



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

REGULAR CITY COUNCIL MEETING

September 12, 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

A. Recognition Of Police Patrol Sergeant Promotions

B. Accept Donations From SRSBA

Documents:

[COUNCIL REPORT - ACCEPT DONATION FROM SOUTH ROBERT STREET BUSINESS ASSOCIATION.PDF](#)
[RESOLUTION - ACCEPT DONATIONS FROM SOUTH ROBERT STREET BUSINESS ASSOCIATION.PDF](#)

10. CONSENT AGENDA

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

A. Meeting Minutes

Documents:

[08-22-16 OCWS MINS.PDF](#)

08-22-16 CC MINS.PDF

B. List Of Claims 9/12/16

Documents:

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

C. July 2016 Bank Reconciliation

Documents:

[COUNCIL REPORT - JULY 2016 BANK RECONCILIATION.PDF](#)
[JULY 2016 BANK RECONCILIATION.PDF](#)

D. Declare Public Works - Parks Vehicles As Surplus And Authorize Disposal

Documents:

[COUNCIL REPORT - SURPLUS.PDF](#)
[IMG_5275.PDF](#)

E. Council Report - City Licensing

Documents:

[COUNCIL REPORT - CITY LICENSING_16 09 12.PDF](#)

F. Rental Licensing

Documents:

[RENTAL LICENSING MEMO TO COUNCIL 9-12-16.DOC.PDF](#)

11. PUBLIC HEARING

12. NEW BUSINESS

A. Alcohol And Tobacco Compliance Sanctions

Documents:

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

B. Council Report - Special Animal Permit Application

Documents:

[COUNCIL REPORT-SPECIAL ANIMAL PERMIT APPLICATION.PDF](#)

C. Comprehensive Plan Consultant Selection

Documents:

[COUNCIL REPORT - COMP PLAN SELECTION.PDF](#)
[ATTACHMENT - COMP PLAN SELECTION.PDF](#)

D. Approve Revision To Consultant Contract City Project 14-6

Documents:

[COUNCIL REPORT - APPROVE REVISION TO CONSULTANT CONTRACT FOR](#)

COUNCIL REPORT - APPROVE REVISION TO CONSULTANT CONTRACT FOR
PROJECT 14-6.PDF

E. Approval To Purchase E-Suite (Electronic Timesheets)

Documents:

COUNCIL REPORT - APPROVE PURCHASE OF E-SUITE.PDF
PRICING PROPOSAL ESUITE SEPTEMBER 8 2016.PDF

F. Consider Legal Services Agreement Renewal

Documents:

COUNCIL REPORT- LEGAL SERVICES.DOCX

G. Consider Collaborative Recycling Program With South St Paul

Documents:

COUNCIL REPORT - RECYCLING COORDINATOR JPA.PDF
RECYCLING COORDINATOR SERVICES AGREEMENT (REVISED
DRAFT).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*



TO: Mayor and City Council
THROUGH: Matt Fulton, City Manager
Ross Beckwith, Park & Rec/PW Dir.
FROM: Dave Schletty, Asst. Parks & Rec. Dir.
DATE: September 12, 2016
SUBJECT: Accept Donations from South Robert Street Business Association

City of West St. Paul

BACKGROUND INFORMATION:

The South Robert Street Business Association has donated money to the City for events and special needs for many years from their charitable gambling contributions. They have recently made two donations to the Parks and Recreation Department. The first donation was a new freezer, valued at \$300, for the West St Paul Sports Complex. The freezer is used by many groups including youth organizations during rentals for tournaments. The second donation was a \$250 donation for our Little Tykes Safety Camp program. This donation was used to help offset the costs associated with the program.

FISCAL IMPACT:

The \$550.00 in donations covered the full cost of the items purchased.

		Amount
Fund:	101	
Department:	30000	
Account:	36230	\$550.00

STAFF RECOMMENDATION:

Staff recommends that the City Council accept the donations, valued at \$550, from the South Robert Street Business Association for a new freezer and the Little Tykes Safety Camp program expenses.

On Motion of

Seconded by

RESOLUTION NO. 16-

RESOLUTION ACCEPTING DONATION
FROM SOUTH ROBERT BUSINESS ASSOCIATION

WHEREAS, South Robert Street Business Association has donated \$550.00 to the West St Paul Parks & Recreation Department, and

WHEREAS, the Mayor and City Council acknowledges their generosity and extends their appreciation to South Robert Street Business Association for their donation.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council accepts the donation of \$550.00 on behalf of the City of West St. Paul.

