting.

Chantal M Doriott

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

Published July 24, 2016

TO: Mayor and City Council
THROUGH: Matt Fulton, City Manager
Jim Hartshorn, Comm. Dev. Dir.
FROM: Ben Boike, Assistant Comm. Dev. Dir.
DATE: August 8, 2016
SUBJECT: Variance Appeal – 260 Edgewood Ln



BACKGROUND INFORMATION:

Sylvia (and Chuck) Dorsey requested a Variance to reduce the required minimum lot width from 100 feet to 77.2 feet in order to subdivide a second lot at 260 Edgewood (proposed lot would actually have frontage on Sherwood Ct.).

Although the proposed new lot would meet the minimum lot size requirement of 15,000 sq. ft., the proposed lot would not meet the minimum lot width of 100 feet. As a result, in order to subdivide the lot, a Variance was needed.

COMMITTEE OF ADJUSTMENTS:

The Committee of Adjustments met in regular session on June 21, 2016 and held a public hearing. The Committee voted **4-3** to **DENY** the requested Variance.

A number of residents were in attendance at the public hearing and voiced concerns regarding the impact to the neighborhood due to significant loss of tree coverage and unknown drainage impacts to surrounding properties. After reviewing all the information and the comments provided, the Committee of Adjustments felt that the request did not meet the practical difficulty test, specifically item iii below. The Committee felt that the proposed request would alter the essential character of the neighborhood (see attached findings of fact).

Definition of Practical Difficulties. “Practical Difficulties” as used in connection with the granting of a Variance means that:

- i. The property owner proposes to utilize the Property in a reasonable manner;
- ii. The plight of the property owner is due to circumstances unique to the Property that were not created by the property owner; and
- iii. The Variance will not alter the essential character of the neighborhood.

APPEAL REQUEST:

The applicant has appealed the decision of the Committee of Adjustments within the 20 day time frame. The appeal letter is attached. The City Council must hold an appeal hearing not less than 10 days nor more than 45 days after the service of the

request for appeal was received. In addition, a notice letter was sent to the applicant, the Chair and Vice-chair of the Committee of Adjustments, and those affected by the request (sent to all neighboring property owners who received the original notice)(see the attached notice).

FISCAL IMPACT:

		Amount
Fund:		
Department:		
Account:		N/A

REQUEST:

Hold an appeal hearing and determine whether to uphold the decision of the Committee of Adjustments denying the requested Variance or to reverse the decision of the Committee of Adjustments and approve the requested Variances. The hearing is not a public hearing.

If the Council opts to uphold the decision of the Committee of Adjustments, the denial will stand.

If the Council decides to reverse the decision of the Committee of Adjustments and approve the requested Variance, Staff has included draft findings of fact for consideration which includes following two recommended conditions of approval:

1. The applicant shall apply for an administrative plat review to subdivide the new lot per the submitted plat plan within one year of this approval.
2. Should application of a building permit be submitted in the future for the construction of a new home on the newly created lot, the applicant shall submit proper drainage plans to mitigate any potential impact to neighboring property owners.

ATTACHMENTS:

- Committee of Adjustments memo
- Findings of Fact Resolution Denying the request
- Appeal letter from the applicant
- Appeal Notice
- Draft Findings should Council over-turn the denial

TO: Committee of Adjustments
FROM: Ben Boike, Assistant Comm. Dev. Dir.
DATE: June 21, 2016
SUBJECT: Case #16-04

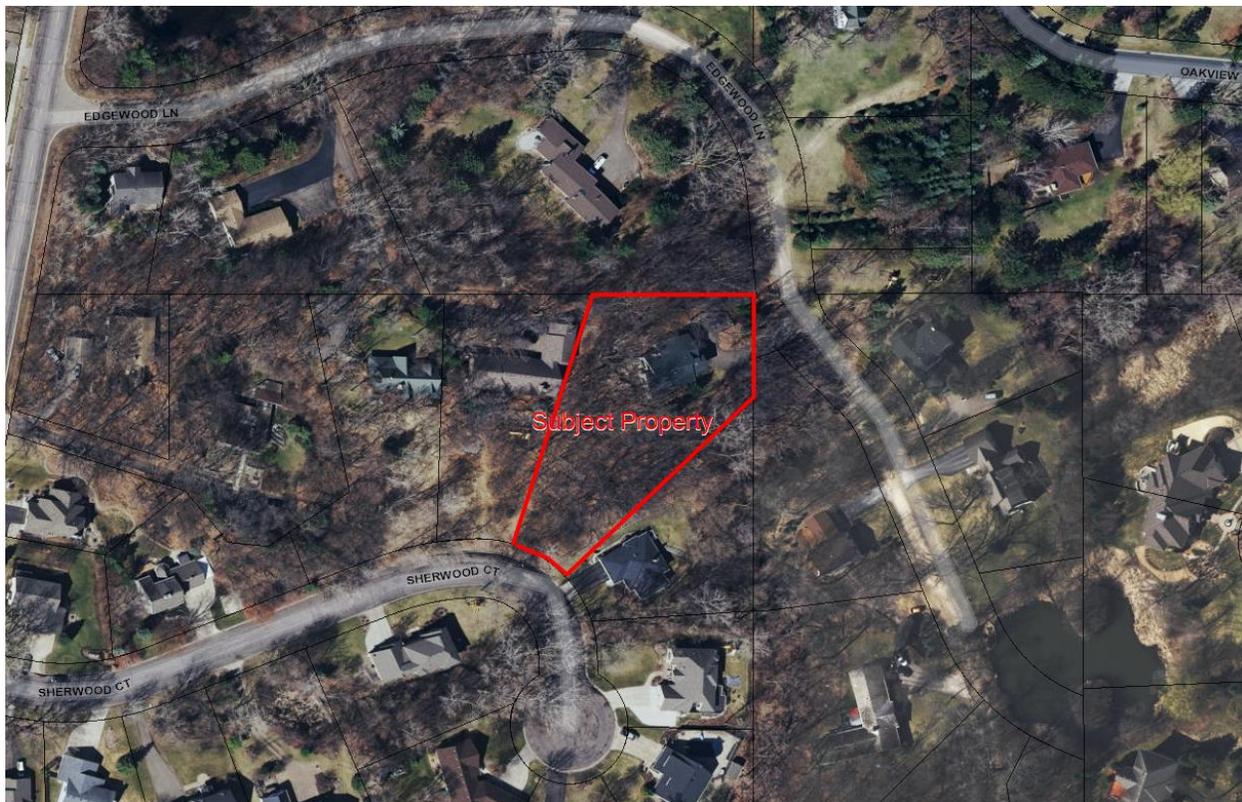


REQUEST

Sylvia Dorsey is requesting Variance approval to reduce the required minimum lot width from 100 feet to 77.2 feet in order to subdivide a second lot at 260 Edgewood (proposed lot would actually have frontage on Sherwood Ct.).

Attachments:

Draft Findings of Fact
Application
Notice
Proposed Plat Plan



EXISTING LAND USES

The subject property and adjacent properties consist of a single-family homes.

ZONING

The subject property and all adjacent properties are zoned R1-C, Single Family Residential.

BACKGROUND

The applicant is proposing to subdivide her existing single-family lot into two lots. In order to subdivide the property, the newly created lot must meet the minimum lot width and minimum lot size requirements. Although the proposed new lot meets the minimum lot size requirement of 15,000 sq. ft., the proposed lot does not meet the minimum lot width of 100 feet. As a result, in order to subdivide the lot, a Variance is needed.

VARIANCE REQUESTED

Variance to allow reduction in minimum lot width:

153.038 Lot Area, Heights, Lot Width, Yard and Other Requirements.

(B) The following minimum requirements shall be observed subject to the additional requirements, exceptions and modifications as set forth elsewhere in this chapter:

<i>Lot Width*</i>	
Corner lot	100 feet
Interior lot	100 feet

The Zoning Ordinance requires a minimum lot width of 100 ft. in the R1-C District. The applicants are requesting a minimum lot width of 77.2 feet resulting in a variance of 22.8 feet.

ANALYSIS

In reviewing Variance requests, the following section of the Zoning Code, Section 5.3 (1) (b-d), is utilized:

(b) Criteria for Granting a Variance. A Variance may only be granted by the Committee of Adjustments when:

- i. The Variance is in harmony with the general purpose and intent of the Ordinance;
- ii. The terms of the Variance are consistent with the Comprehensive Plan; and

iii. The applicant for the Variance establishes that there are practical difficulties in complying with the Zoning Ordinance.

(c) Definition of Practical Difficulties. “Practical Difficulties” as used in connection with the granting of a Variance means that:

- i. The property owner proposes to utilize the Property in a reasonable manner;
- ii. The plight of the property owner is due to circumstances unique to the Property that were not created by the property owner; and
- iii. The Variance will not alter the essential character of the neighborhood.

(d) Restrictions on Granting Variances. The following restrictions shall be applied when considering granting a Variance:

- i. Economic considerations alone do not constitute practical difficulties.
- ii. The Committee of Adjustments may not permit as a Variance any Use that is not allowed in the Zoning Ordinance for Property in the district where the affected person’s land is located (i.e. a Use Variance).

REVIEW

Per the attached drawing, the subject property has access to two streets, Edgewood Lane to the northeast and Sherwood Ct. to the southwest. The existing home is located on the northern half of the property and is accessed via Edgewood Lane. The applicant is proposing to subdivide the southern half of the property. As mentioned, the proposed lot meets the minimum lot size requirement for the R1-C District however it does not meet the minimum width requirement.

The property frontage along Sherwood Ct. is located at a curve in the street. As a result, the property is pie-shaped, similar to that of properties located in cul-de-sacs with the property being narrow at the front and wide at the rear. The two adjacent parcels have similar shapes with similar narrow frontages of 88.28 feet and 74.47 feet as measured at the front setback line.

Based on the fact that the adjacent properties have similar lot widths and the fact that the subject property widens to the rear and exceeds the minimum lot size by 2,000 sq. ft., Staff is comfortable recommending approval of the request.

Staff does not feel that the request is detrimental to the public nor does it present inconsistency with the Comprehensive Plan. Staff believes that the applicant is proposing to utilize the property in a reasonable manner - construction of a new single family home in a single family neighborhood - and that the practical difficulties are unique to the property (pie shape of property). As a result, the proposed request should not alter the essential character of the neighborhood.

PUBLIC INPUT

As a result of the notice sent to all adjacent property owners, Staff received a call from two neighboring property owners who inquired about the request.

A neighboring property owner expressed concern regarding drainage and how a new home might impact drainage to her property. Staff explained that the City reviews drainage for all new homes through the building permit process. Staff mentioned that a recommended condition of approval will be included requiring that drainage concerns be reviewed if and when a new home is constructed.

A second neighbor called and informed Staff that she is not in favor of the proposed Variance. The neighbor followed up with the attached email as to the reasons why since she is unable to attend the meeting. Please see the attached email for more information.

STAFF RECOMMENDATION

Staff recommends APPROVAL of the VARIANCE to allow for a reduction in minimum lot width (variance of 22.8 feet):

1. The applicant shall apply for an administrative plat review to subdivide the new lot per the submitted plat plan within one year of this approval.
2. Should application of a building permit be submitted in the future for the construction of a new home on the newly created lot, the applicant shall submit proper drainage plans to mitigate any potential impact to neighboring property owners.

FINDINGS OF FACT

A proposed Resolution adopting findings of fact for the Variance is attached for your consideration.



View looking at the property from the South on Sherwood Ct.



View looking at the property from the west on Sherwood Ct.

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

RESOLUTION NO. 16-04

**RESOLUTION MEMORIALIZING THE
FINDINGS OF FACT AND REASONS FOR DENIAL
RELATING TO THE VARIANCE APPLICATION OF
SYLVIA DORSEY FOR THE SUBDIVISION
OF HER PROPERTY AT 260 EDGEWOOD LN**

WHEREAS, Sylvia Dorsey is the owner of certain real property located at 260 Edgewood Ln., legally described as follows:

LOT 6, BLOCK 1, HOWARD RUNGES 2ND ADDITION

(the "Property");

WHEREAS, Sylvia Dorsey has applied for a Variance to allow a reduction in minimum lot size for a newly subdivided lot; and

WHEREAS, a public hearing on the application was heard by the Committee of Adjustments on June 21, 2016, at which meeting the Committee of Adjustments voted 4-3 to deny the Variance request; and

WHEREAS, contemporaneously with the votes on the motions, the Committee of Adjustments members voting to approve the request made the following findings of fact:

FINDINGS OF FACT

1. The Variances are in harmony with the general purpose and intent of the Ordinance;
2. The terms of the Variances are consistent with the Comprehensive Plan; and
3. The property owner has established that there are practical difficulties in complying with the Zoning Ordinance because of the following:
 - a. The Property owner proposes to utilize the Property in a reasonable manner;
 - b. The plight of the property owner is due to circumstances unique to the Property, specifically the shape and orientation of the lot.
 - c. The Variances will alter the essential character of the neighborhood due to the significant loss of tree coverage and the unknown drainage impacts to the surrounding properties.

NOW, THEREFORE, BE IT RESOLVED by the West St. Paul Committee of Adjustments that the Variance is denied based on the above Findings of Fact;

Passed this 21st day of June, 2016.

Ayes:

Nays:



Chris Hubert
Committee of Adjustments Chair

Attest:



Jennifer Dull,
Recording Secretary

July 12, 2016

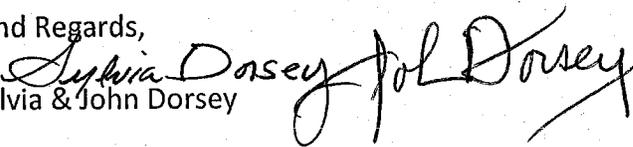
TO: Ms. Chantal Doriott
West St. Paul City Clerk

FROM: Sylvia & John Dorsey

At a Committee of Adjustments meeting on June 21, 2016, an application for a variance to allow a reduction in minimum lot width for a new lot at 260 Edgewood Lane, Case #16-04, was denied on a split vote.

I am requesting an opportunity to appeal that decision in front of the West St. Paul City Council at the meeting on July 25.