Adopted by the City Council of the City of West St. Paul this 12th day of September, 2016.

Ayes: Nays:

David Meisinger, Mayor

Attest: _____
Chantal Doriott, City Clerk

**City of West St. Paul
Open Council Work Session Minutes
August 22, 2016**

1. Call to Order and Roll Call

Mayor David Meisinger called the work session to order at 4:50 p.m.

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

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

2. Review and Approve the Work Session Agenda

Council approved the agenda as presented.

3. Review and Approve the Regular Meeting Consent Agenda

Council approved the regular City Council meeting agenda with one change:

- Remove item 12.A. and continue to a future meeting.

4. Agenda Item(s)

4.A. Closed Meeting to Discuss Management Position for Labor Negotiations

Motion was made by Clpn. Halverson and seconded by Clpn. Bellows to close the meeting at 5:04 p.m. pursuant to Minn. Statute 13D.03 to consider strategy for labor negotiations for 2017 as authorized by said state statute. All members present voted aye. Motion carried.

Assistant City Manager Sherrie Le gave discussed potential negotiation strategies for the upcoming year.

Motion was made by Clpn. Napier and seconded by Clpn. Armon to open the work session at 5:38 p.m. All members present voted aye. Motion carried.

4.B. Continuation of Discussion Relating to Bike trails/Sharrows and City-Wide Assessment District

City Manager Matt Fulton said staff had an opportunity to initiate this discussion back on June 27 at a work session. At that time staff was directed to come back with sample drawings of what the bike lanes and sharrow could look like. Manager Fulton presented options for the bike lanes and sharrows and asked Council to consider which option(s) they liked best. Some of the sharrow examples were from the Mayor. A Charlton example shows bike lanes on both sides.

Since we are rebuilding Charlton next week should we consider adding two lanes? A Bernard example shows a bike lane on one side of the street. Staff asked Council to consider bike lanes on Livingston, Bernard and Charlton.

Comments:

- The mayor is in favor of sharrows but not taking away street parking.
- Clpn. Halverson said this has been talked about at a previous Planning Commission meeting. She is not opposed to Sharrows. Bike lanes help us connect, they are inexpensive and valuable.
- Parking is Clpn. Napier's biggest issue. On Charlton, to eliminate parking, is tough. If there is a way to have bike lanes going both ways on one side of the road that could be an option. We can't eliminate parking on both sides of the street.
- Clpn. Vitelli is on board.
- Clpn. Bellows is somewhat in agreement. Last weekend he drove these sites. Charlton switches from on parking on side, four different times as you head north. That is an issue. Most places on Charlton if you took away parking it could be a severe issue. He is concerned about Livingston as there is no real parking for some and parking on one side of the street only. We would need to spend considerable time reviewing. We need to follow up with citizen input. Make sure we mail these people so we hear from everyone we can and get a full picture. Mayor added that we need to have people that about these streets as well. Clpn. Halverson added comment.
- When is the County doing work on Wentworth? In 2019 answered Public Works Director Beckwith. Does MTC enter into this equation? No one answered with certainty.
- Mayor Meisinger is in favor of trying one street and not implementing everything all at once.
- Clpn. Iago is concerned about taking away any parking. Council is interested in receiving public input on this idea and what would be the priority streets.
- Mayor Meisinger suggested Charlton from Highway 110 to Wentworth. Notify the residents along that road and get feedback. With the reconstruction of Charlton Avenue from Hwy 110 to Marie next summer, it is important to determine whether or not to include on-street bike lanes in the design process.
- Clpn. Iago would like to see the notice that is being sent to the public prior to mailing.

City Manager Matt Fulton gave an overview and reviewed previous information on a possible city-wide sidewalk assessment program. Staff work is continuing regarding the development of a city-wide sidewalk assessment program for expanding and developing a comprehensive sidewalk and trail system throughout the city. The estimated cost for such a system is around \$6 to \$7 million and would be implemented over time. A new state law allows for the costs to be assessed against all city properties.

Finance Director, Joan Carlson, has developed a possible strategy for implementing a series of overlapping assessment districts that would allow for the sidewalk plan to be financed over the next 14 years with assessment impacts (set currently to a residential equivalency that would start at \$20/ year and adjust annually by \$20.00 until the peak assessment rate of \$100 is reached in five years. the annual assessment rate would start decreasing after year 10. Manager Fulton said the entire city would benefit.