Kind Regards,


Sylvia & John Dorsey

260 Edgewood Lane; West St. Paul

651-457-0025

CC: Mr. Ben Boike



CITY OF

WEST ST. PAUL

City Hall
1616 Humboldt Avenue
West St. Paul, MN
55118-3972
651-552-4100
FAX 651-552-4190
TDD 651-322-2323
www.wspmn.gov

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

Notice is hereby given that the West St. Paul City Council will meet on Monday, August 8, 2016, in the Council Chambers of the Municipal Center, 1616 Humboldt Avenue, to review the following:

APPEAL OF THE DECISION BY THE COMMITTEE OF ADJUSTMENTS TO DENY THE LISTED VARIANCE REQUEST TO CITY COUNCIL: Case #16-04 – Application for a Variance to allow a reduction in minimum lot width for a new lot at 260 Edgewood – Sylvia Dorsey

Interested persons will be heard at this meeting.

If you need an accommodation to participate in the meeting, please contact the ADA Coordinator at (651) 552-4102, TDD (651) 322-2323, at least 5 business days prior to the meeting.

A handwritten signature in black ink that reads "Chantal Doriott".

Chantal Doriott
City Clerk

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

RESOLUTION NO.

**RESOLUTION OVERTURNING THE DECISION OF THE
COMMITTEE OF ADJUSTMENTS AND MEMORIALIZING THE
FINDINGS OF FACT AND REASONS FOR APPROVAL
RELATING TO THE VARIANCE APPLICATION OF
SYLVIA DORSEY FOR THE SUBDIVISION
OF HER PROPERTY AT 260 EDGEWOOD LN**

WHEREAS, Sylvia Dorsey is the owner of certain real property located at 260 Edgewood Ln., legally described as follows:

LOT 6, BLOCK 1, HOWARD RUNGES 2ND ADDITION

(the "Property");

WHEREAS, Sylvia Dorsey applied for a Variance to allow a reduction in minimum lot size for a newly subdivided lot; and

WHEREAS, a public hearing on the application was heard by the Committee of Adjustments on June 21, 2016, at which meeting the Committee of Adjustments voted 4-3 to deny the Variance request; and

WHEREAS, following the decision of the Committee of Adjustments to deny the Variance request, Sylvia Dorsey officially appealed the decision of the Committee of Adjustments to the City Council on July 12, 2016; and

WHEREAS, a hearing notice was mailed to the applicant, the Chair and Vice-chair of the Committee of Adjustments, and all property owners within 150 feet of the subject property on July 21, 2016; and

WHEREAS, an appeal hearing was held by the City Council on August 8, 2016, and the City Council voted to over-turn the Committee of Adjustments decision and approve the Variance request; and

WHEREAS, contemporaneously with the votes on the motions, the City Council made the following findings of fact:

FINDINGS OF FACT

1. The Variances are in harmony with the general purpose and intent of the Ordinance;

2. The terms of the Variances are consistent with the Comprehensive Plan; and
3. The property owner has established that there are practical difficulties in complying with the Zoning Ordinance because of the following:
 - a. The Property owner proposes to utilize the Property in a reasonable manner;
 - b. The plight of the property owner is due to circumstances unique to the Property, specifically the shape and orientation of the lot.
 - c. The Variances will not alter the essential character of the neighborhood.

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

1. The Variance is approved based on the above Findings of Fact;
2. The Council hereby imposes the following conditions on the variance:
 - a. The applicant shall apply for an administrative plat review to subdivide the new lot per the submitted plat plan within one year of this approval.
 - b. Should application of a building permit be submitted in the future for the construction of a new home on the newly created lot, the applicant shall submit proper drainage plans to mitigate any potential impact to neighboring property owners.

Passed this 8th day of August, 2016.

Ayes:

Nays:

Attest:

David Meisinger
Mayor

Chantal Doriott
City Clerk

TO: Mayor and City Council
THROUGH: Matt Fulton, City Manager
 Jim Hartshorn, Community Development Dir.
FROM: Ben Boike, Assistant Comm. Dev. Dir.
DATE: August 8, 2016
SUBJECT: Temporary Family Health Care Dwellings



City of West St. Paul

BACKGROUND INFORMATION:

Per the attached summary provided by the League of MN Cities, the State Legislature recently passed a bill creating a new process for landowners to place mobile residential dwellings on their property to serve as a temporary health care dwelling. The bill essentially requires all cities to allow mobile dwelling units (300 sq. ft. or less) on residential properties as a permitted use to provide temporary housing for “mentally or physically impaired” relatives. The bill does allow cities the ability to “opt out” of the requirement by passing an ordinance.

As discussed at a recent OCWS, Staff is recommending that the City opt out of the ordinance. Staff has drafted the attached ordinance by utilizing a template provided by the League of Minnesota Cities to opt out of the requirement.

FISCAL IMPACT:

N/A

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

STAFF RECOMMENDATION:

Staff is requesting that Council approved the first reading. The second reading (public hearing) is scheduled for August 22.

Ord. No. 16-

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

**AN ORDINANCE OPTING-OUT
OF THE REQUIREMENTS OF
MINNESOTA STATUTES, SECTION 462.3593**

WHEREAS, on May 12, 2016, Governor Dayton signed into law the creation and regulation of temporary family health care dwellings, codified at Minn. Stat. § 46.3593, which permit and regulate temporary family health care dwellings; and

WHEREAS, subdivision 9 of Minn. Stat. § 46.3593 allows cities to “opt out” of those regulations.

The City Council of West St. Paul does ordain:

SECTION 1. Pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the City of West St. Paul opts out of the requirements of Minn. Stat. § 46.3593, which defines and regulates Temporary Family Health Care Dwellings.

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 22nd day of August, 2016.

Ayes:

Nays:

Attest:

David Meisinger, Mayor

Chantal Doriott, City Clerk



Temporary Family Health Care Dwellings of 2016 Allowing Temporary Structures – What it means for Cities

Introduction:

On May 12, 2016, Governor Dayton signed, into law, a bill creating a new process for landowners to place mobile residential dwellings on their property to serve as a temporary family health care dwelling.¹ Community desire to provide transitional housing for those with mental or physical impairments and the increased need for short term care for aging family members served as the catalysts behind the legislature taking on this initiative. The resulting legislation sets forth a short term care alternative for a “mentally or physically impaired person”, by allowing them to stay in a “temporary dwelling” on a relative’s or caregiver’s property.²

Where can I read the new law?

Until the state statutes are revised to include bills passed this session, cities can find this new bill at [2016 Laws, Chapter 111](#).

Does the law require cities to follow and implement the new temporary family health care dwelling law?

Yes, unless a city opts out of the new law or currently allows temporary family health care dwellings as a permitted use.

Considerations for cities regarding the opt-out?

These new temporary dwellings address an emerging community need to provide more convenient temporary care. Cities may want to consider the below when analyzing whether or not to opt out:

- The new law alters a city’s level of zoning authority for these types of structures.
- While the city’s zoning ordinances for accessories or recreational vehicles do not apply, these structures still must comply with setback requirements.
- A city’s zoning and other ordinances, other than its accessory use or recreational vehicle ordinances, still apply to these structures. Because conflicts may arise between the statute and a city’s local ordinances, cities should confer with their city attorneys to analyze their current ordinances in light of the new law.
- Although not necessarily a legal issue for the city, it seems worth mentioning that the permit process does not have the individual with the physical or mental impairment or that

¹ [2016 Laws, Chapter 111](#).

² Some cities asked if other states have adopted this type of law. The only states that have a somewhat similar statute at the time of publication of this FAQ are North Carolina and Virginia. It is worth noting that some states have adopted Accessory Dwelling Unit (ADU) statutes to allow granny flats, however, these ADU statutes differ from Minnesota’s Temporary Health Care Dwelling law.

individual's power of attorney sign the permit application or a consent to release his or her data.