The impact on the use / need for sidewalks/ trails are greater for larger commercial businesses and institutional uses like schools. Therefore, the assessed amount for these land uses should reflect the higher impact/ need. Staff has been considering the most appropriate approach for establishing a tiered assessment level and would appreciate Council input and suggestions.

Possible options to consider:

- Employment levels (difficult to objectively define and keep current);
- Daily pedestrian activity levels (difficult to objectively define and keep current);
- Geographic size of building (objectively definable through GIS);
- Zoning categories (commercial / industrial / institutional (objectively definable)).

Comments

- Why wouldn't you just consider say a 2% levy increase? Manager Fulton is being sensitive to individual proportionate shares. It might be safer and cleaner and simpler. The graph looks too complex to sell to the public.
- Clpn. Bellows this could be problematic. We should figure out what we are looking to do over a set period of time. If we have a plan we can do it so it can increase the cost and some level of cost increase. The people that have sidewalks say on Marie, who just spent a lot of money, this doesn't allow for them. It seems there are a series of issues that are not being addressed.
- Marie Ave. did not get assessed for the new sidewalks. If you have a \$6 to 7 million project it could be fully funded right? Yes. Clpn. Napier likes the idea. If you do a levy they would still pay the same amount because it's based on home value.
- Attorney Korine Land an assessment could be right – would there be a legal means. This statute does not provide for the due process and it's simply you can assess. You would need to provide (and are not obligated) a process. The statute says property classification. It is tied to the class – multi-family, commercial, residential, etc.
- Discussed payment of said assessment over a period of time.
- No one is exempt and everyone is assessed. If it's a levy and you don't pay taxes.
- Manager Fulton added comment about street repairs being taken care of by assessment in other communities.
- Council would like to get more information from Joan (Finance Director). This would be a community-wide assessment hearing and probably not done this year; it would be done in 2017. You could add a sidewalk levy into the proposed budget. Mayor Meisinger and Clpn. Halverson were in favor.

5. Adjourn

Council adjourned the work session at 6:15 p.m.

David Meisinger
Mayor
City of West St. Paul

CITY OF WEST ST. PAUL
CITY COUNCIL MEETING MINUTES
August 22, 2016 at 6:30 p.m.

1. Call to Order

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

2. Roll Call

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

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

3. Pledge of Allegiance

4. Adopt the Agenda

Council moved to approve the agenda with one change:

- 1) Pull item 12.A. to be continued for two weeks.

5. OCWS Briefing

Mayor David Meisinger gave an overview of the work session items discussed prior to the regular meeting.

- Closed session to consider labor negotiation strategies; and
- Discussion regarding bike trails/sharrows and city-wide assessment district.

6. Robert Street Review

Public works Director Ross Beckwith gave an overview. Marie Ave. is closed; Carol will close next; and you will see more curb and gutter in this area. On Wentworth Ave. traffic will be split. The north end of project has a new landscaper and they are securing trees and pulling weeds and getting ready for planting at the end of summer, beginning of fall.

7. Citizen Comments

Karen Vavrek, 1229 Stryker Avenue, presented a citizen petition with about 70 signatures from citizens in favor of the River-to-River Regional Trail Crossing (tunnel, bridge across Robert Street). The petition was accepted and will be attached to these minutes.

David and Carol Schoeneck, 1325 Manomin Ave., as part of the Met Council sewer upgrade program they received a notice they need an inspection. After the inspection was done they were given a list of issues to be corrected and a list of contractors. They selected Ben Franklin to do the work. Unfortunately because of some work they experienced over 2” of water flooding his basement and there area costs associated with this problem. It appears the city or contractor doesn’t feel it necessary to inform the homeowner of the potential for flooding with this type of repair. It’s too late for them to take measures but they would like others to know what happened. The city and private contractors need to prevent this from happening to others. Please clarify the roles and communication and alert homeowners if they choose to go ahead with a sewer lining. The exact same thing happened to their neighbors due to the lining of the sewer. Clpn. Vitelli commented. The drain tiles that were keeping the basement dry, when they were blocked the water had to go someplace. Clpn. Napier said this highlights the importance of having our own person on staff for consistent communication. Clpn. Iago said he spoke to the State of MN about plumber Ben Franklin and encouraged other to share their story. Clpn. Bellows asked - did Ben Franklin have the report and video? Yes and they watched the video in her presence (Carol). The Council said they are sympathetic and will note these issues.

8. Council Comments

Clpn. Vitelli said Burger Time is open and his hamburger was very good. Burger Time is located on the corner of Bernard and Robert Street.