- The application's data requirements may result in the city possessing and maintaining nonpublic data governed by the Minnesota Government Data Practices Act.
- The new law sets forth a permitting system for both cities and counties³. Cities should consider whether there is an interplay between these two statutes.

Do cities need to do anything to have the new law apply in their city?

No, the law goes into effect September 1, 2016 and automatically applies to all cities that do not opt out or don't already allow temporary family health care dwellings as a permitted use under their local ordinances. By September 1, 2016, however, cities will need to be prepared to accept applications, must have determined a permit fee amount⁴ (if the city wants to have an amount different than the law's default amount), and must be ready to process the permits in accordance with the short timeline required by the law.

What if a city already allows a temporary family health care dwelling as a permitted use?

If the city already has designated temporary family health care dwellings as a permitted use, then the law does not apply and the city follows its own ordinance. The city should consult its city attorney for any uncertainty about whether structures currently permitted under existing ordinances qualify as temporary family health care dwellings.

What process should the city follow if it chooses to opt out of this statute?

Cities that wish to opt out of this law must pass an ordinance to do so. The statute does not provide clear guidance on how to treat this opt-out ordinance. However, since the new law adds section 462.3593 to the land use planning act (Minn. Stat. ch. 462), arguably, it may represent the adoption or an amendment of a zoning ordinance, triggering the requirements of Minn. Stat. § 462.357, subd. 2-4, including a public hearing with 10-day published notice. Therefore, cities may want to err on the side of caution and treat the opt-out ordinance as a zoning provision.⁵

Does the League have a model ordinance for opting out of this program?

Yes. Link to opt out ordinance here: [Temporary Family Health Care Dwellings Ordinance](#)

Can cities partially opt out of the temporary family health care dwelling law?

³ See Minn. Stat. §394.307

⁴ Cities do have flexibility as to amounts of the permit fee. The law sets, as a default, a fee of \$100 for the initial permit with a \$50 renewal fee, but authorizes a city to provide otherwise by ordinance.

⁵ For smaller communities without zoning at all, those cities still need to adopt an opt-out ordinance. In those instances, it seems less likely that the opt-out ordinance would equate to zoning. Because of the ambiguity of the statute, cities should consult their city attorneys on how best to approach adoption of the opt-out ordinance for their communities.

Not likely. The opt-out language of the statute allows a city, by ordinance, to opt out of the requirements of the law but makes no reference to opting out of parts of the law. If a city wanted a program different from the one specified in statute, the most conservative approach would be to opt out of the statute, then adopt an ordinance structured in the manner best suited to the city. Since the law does not explicitly provide for a partial opt out, cities wanting to just partially opt out from the statute should consult their city attorney.

Can a city adopt pieces of this program or change the requirements listed in the statute?

Similar to the answer about partially opting out, the law does not specifically authorize a city to alter the statutory requirements or adopt only just pieces of the statute. Several cities have asked if they could add additional criteria, like regulating placement on driveways, specific lot size limits, or anchoring requirements. As mentioned above, if a city wants a program different from the one specified in the statute, the most conservative approach would involve opting out of the statute in its entirety and then adopting an ordinance structured in the manner best suited to the city. Again, a city should consult its city attorney when considering adopting an altered version of the state law.

What is required in an application for a temporary family health care dwelling permit?

The mandatory application requests very specific information including, but not limited to:⁶

- Name, address, and telephone number of the property owner, the resident of the property (if different than the owner), and the primary care giver;
- Name of the mentally or physically impaired person;
- Proof of care from a provider network, including respite care, primary care or remote monitoring;
- Written certification signed by a Minnesota licensed physician, physician assistant or advanced practice registered nurse that the individual with the mental or physical impairment needs assistance performing two or more “instrumental activities of daily life;”⁷
- An executed contract for septic sewer management or other proof of adequate septic sewer management;
- An affidavit that the applicant provided notice to adjacent property owners and residents;
- A general site map showing the location of the temporary dwelling and the other structures on the lot; and
- Compliance with setbacks and maximum floor area requirements of primary structure.

⁶ New Minn. Stat. § 462.3593, subd. 3 sets forth all the application criteria.

⁷ This is a term defined in law at Minn. Stat. § 256B.0659, subd. 1(i) as “activities to include meal planning and preparation; basic assistance with paying bills; shopping for food, clothing, and other essential items; performing household tasks integral to the personal care assistance services; communication by telephone and other media; and traveling, including to medical appointments and to participate in the community.”

The law requires all of the following to sign the application: the primary caregiver, the owner of the property (on which the temporary dwelling will be located) and the resident of the property (if not the same as the property owner). However, neither the physically disabled or mentally impaired individual nor his or her power of attorney signs the application.

Who can host a temporary family health care dwelling?

Placement of a temporary family health care dwelling can only be on the property where a “caregiver” or “relative” resides. The statute defines caregiver as “an individual, 18 years of age or older, who: (1) provides care for a mentally or physically impaired person; and (2) is a relative, legal guardian, or health care agent of the mentally or physically impaired person for whom the individual is caring.” The definition of “relative” includes “a spouse, parent, grandparent, child, grandchild, sibling, uncle, aunt, nephew or niece of the mentally or physically impaired person. Relative also includes half, step and in-law relationships.”

Is this program just for the elderly?

No. The legislature did not include an age requirement for the mentally or physically impaired dweller.⁸

Who can live in a temporary family health care dwelling and for how long?

The permit for a temporary health care dwelling must name the person eligible to reside in the unit. The law requires the person residing in the dwelling to qualify as “mentally or physically impaired,” defined as “a person who is a resident of this state and who requires assistance with two or more instrumental activities of daily living as certified by a physician, a physician assistant, or an advanced practice registered nurse, licenses to practice in this state.” The law specifically limits the time frame for these temporary dwellings permits to 6 months, with a one-time 6 month renewal option. Further, there can be only one dwelling per lot and only one dweller who resides within the temporary dwelling

What structures qualify as temporary family health care dwellings under the new law?

The specific structural requirements set forth in the law preclude using pop up campers on the driveway or the “granny flat” with its own foundation as a temporary structure. Qualifying temporary structures must:

- Primarily be pre-assembled;
- Cannot exceed 300 gross square feet;
- Cannot attach to a permanent foundation;
- Must be universally designed and meet state accessibility standards;

⁸ The law expressly exempts a temporary family health care dwelling from being considered “housing with services establishment”, which, in turn, results in the 55 or older age restriction set forth for “housing with services establishment” not applying.

- Must provide access to water and electrical utilities (by connecting to principal dwelling or by other comparable means⁹);
- Must have compatible standard residential construction exterior materials;
- Must have minimum insulation of R-15;
- Must be portable (as defined by statute);
- Must comply with Minnesota Rules chapter [1360](#) (prefabricated buildings) or [1361](#) (industrialized/modular buildings), “and contain an Industrialized Buildings Commission seal and data plate or to American National Standards Institute Code 119.2”¹⁰; and
- Must contain a backflow check valve.¹¹

Does the State Building Code apply to the construction of a temporary family health care dwelling?

Mostly, no. These structures must meet accessibility standards (which are in the State Building Code). The primary types of dwellings proposed fall within the classification of recreational vehicles, to which the State Building Code does not apply. Two other options exist, however, for these types of dwellings. If these structures represent a pre-fabricated home, the federal building code requirements for manufactured homes apply (as stated in Minnesota Rules, Chapter 1360). If these structures are modular homes, on the other hand, they must be constructed consistent with the State Building Code (as stated in Minnesota Rules, Chapter 1361).

What health, safety and welfare requirements does this new law include?

Aside from the construction requirements of the unit, the temporary family health care dwelling must be located in an area on the property where “septic services and emergency vehicles can gain access to the temporary family health care dwelling in a safe and timely manner.”

What local ordinances and zoning apply to a temporary health care dwelling?

The new law states that ordinances related to accessory uses and recreational vehicle storage and parking do not apply to these temporary family health care dwellings. However, unless otherwise provided, setbacks and other local ordinances, charter provisions, and applicable state laws still apply. Because conflicts may arise between the statute and one or more of the city’s other local ordinances, cities should confer with their city attorneys to analyze their current ordinances in light of the new law.

What permit process should cities follow for these permits?

The law creates a new type of expedited permit process. The permit approval process found in Minn. Stat. § 15.99 generally applies; however, the new law shortens the time frame for which the local governmental unit has to make a decision on granting the permit. Due to the time sensitive

⁹ The Legislature did not provide guidance on what represents “other comparable means”.

¹⁰ ANSI Code 119.2 has been superseded by NFPA 1192. For more information, the American National Standards Institute website is located at <https://www.ansi.org/>.

¹¹ New Minn. Stat. § 462.3593, subd. 2 sets forth all the structure criteria.

nature of issuing a temporary dwelling permit, the city has only 15 days (rather than 60 days) (no extension is allowed) to either issue or deny a permit. The new law waives the public hearing requirement and allows the clock to restart if a city deems an application incomplete. If a city deems an application incomplete, the city must provide the applicant written notice, within five business days of receipt of the application, telling the requester what information is missing. For those councils that regularly meet only once a month, the law provides for a 30-day decision.

Can cities collect fees for these permits?

Cities have flexibility as to amounts of the permit fee. The law sets the fee at \$100 for the initial permit with a \$50 renewal fee, unless a city provides otherwise by ordinance

Can cities inspect, enforce and ultimately revoke these permits?

Yes, but only if the permit holder violates the requirements of the law. The statute allows for the city to require the permit holder to provide evidence of compliance and also authorizes the city to inspect the temporary dwelling at times convenient to the caregiver to determine compliance. The permit holder then has sixty (60) days from the date of revocation to remove the temporary family health care dwelling. The law does not address appeals of a revocation.

How should cities handle data it acquires from these permits?

The application data may result in the city possessing and maintaining nonpublic data governed by the Minnesota Government Data Practices Act. To minimize collection of protected health data or other nonpublic data, the city could, for example, request that the required certification of need simply state “that the person who will reside in the temporary family health care dwelling needs assistance with two or more instrumental activities of daily living”, without including in that certification data or information about the specific reasons for the assistance, the types of assistance, the medical conditions or the treatment plans of the person with the mental illness or physical disability. Because of the complexities surrounding nonpublic data, cities should consult their city attorneys when drafting a permit application.

Should the city consult its city attorney?

Yes. As with any new law, to determine the potential impact on cities, the League recommends consulting with your city attorney.

Where can cities get additional information or ask other questions.

For more information, contact Staff Attorney Pamela Whitmore at pwhitmore@lmc.org or LMC General Counsel Tom Grundhofer at tgrundho@lmc.org. If you prefer calling, you can reach Pamela at 651.281.1224 or Tom at 651.281.1266.

TO: Mayor and City Council
THROUGH: Matt Fulton, City Manager
FROM: Korine Land, City Attorney
DATE: August 8, 2016
SUBJECT: First Reading Ordinance Vacating Allen Avenue Right-of-way



City of West St. Paul

BACKGROUND INFORMATION:

As part of the Safe Routes to School (“SRTS”) project, it was discovered that there exists a portion of a “vacated” Allen Avenue that encumbers the property owned by Joan Kopp at 217 Wentworth Avenue W. By a Decree of May 29, 1929, the City Council vacated the eastern half of Allen Avenue. On May 22, 1946, the City Council intended to vacate several rights of way and alleys in the subdivision plat, including Allen Avenue, but, due to a scrivener’s error, Allen Avenue was accidentally excepted from the vacation and it still exists, as depicted on the attached map. The underlying property is owned by Ms. Kopp.

Earlier this spring, the City acquired easements from Ms. Kopp for the sidewalk project and promised to address vacating Allen Avenue.

A vacation of public right-of-way must be done by ordinance, which requires two readings, the second of which must be a public hearing, as well as notice to all abutting property owners. The public hearing will be held at the August 22, 2016 Council Meeting.

The City will reserve drainage and utility easements over the vacated right-of-way and will except the southern ten (10) feet of the right-of-way from vacation so that there remains the underlying right-of-way and permanent easement for the SRTS project.

STAFF RECOMMENDATION:

Given the clear intent to vacate the western half of Allen Avenue in 1946 and the absence of a public necessity (except the southern 10 feet), staff recommends that the City Council vacate the right-of-way and reserve for itself a drainage and utility easement.

ATTACHMENTS:

Ordinance Providing For Vacation of a Portion of a Right-of-way
Exhibit to Easement depicting the unimproved Allen Avenue

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

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR THE VACATION OF A RIGHT-OF-WAY

The City Council of West St. Paul does ordain:

SECTION 1. Pursuant to Minn. Stat. § 412.851 and West St. Paul City Code Section 95.55 on its own motion, with a vote of four of its members, the City Council may vacate any street, alley or public right-of-way within the City by Ordinance.

WHEREAS, the City of West St. Paul wishes to vacate the following described right of way situated in the City of West St. Paul, County of Dakota, State of Minnesota, legally described on the attached Exhibit A; and

WHEREAS, notice of a public hearing on said vacation was duly published and posted in accordance with applicable Minnesota Statutes and a public hearing was held on said vacation at the City of West St. Paul, 1616 Humboldt Avenue, West St. Paul, Minnesota; and

WHEREAS, the City Council of West St. Paul then proceeded to hear all persons interested in said vacation and all persons interested were afforded an opportunity to present their views and objections to the granting of said vacation; and

WHEREAS, the City Council of West St. Paul has determined that the vacation would be in the public interest.

NOW THEREFORE, the City of West St. Paul does ordain:

1. That the City of West St. Paul, pursuant to the West St. Paul City Code Section 95.55, hereby vacates the right of way situated in the City of West St. Paul, County of Dakota, State of Minnesota, legally described on the attached Exhibit A.

2. That pursuant to Minnesota Statutes § 160.29, Subd. 2, the City reserves, unto itself and other utility providers, a permanent easement for drainage and utility purposes, over, across, under and through the right of way situate in the City of West St. Paul, County of Dakota, State of Minnesota, legally described on the attached Exhibit A, including the right of the City, its contractors, agents and servants, and other utility providers, to enter upon said premises at all reasonable times for the purposes of construction, reconstruction, inspection, repair, grading, sloping, and restoration purposes and all such purposes ancillary thereto, and to maintain the above easement area, any improvements and any underground pipes, conduits, or mains, together with the right to excavate and refill ditches or trenches for the location of said pipes, conduits or mains and the further right to remove from the easement area trees,

bushes, herbage, brush, undergrowth and other obstructions interfering with the location, construction and maintenance of the easement, pipes, conduits, or mains.