Clpn. Armon said the news reports say it doesn’t look good for a special legislature session. The state fair could be a good place to meet legislatures so seek them out.

Clpn. Halverson said this Saturday August 27 is the color dash starting at 6pm (you must be registered to participate and registration is full and closed). There are also fun kid and family activities such as games, dancing, DJ music, goodie bags, and more. Join us this Saturday at Sports Dome Park at 6:00 p.m. The festivities will end with the movie “Time Out (weather permitting).

9. Proclamations, Presentations and Recognitions

A. Sergeant Andy Gubash, Retirement

After almost 29 years of service to the City, Sergeant Andy Gubash will be retiring from the police department. Andy started his career working as a Community Service Officer in 1986 and was quickly moved to a sworn police officer position. Andy is particularly proud of his work with the Dakota County Drug Task Force. From 2005 until 2013 Andy and his K-9 partner “Buster” worked on the task force. During those eight years major cases were broken and Buster found untold amounts of illicit drugs and other contraband. The Council said congratulations and thank you for all of your years of service.

Clpn. Iago gave further accolades. He was hired as a CSO in 1986 and hired as full time officer in 1988. After his initial training as a routine patrol officer he was assigned to the canine program. During his time on the drug task force and became a go-to member of that organization

mentoring many. The number of operations he performed and valuable services are way too much to list. Upon his return to the West St. Paul police dept. as a Sgt. he continues to mentor our officers. His son now serves in Hawaii. Mayor Meisinger said thanks to Chief Shaver - it's a testament to your chief skills and to Sgt. Gubash for his service. Council gave a standing ovation.

B. West St. Paul Stars - 11AA Baseball Team Champions

Mayor David Meisinger congratulated the championship team and read the attached proclamation. The Council said congratulations to the boys and their coaches. Mayor Meisinger handed out a copy of the proclamation to each player and shook their hand in congratulations.

C. Darts Presentation

Ann Bailey, DARTS President gave an overview and said DARTS has been around since 1974 and it's been about a year since the last update.

- Currently they are doing more and more home repairs and adding services to meet future seniors' needs.
- They also support LOOP and ridership continues to rise. People are willing to pay the stipend for this transit option. July provided about 158 rides.
- There are more and more aging people and the demand for services and the funding for these service needs continues. The city support is vital and telling people who our programs can assist them. They are recruiting volunteers for fall clean-up and other events. Go to www.dartsconnects.org for more volunteer opportunities; they also have some job opportunities; and there are learning opportunities.
- Contact DARTS personnel at 651-455-1560.

D. Donation - Target

Motion was made by Clpn. Vitelli and seconded by Clpn. Armon to adopt Resolution No. 16-75 approving and graciously accepting the donation from Target for the Night to Unite activities. All members present voted aye. Motion carried.

E. Accept Donation from South Robert Street Business Association

Some of the day's events from 1:00 to 8:00 p.m. include:

- Live music, beer, wine and food;
- Raffles, pull tabs, dancing, WSP Royalty;
- Bounce house, bingo and more.
- For more information contact Dave Motz, president of SRSBA on Facebook.

Motion was made by Clpn. Halverson and seconded by Clpn. Napier to adopt Resolution No. 16-76 approving and graciously accepting a donation from the South Robert Street Business Association in the amount of \$13,000.00 for the Touch-a-Truck and Shop Robert celebration on September 17, 2016. All members present voted aye. Motion carried.

F. Donation - Ms. Michele McGinn

Motion was made by Clpn. Armon and seconded by Clpn. Halverson to adopt Resolution No. 16-77 approving and graciously accepting a donation from Michele McGinn in the amount of \$100.00 for the purpose of furthering police officer safety. All members present voted aye. Motion carried.

G. Accept Donation from Walmart Foundation for the LOOP

Motion was made by Clpn. Napier and seconded by Clpn. Vitelli to graciously approve and accept the Walmart Foundation grant in the amount of \$1,500.00 for the LOOP. All members present voted aye. Motion carried.

10. Consent Agenda

- A. City Council Meeting Minutes - 8-08-16 OCWS, 8-08-16 regular meeting and 8-11-15 special meeting to canvass the primary
- B. List of Claims
- C. July 2017 General Fund Budget Report
- D. July 2017 Investment Report
- E. Rental Licensing
- F. Council Report - City Licensing
- G. Resolution No. 16-80 City Licenses-Touch-a-Truck Shop Robert St Event
- H. T-Mobile Site Sublease Agreement - Marie Ave. Water Tower
- I. Removed for individual consideration (below)
- J. Resolution No. 16-78 approving a property line adjustment for 283 E. Haskell St.
- K. Resolution No. 16-79 approving a property line adjustment for 1994 Robert St.

Motion was made by Clpn. Vitelli and seconded by Clpn. Halverson to approve the consent agenda items as presented and listed above; note that item I was removed for individual discussion and consideration. All members present voted aye. Motion carried.

- I. Special Permit, Excessive Number of Animals (Chickens), 203 Stanley Street East

Lisa Antony-Thomas has lived here since 2004 and has 4 chickens. The city ordinance at the time she got her chicken had no limit and no license fee. Now there is an annual \$200 fee and she feels it is excessive and completely will discourage people from keeping more than 2 chickens. Every other city is moving progressively and West St. Paul seems to be moving backwards. With the proposed fee this averages \$1 per egg. Mayor Meisinger said the ordinance includes all animals. Police Shaver said let's prorate the fee to no fee for her 4 chickens until December 31, 2016.

Motion was made by Clpn. Halverson and seconded by Clpn. Vitelli to approve the application for Lisa Antony-Thomas with no charge for up to four chickens. The Council will revisit the issue of excessive number of chickens at a future meeting. All members present voted aye. Motion carried.

11. Public Hearing

A. Application for a Conditional Use Permit to allow Medical Clinic in a B3 District at 1963 Robert St. – MedExpress Urgent Care

Assistant Community Development director gave an overview. MedExpress Urgent Care is requesting a Conditional Use Permit to allow a Medical Clinic at 1963 Robert St. The proposed use will occupy the southern half of the recently constructed building (Aspen Dental occupies the northern half). The proposed urgent care clinic will provide walk-in patient services that treat illnesses and injuries along with wellness and prevention services and will be open seven days a week from 8:00 a.m. to 8:00 p.m. There will typically be six to eight employees daily. The site plan includes 37 parking stalls with an approved variance for four additional stalls. In addition to the parking stalls provided on-site, parking is allowed on Crusader Ave.

The public hearing opened at 7:29 p.m.

No one wished to speak.

The public hearing closed at 7:29 p.m.

Motion was made by Clpn. Iago and seconded by Clpn. Bellows to hold a public hearing and approve the conditional use permit subject to the following condition: 1) The applicant shall apply for applicable building and sign permits for the tenant finish. All members present voted aye. Motion carried.

B. Final Reading - An Ordinance Opting-out of the Requirements of Minnesota Statutes, Section 462.3593 relating to Temporary Family Health Care Dwellings – City of West St. Paul

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.

The public hearing opened at 7:30 p.m.

No one wished to speak.

The public hearing closed at 7:30 p.m.

Motion was made by Clpn. Bellows and seconded by Clpn. Halverson to hold a public hearing and approve the final reading of Ordinance No. 16-10 opting-out of the requirements of Minnesota Statutes, Section 462.3593 in regards to temporary family health care dwellings. All members present voted aye. Motion carried.

C. Final Reading - Ordinance Regarding Vacation of Allen Avenue

Attorney Korine Land gave an overview. 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 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 and the City acquired easements from Ms. Kopp for the sidewalk project and promised to address vacating Allen Avenue.

The public hearing opened at 7:30 p.m.

No one wished to speak.

The public hearing closed at 7:30 p.m.

Motion was made by Clpn. Vitelli and seconded by Clpn. Bellows to adopt Ordinance No. 16-11 providing for the vacation for right-of-way a portion of Allen Avenue as presented. All members present voted aye. Motion carried.

12. New Business

A. Comprehensive Plan Consultant Selection

This item was removed and will be discussed and considered at the next regular meeting.

13. Old Business

A. Renaissance Plan Review and Discussion

Assistant Development Director Ben Boike introduced Andrew Dresser, an Urban Planner, Designer and Architect who gave a plan review. The Renaissance Plan has guided private redevelopment within the Robert Street corridor over the past 15 years by incorporating a commercial site plan review process, including the development of requirements for building placement, building façade materials and design, landscaping, signage, etc. However, in response to changing development patterns, regional competition, changing demographics, and in lieu of the Robert Street Improvement project, Council determined that an update of the plan was important.