3. That said vacation has no relationship to the City's Comprehensive Plan and therefore the West St. Paul City Council has dispensed with the requirements of Minn. Stat. § 462.356, Subd. 2, that may require the West St. Paul Planning Commission to perform a Comprehensive Plan compliance review of said vacation that may constitute a disposal of real property pursuant to § 462.356, Subd. 2.

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

Exhibit A

The westerly 40 feet of Allen Avenue adjacent to Block 10, Erchinger's Addition to South St. Paul, lying between the north and south lines of Erchinger's Addition, Dakota County Minnesota, except the south ten (10) feet



Legend	
---	EXISTING ROW
---	PROPOSED ROW
---	TEMPORARY EASEMENT
	PROPOSED ROW/HATCH
	TEMPORARY EASEMENT



West St. Paul Safe Routes to School Project
 PARCEL 4A: Easement Parcel Sketch (CSAH 8)
 West St. Paul, MN | SP 173-591-002 | PM March 2016
 EASEMENT AREA = 400 sq ft
 TEMP AREA=200 sq ft

TO: Mayor and City Council
THROUGH: Matt Fulton, City Manager
 Ross Beckwith, Park & Rec/PW Dir.
FROM: Dave Schletty, Asst. Parks & Rec. Dir.
DATE: August 8, 2016
SUBJECT: Approve Installation of Snow Shields on Dome Exits



City of West St. Paul

BACKGROUND INFORMATION:

The West St Paul Regional Athletics Center (Dome) was constructed and opened in 2012. Due to the elevation and slopes on the property, the dome was designed with the west side being below grade. Since the dome is required to have emergency exits all the way around, the 6 exits on the west side of the dome exit into a stairwell that goes up into the west parking area. Due to the design, even though there is a roof over the stairwell, those exits are subject to rain and snow flowing into them off the roof because of a gap between the dome fabric and hard roof structure. This has been problematic in the winter, as every time it snows the snow shed off the roof fills the stairwells and gets compacted, sometimes to the point of ice due to the warm air coming out the doors. (Picture attached) Staff must manually remove the snow, but cannot safely do so until all the snow has slid off the roof, sometimes days later. The snow sometimes slides down in large sheets at high rates of speed, similar to an avalanche. Currently for an average snowfall, of at least 6 inches, it takes a crew of 4 full-time staff, 8 hours to clear the 6 stairwells and make them usable; using 1 truck, two Bobcats, and shovels. We recently received letters from our insurance company and South Metro Fire, stating the importance of fixing this situation (attached). Last year we had a steel shield designed that extended from the roof, to just about touch the dome fabric. This design will then attach a flap of dome material from the dome to the hard roof structure (design attached). The prototype that was installed last year was successful and staff would like to install the remaining 5 shields this fall.

Staff received quotes from 3 companies to manufacture the steel shields and the low bid was from Superior Iron, Inc. for a cost of \$6,155.00 per structure. We also received quotes from 2 companies to install the six fabric flaps. The low bid was from Arizon Companies for a cost of \$12,602.00 for all six. The total cost for this improvement project, with installation charges, is expected to be under \$60,000.00

FISCAL IMPACT:

This is an unbudgeted critical improvement. Since the dome operates as an enterprise fund, it has its own cash fund balance. The Finance Director has confirmed there is a sufficient cash balance to cover this improvement.

		Amount
Fund:	617	
Department:	49873	
Account:	40530	\$60,000.00

STAFF RECOMMENDATION:

Staff recommends that the City Council approve installation of snow shields on the west side dome exits.





CONNECTING & INNOVATING
SINCE 1913

November 3, 2014

Sherrie Le - sle@wspmn.gov
HR Director
City of West St Paul
1616 Humboldt Avenue
West St. Paul, MN 55118

Re: Loss Control Meeting October 20, 2014

Dear Ms. Le:

On the above date, I met with Mike Salmanowicz to review the emergency exits on the west side of the sports dome. This meeting was in conjunction with your participation in the **League of Minnesota Cities Insurance Trust** workers compensation and property casualty insurance program. As a result of our meeting we reached some general conclusions about your safety programs. Those conclusions and our discussion are outlined below.

Conclusions:

- During winter months the exits fill up with snow from the roof of the dome
- When the snow sloughs off the roof and plugs the exits it often freezes to ice
- The exits have to be cleaned out by hand.
- When clearing the exits there is a further hazard of falling snow on the workers
- Snow falling off the roof onto these exits poses a hazard to patrons who might need to use the exits in an emergency.
- Snow blocking the exits can also pose a life safety hazard to safe exit from the building

Discussion:

A survey of the sports dome's exit design and configuration was conducted at the request of the city. The purpose of the visit was to assess the snow accumulation and shedding of snow from the roof onto the exits. Snow removal and cleaning of the exits is greatly impacted by the accumulation and subsequent shedding of snow from the fabric-domed roof of the sports complex. The exits are designed and configured so that when snow slides off the roof of the dome it fills the nearly 8 foot depth of the exit. This poses not only a material handling hazard to the workers who remove and shovel the snow, but also poses a hazard to the patrons of the dome should the snow accumulation in the exits block the doorway and stairs. The fallen snow could impede or completely block the exit making it unusable in the event of an emergency. And even once the exits are cleared out, a hazard could still be present if there is additional snow on the dome that hasn't slid down yet.

The current exit configuration and design do not present much of an option for making them safer. Therefore, it appears that the best solution for both the public as well as the employees might be to redesign the exits so that the stairs exit directly out from the building. This would allow for the overhead protection roof structure to be closed to the knee wall of the building and angle up with the stairs, shielding the exit and stairs from any falling snow. The canopy would also then protect the stairs from snow and ice accumulation, eliminating or minimizing the need for snow removal from the exits and stairs.

Recommendation and 60 Day Response Requested:

I have submitted a recommendation for your consideration as a tool to help guide your risk management efforts. The decision to complete the recommendations, either in part or in full or the decision not to complete recommendations lies entirely with the insured. The League of Minnesota Cities Insurance Trust believes completion of recommendations can ultimately reduce property, liability or workers' compensation losses as the case may be.

I am available to offer additional assistance if needed. Please contact me by mail, telephone or e-mail within the next 60 days to let me know what, if any, progress you are making on the recommendation. I look forward to hearing from you.

Thanks again for your time and courtesy during my visit. As always, if you have safety or loss control related questions, please don't hesitate to contact me.

Sincerely,



Paul Gladen

Loss Control Consultant

Cell: (612) 875-5146; Fax: (612) 766-3399; Admin Assistant: (612) 766-3172

pgladen@berkleyrisk.com

Copy: Mike Salmanowicz, Public Works/Parks Superintendent - msalmanowicz@wspmn.gov

Recommendations and comments are provided for loss control and risk exposure improvement purposes only in conjunction with the insurance program referenced above. They are not made for the purpose of complying with the requirements of any law, rule or regulation. We do not infer or imply in the making of these recommendations and comments that all sites were reviewed or that all possible hazards were noted. The final responsibility for conducting loss control and risk management programs must rest with the insured.

APPENDIX

Recommendation:

1-10/20 Consideration should be given to redesigning the west side exits of the sports dome so that they exit directly out of the building at 90 degrees from the structure.