As a result, Cuningham Group was hired by the City to lead the planning process for the update of the plan. The scope of the project includes two phases: 1) an update of the Renaissance Plan document including the development of three concept plans within the corridor, and 2) development of new zoning requirements to implement the plan. A Project Advisory Committee

(PAC) consisting of property owners, business owners, residents and other local stakeholders was created to assist with the development of the plan update. The PAC had a total of six meetings between February 2015 and April 2016 providing valuable direction and feedback as the draft plan was developed. In addition, a public open house was held early on in the process to gather feedback from the general public.

The PAC was assigned to provide Council comment and overall approval or disapproval of the draft plan. Staff received comments back from 12 of the 14 PAC members (the remaining two PAC members were minimally involved early in the process). Staff received five votes in favor of the draft plan as written, six votes that were not in favor of the draft plan as written and one vote with no specific recommendation either way.

Comments:

- Clpn. Bellows asked do you think the PAC was an important part of this process. Are you concerned that members do not agree with this plan? Yes, answer Mr. Dresser adding they worked to get a majority one way or the other. What troubles Clpn. Bellows is the fact that we don't have a consensus to proceed and yet you are asking us to proceed. Mr. Dresser said he is not recommending approval but he is presenting their best plan. It did build support over time and they did their best to respond to everyone. Regarding form over use. The two are not inconsistent and he is talking about layout of site. Clpn. Bellows asked him to forward the slides that were not included in earlier information.
- Clpn. Halverson said her issue is the plan is very important and she worries that it is heavy on business owners and not residents and some don't live in our community. Our residents and homeowners are making a significant investment and this plan protects this investment. She hopes that there is enough long term vision to look at this and consider the future.
- Mayor Meisinger on top of resident's (property owners) investing – everyone who pays taxes should be heard. There is a big group involved. The mayor is not moving this forward and it needs to go back to the PAC and be revised or whatever it takes.
- Clpn. Vitelli commented on supporting and not supporting comments made by PAC members regarding the plan. Robert Street is the life blood of West St. Paul and we need to move forward. New development with housing – we need businesses like this so we need to move forward. That is why this was recommended by the PAC.
- Clpn. Napier this is a critical time for West St. Paul. We are about to finish the biggest project – Robert Street. This plan is thorough and it's up to us to take what we have and move it forward. There are good points and we need to look at it seriously to move it forward. We have an opportunity to move this plan to Phase 2 and the reinvestment in our community has a vision to move in a consistent way down the corridor for what we want in West St. Paul. More this forward to Phase 2.
- Assistant Director Ben Boike explained this is an update to an existing plan we have had for 15 years.
- Chamber of Commerce President, Vicki Stute, asked that it be entered into record that she and her represented businesses are not in favor
- Clpn. Halverson said this is not about the tunnel and she is open to compromise. This has been considered for a long time. Assistant Director Boike said the PAC started in early 2015.

- Clpn. Napier said we should review the plan and it is an update to the original plan. Times have changed and demographics have changed to get the most economically out of Robert Street.
- Clpn. Iago said one thing that concerns him is some of the comments and what staff has proposed to the PAC itself. He respects every PAC member and the role they played. Unfortunately there is a significant amount of disagreement with the plan. Assistant Director Boike might agree that the comments have been gently edited, “fair to say,” said Boike. To have this level of disagreement we are at a place of great trouble. He would like to see that clean. Go back to Cuningham and PAC – he would like to know why the committee doesn’t agree with the plan.
- Clpn. Armon we have identified issues – lack of business identity, questions for Assistant Director Boike would be what if we adopt this where would we go? Boike said we adopt the plan and it’s implemented part-mentally. The next step is to create zoning.
- Clpn. Bellows said that Clpn. Napier said we should have a work session but if we understand the update then next step is to form base zoning. He is still not sure what it is and what it does. If we don’t know what it is how we can proceed? Clearly the members of the PAC have a problem with the plan.
- Clpn. Vitelli said the point he is trying to make is that the PAC did their job and now it’s up to us, the elected officials, to make decisions and discuss this plan. To send this back to the PAC is pushing our job back onto them.
- Clpn. Halverson said we are making big investments in West St. Paul and on Robert Street. There are different visions with each of us but we need to come together with a cohesive vision.
- Clpn. Bellows suggests having a Council work session. We can’t accept a plan and work on it. If we accept it there is nothing to work on.
- Clpn. Halverson said this is a flexible plan, it’s fluid. Mr. Dresser said accepting is different than adopting the plan.
- Clpn. Iago said to Mr. Dresser, he has respect for him and the PAC to learn why there is such a disconnect and fracture. Dresser said it is important.
- Chris Simmons, 1231 Silvendale Road, is a PAC committee member. This was an eye opener. The PAC is fractured; it is not heavy on business owners. He has been in industry for Welsch for 23 years. He is not a housing person but he knows an expert in retail. West St. Paul is the retail hub for West St. Paul and surrounding communities. In his 23 years he gained experience; he is working on an Arbor Lakes development in Maple Grove and Lockheed Martin. As Eagan and other areas grow it creates changes. We need to help bring people here. Your city has a river that runs around it and hinders transportation and that’s a reality of your area. Since these other areas have grown (Eagan) it creates destination for people to gather to do more than shop. He spoke of generators such as a stadium in Minneapolis and what could we do in West St. Paul. You are going to have strong personalities on these committees and listen to the PAC individually – he supports having a joint session. You need to make a decision and hear the concerns right from the person that has a concern. The bike path, the generator, he was not in favor of moving this forward at this time. Is Signal Hills a generator – no; Kohl’s or Herberger’s would be. Clpn. Vitelli said we need a generator. You did your job and the rest of the PAC needs to let us know what they think. He appreciates Chris’ input.

- Chris Simmons continued his comments and opinions and really suggests Council meet with the PAC. He further offered information and comments about millennials.
- Without a plan we haven't attracted Kohl's. Having a plan help you move forward. Were there any millennials? Assistant Director Boike said 1 or 2 people; that was not good representation.
- Clpn. Bellows asked - what's the driver? If you look at St. Paul and Summit Ave. – housing, college – these are the generators. Generators make a difference in retailers and drug stores and housing. A vision is important as is a bike trail but there was not enough for support of the plan said Chris Simmons.
- Clpn. Vitelli asked was your biggest issue with the plan too much housing. Chris Simmons said he didn't think anyone on the PAC wanted housing. How are we going to do that? It was never answered. We need an idea to generate their interest to get them here.
- Clpn. Napier to Andrew Dresser asked what brought you to all the housing. Dresser said it's not if the plan asks for all housing – maybe a 1/3 to the south. He thinks he heard from the PAC that housing is needed – we need more choices. There is aging apartment stock in the city and it needs to be reinvested in or replaced. He agrees with the generator discussion but he doesn't necessary see it to be Herberger's or Kohl's. People like here because they want to be here; Signal Hills and Town Center are the two hubs. Housing can be above retail. Look closely at the land use vision (yellow). He thinks are generators are location – Excel, airport – they are in proximity to a lot. The housing idea is not a hidden agenda and is something that you seem to have seen in other communities. Clpn. Napier would like to accept not adopt the plan and move this to another work session and invite PAC for feedback to see there is something here to adopt.
- Clpn. Vitelli asked if Opus would come. Mr. Dresser said maybe. There are many developers. Clpn. Napier would like to eliminate that there is a hidden agenda. This is a true plan would work in this coordinator. Dresser said yes; adding the PAC was very diverse. We went through several drafts and revisions.
- The next meeting will be advertised and anyone you think should be invited please let staff know.

Motion was made by Clpn. Halverson seconded by Clpn. Vitelli to move forward with the Renaissance Plan. Motion was amended by Clpn. Halverson and seconded by Clpn. Vitelli to accept the Renaissance Plan, schedule a work session with the PAC members, and move forward. All members present voted aye.

B. Approve Revised Pay Equity Report

Assistant City Manager Sherrie Le gave an overview as she has been working with the State Pay Equity Coordinator for a while. Changes have been made to the report that puts the City in compliance. The changes consist of removing the words “performance pay” from any job class covering an employee who received performance pay, but did not receive wages and merit pay that, combined, would exceed their salary range maximum. In making these changes, the number of male classes receiving merit (or performance) pay dropped below the 20% threshold that made that test applicable to us. In the past the city had been exempt from this test, as fewer than 20% of our male-dominated classes received merit pay in 2016.

Motion was made by Clpn. Vitelli and seconded by Clpn. Halverson to approve the revised pay equity report as presented. All members present voted aye. Motion carried.