The current design of the emergency exits leading out of the building on the west side of the sports dome has stairs parallel to the building wall. The roof over the exit has an opening which allows snow that slides off the roof of the dome to fill up and block the exits. The snow also creates an overhead hazard both to employees working to remove the snow from the exits and to those building occupants who might need to use the exits in the event of an emergency. In addition, the snow poses a material handling hazard to the workers who are involved in the snow removal because almost immediately after the snow slides down and blocks the exit it refreezes, which creates an ice problem as well.

If the exits were redesigned so they exited the building at 90 degrees to the wall of the building, it would allow the roof over the exit way and stairs to be fully covered on the building side and not allow snow to block or plug the exit way. This would also minimize the need for snow removal on the stairs and in front of the exit doorway.



Recommendations and comments are provided for loss control and risk exposure improvement purposes only in conjunction with the insurance program referenced above. They are not made for the purpose of complying with the requirements of any law, rule or regulation. We do not infer or imply in the making of these recommendations and comments that all sites were reviewed or that all possible hazards were noted. The final responsibility for conducting loss control and risk management programs must rest with the insured.



SOUTH METRO FIRE DEPARTMENT

1650 Humboldt Avenue • West St. Paul MN 55118

Phone: (651) 552-4176 • FAX: (651) 552-4195

www.southmetrofire.com

July 21, 2016

West St Paul Public Works,

Since the construction of the Regional Athletics Center Dome in 2012, several challenges have existed due to the non-traditional construction style of the facility. Minnesota State Fire Code 1030.3 (*see below*) requires that all exits are clear of snow prior to the building being open for use. Given the various design characteristics of the facility, staff has been challenged to safely remove the snow accumulation from the exit ways prior to operating the facility. For the last several seasons various solutions have been implemented in an effort to prevent the snow from accumulating in the exit ways on the west side of the facility. To this point, it appears these approaches have been ineffective.

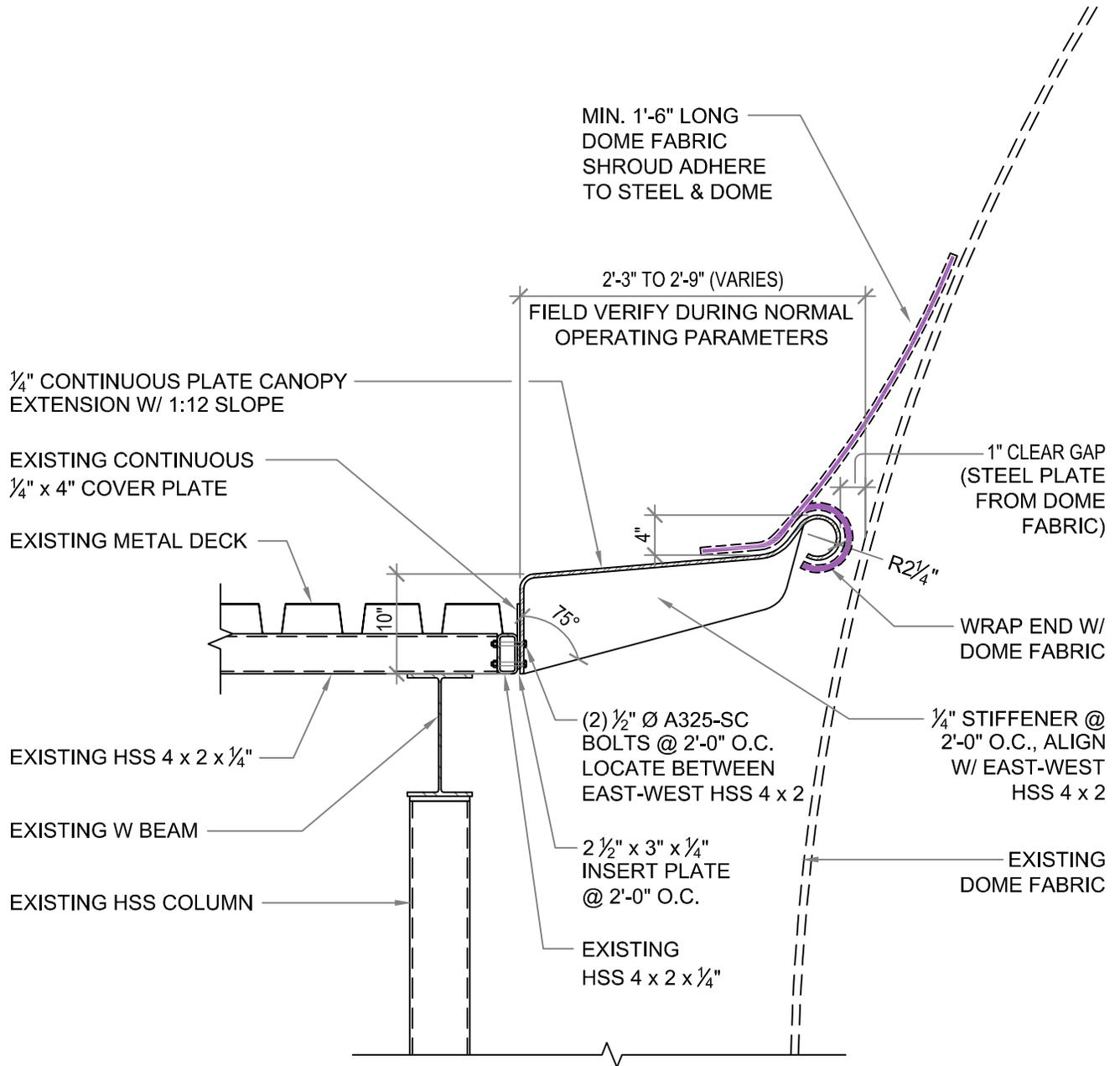
If the desire remains to operate the facility immediately following snowfall events, work toward a permanent solution must continue until an effective solution satisfies compliance with life safety codes. I am writing this letter in support of the continued pursuit of an effective, permanent solution that addresses the overall safety issues as they relate to the employees and the general public.

Sincerely,

Linda McMillan
Fire Marshal
South Metro Fire

MSFC 1030.3 Obstructions.

A means of egress shall be free from obstructions that would prevent its use, including the accumulation of snow and ice. Means of egress shall remain free of any material or matter where its presence would obstruct or render the means of egress hazardous.



NOTE: ALL STEEL SHOWN TO BE GALVANIZED



West St. Paul Sports Dome

1616 Humboldt Avenue, West St. Paul, Minnesota 55118

STEEL PLATE EXTENSION TO EXISTING CANOPY

DATE	14 JULY 2015		SK-01
SCALE	3/4" = 1'-0"		
DR. BY	EY	CK. BY	AO
JOB NO.	11117.00		

TO: Mayor and City Council
THROUGH: City Manager
FROM: Public Works & Parks Director/City Engineer
DATE: August 8, 2016
SUBJECT: Approve Consultant Agreement for the Bidwell Avenue Safe Routes to School Project #17-3



City of West St. Paul

BACKGROUND INFORMATION:

As Council may recall, the City submitted a Safe Routes To School (SRTS) federal grant application for the installation of a sidewalk along the east side of Bidwell Ave., from Thompson Ave. to Butler Ave. The City was recently notified that we were successful in obtaining a SRTS grant toward the construction of the project. Construction costs were estimated at \$360,500 at the time of the submittal which requires a 20% local match. The City was granted \$288,400 for construction of this project, but will need to pay 100% of preliminary engineering, right-of-way and construction engineering.

The first step in the process is to solicit consultants for preliminary/design engineering. As in the Wentworth/Bellows SRTS project, a Qualification Based Selection (QBS) process was used for selecting the consultant on the project. Unlike the more common RFP process that staff typically uses, which is largely price based, the QBS process is not based on price. It is based solely on the consultant's qualifications to complete the work. Criteria such as experience with similar projects, key staff experience, and their proposed schedule are all factors that weigh in on the decision. Once a consultant is chosen, then negotiations on a contract price begin.

Staff recently solicited RFQ's (Request for Qualifications) from three consulting engineering firms for preliminary engineering services. Two consulting firms submitted qualifications. Staff reviewed and scored each of the proposals based on experience with the SRTS Program and staff assigned to the team, and recommends Kimley-Horn for the preliminary engineering on the project.

FISCAL IMPACT:

Staff has negotiated a contract amount with Kimley-Horn the amount of \$129,730 for the preliminary engineering work on the project. Preliminary engineering typically covers all work prior to construction including: surveying/base mapping, soil borings, reviewing all utility as-built records & documents, environmental documentation submittal, public process/meetings, plan/spec design, and bidding services. This preliminary engineering work is intended to be completed to allow bid opening in March 2017. The federal process is very involved and requires a lot of time to get through which is why starting now is critical.

The 2017 Capital Improvement Plan (CIP) shows a total project cost of \$545,500 of which \$257,100 would be City costs.

		Amount
Fund:	402	
Department:	43173	
Account:	40320	\$129,700

STAFF RECOMMENDATION:

Staff recommends that the City Council approve a consultant agreement with Kimley-Horn in the amount of \$129,700 for preliminary engineering and design services on the Bidwell Avenue Safe Routes to School Project #17-3.

TO: Mayor and City Council
THROUGH: City Manager
FROM: PW & Parks Director/City Engineer
DATE: August 8, 2016
SUBJECT: Award Bid for Safe Routes to School Project #14-6



City of West St. Paul

BACKGROUND INFORMATION:

Bids for the Wentworth/Bellows Safe Routes to School Project were opened and read aloud on Tuesday, July 26. Seven bids were submitted. The bids are shown below along with WSB's estimate.

Bidder	Base Bid
Ti-Zack Concrete, Inc.	\$209,716.50
Sunram Construction, Inc.	\$212,391.00
Max Steininger, Inc.	\$215,562.33
Pember Companies, Inc.	\$217,901.00
Bituminous Roadways, Inc.	\$226,146.50
Urban Companies	\$227,589.00
Park Construction Company	\$229,303.05
Engineer's Estimate	\$191,260.00

The low bid by Ti-Zack Concrete, Inc. is approximately 10% above the engineer's estimate. Our consultant, WSB, Inc. has checked references and recommends that the work be awarded to this contractor. Staff concurs that Ti-Zack Concrete, Inc. of Le Center, MN is the lowest responsible bidder. Additional federal submittals are required following award of this project. Work is anticipated to begin late August/early September with a completion date of September 30, 2016.

FISCAL IMPACT:

This project has funding from multiple agencies:

Federal	\$187,200 (capped amount)
County	\$107,000 (Wentworth participation only)
City	<u>\$180,000</u>
Total	\$474,200

This total project amount does not include any construction contingencies which will be paid 100% by the City and County (Wentworth). Based on the low bid amount both the City and County contributions have increased. Dakota County has reviewed the bid tab and is willing to move forward with construction of the project.

		Amount
Fund:	602	
Department:	49450	
Account:	40530	\$209,716.50

STAFF RECOMMENDATION:

Staff recommends that the City Council approve a construction contract with Ti-Zack Concrete, Inc. \$209,716.50 for the Wentworth/Bellows Safe Routes to School Project #14-6.

TO: Mayor and City Council
THROUGH: City Manager
FROM: Public Works & Parks Director/City Engineer
DATE: August 8, 2016
SUBJECT: Approving Change Orders #2 & #3 for Lift Station 5 & 6 #16-2



City of West St. Paul

BACKGROUND INFORMATION:

As part of the City’s Lift Station 5 & 6 and forcemain replacement project changes were encountered in the field. As a result, change orders are required.

Change Order #2 – A portion of the sanitary sewer service at the property adjacent to LS 5 will be impacted during construction of the new wet wells. The existing service does not come straight out of the house as it typically does, but rather runs at an angle across the property’s yard.

Change Order #3 – There are three power lines that run out the generator (garage) at Lift Station 6 which supply power and backup power to both LS 6 and LS 5. Upon excavation of the wet well at LS 6 it was determined the exact location of the three power lines were in conflict with the new wells. There was not enough slack to move them out of the way, which is sometimes the case. In order to proceed with the lift station installation the power lines have to be relocated.

FISCAL IMPACT:

The City’s current CIP lists a total budget of \$2.1M for this project. This project was bid at \$1.1M which is 36% lower than the engineer’s estimate. Total contract changes to date are \$33,769.38. These change orders are well within the budgeted CIP amount.

Change Order #2	\$	3,975.00
Change Order #3	\$	17,730.88
Total	\$	21,605.88

		Amount
Fund:	602	
Department:	49450	
Account:	40530	\$ 21,605.88

STAFF RECOMMENDATION:

Staff recommends that the City Council approve Change Orders #2 and #3 for a total amount of \$21,605.88 for the Lift Station 5 & 6 Project #16-2.

TO: Mayor and City Council
THROUGH: City Manager
FROM: Public Works & Parks Director/City Engineer
DATE: August 8, 2016
SUBJECT: Approve Consultant Contract for Charlton St. - 2017 Street Improvements – City Project #17-1



City of West St. Paul

BACKGROUND INFORMATION:

At the July 11, 2016 City Council meeting staff recommended certain streets to be included as candidates for the 2017 Street Improvements Project. It was noted by Council that Charlton St. between Marie Ave. and TH 110 was not included on this list and that it should be brought back for Council consideration as a 2017 street improvement project, instead of a likely 2018 project.

This stretch of Charlton St. is a state aid road, clearly in need of reconstruction. The City’s Pedestrian & Bicycle Master Plan shows a proposed on-street bike lane along this stretch of Charlton St. which would greatly benefit the neighborhood and the region as it ties in to the North Urban Regional Trail (NURT) at Trunk Highway 110.

Since Bolton & Menk, Inc. is starting on the 2017 Street Improvement Project field work, they were asked to submit a scope of services proposal mirroring the 2017 Street Improvement Project proposal. The only difference is that since Charlton Street is a state aid road it has extra requirements for design and construction.

FISCAL IMPACT:

The estimated construction cost of Charlton St. is \$2.2M and is included in the 2017 Capital Improvement Program. State aid funds for 2017 (\$440k annually) would be allocated towards this project.

The proposal from Bolton & Menk is for \$176,129 which is in line with engineering services required on a state aid project of this size. State aid roads come with their own set of MnDOT requirements and reviews. The state-aid process adds review time to our schedule which directly impacts our bid date if not started quickly.

		Amount
Fund:	551	
Department:	43121	
Account:	41161	\$176,129

STAFF RECOMMENDATION:

Staff recommends that the City Council approve the contract with Bolton & Menk, Inc. for Charlton Ave. as part of the 2017 Street Improvement Project, City Project 17-1, for an hourly not-to-exceed contract amount of \$176,129.