14. Adjourn

Motion was made by Clpn. Bellows and seconded by Clpn. Halverson to adjourn the meeting at 8:50 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: September 12, 2016
SUBJECT: List of Claims



City of West St. Paul

BACKGROUND INFORMATION:

Invoices to be paid

FISCAL IMPACT:

\$1,290,452.42

STAFF RECOMMENDATION:

Approve payment of attached

CITY OF WEST ST PAUL

Summary of List of Claims

Council Meeting of September 12, 2016

PAYROLL CHECK REGISTER:

Payroll Period	8/14-8/28/16	
Date Paid	9/2/2016	\$154,033.78
Direct Deposit		

Payroll Period
Date Paid
Direct Deposit

TOTAL NET PAYROLL

\$154,033.78

DISBURSEMENT CHECK REGISTER:

Checks	122696 - 122811	\$915,545.54
EFTS	966 - 998	\$374,906.88

TOTAL DISBURSEMENT CHECKS

\$1,290,452.42

TOTAL PAYROLL, DISBURSEMENTS, ACH AND WIRE TRANSFERS

\$1,444,486.20

Payment Register

From Payment Date: 8/24/2016 - To Payment Date: 9/12/2016

Number	Date	Payee Name	Transaction Amount
AP - Accounts Payable			
<u>Check</u>			
122696	08/24/2016	COMMERCIAL ASPHALT COMPANY	\$127.65
122697	08/24/2016	COORDINATED BUSINESS SYSTEMS	\$123.75
122698	08/24/2016	DAHLEN, DWYER & FOLEY INC	\$3,850.00
122699	08/24/2016	NORTHERN TIER RETAIL, LLC	\$5,000.00
122700	08/24/2016	SPRWS	\$102.89
122701	08/24/2016	WEST ST PAUL CITY TREASURER	\$69.70
122702	09/07/2016	CHLIC-BLOOMFIELD EASC	\$2,670.83
122703	09/07/2016	FIDELITY SECURITY LIFE	\$147.77
122704	09/07/2016	LAW ENFORCEMENT LABOR SERVICES	\$1,294.42
122705	09/07/2016	MN BENEFIT ASSOCIATION	\$953.06
122706	09/07/2016	MN MUTUAL LIFE	\$851.15
122707	09/07/2016	MN NCPERS LIFE INSURANCE	\$176.00
122708	09/07/2016	MN TEAMSTERS LOCAL #320	\$1,030.00
122709	09/07/2016	RICHARD ALAN PRODUCTIONS	\$1,050.00
122710	09/08/2016	MCCARTY, PATRICK	\$306.00
122711	09/12/2016	ACME TOOLS	\$419.95
122712	09/12/2016	ARCTIC GLACIER	\$136.40
122713	09/12/2016	ASPEN EQUIPMENT COMPANY	\$816.96
122714	09/12/2016	ASTECH	\$61,584.60
122715	09/12/2016	B T DESIGN	\$154.50
122716	09/12/2016	BANKS, GARY	\$145.00
122717	09/12/2016	BCA CJTE	\$75.00
122718	09/12/2016	BOLTON & MENK INC	\$8,219.50
122719	09/12/2016	BOYER FORD TRUCKS INC	\$271.13
122720	09/12/2016	CAPRA'S UTILITIES	\$6,350.00
122721	09/12/2016	CARLTON, JUDY	\$20.00
122722	09/12/2016	CDW GOVERNMENT, INC	\$2,017.60
122723	09/12/2016	CENTURYLINK	\$644.67
122724	09/12/2016	CMI INC	\$145.63
122725	09/12/2016	COCA-COLA BOTTLING CO	\$201.72
122726	09/12/2016	COMCAST	\$496.80
122727	09/12/2016	CROWN TROPHY	\$160.00
122728	09/12/2016	CUB FOODS - WEST ST PAUL	\$64.46
122729	09/12/2016	CUSHMAN MOTOR COMPANY	\$405.00
122730	09/12/2016	CUTTS/HOWARD	\$36.00
122731	09/12/2016	DAKOTA COUNTY FINANCIAL SERV	\$2,922.36
122732	09/12/2016	DORMAN, MARIA	\$24.30
122733	09/12/2016	EHLERS & ASSOCIATES	\$5,903.75
122734	09/12/2016	EMERGENCY AUTOMOTIVE TECH	\$180.96
122735	09/12/2016	FOTH INFRASTRUCTURE & ENVIRO	\$1,637.50
122736	09/12/2016	HARTSHORN, JIM	\$102.06
122737	09/12/2016	HEWLETT-PACKARD COMPANY	\$582.17
122738	09/12/2016	HITESMAN & WOLD P.A.	\$560.00
122739	09/12/2016	HOME DEPOT CREDIT SERVICES	\$26.60
122740	09/12/2016	IDENTISYS INC	\$649.59
122741	09/12/2016	INVER GROVE FORD	\$108.36
122742	09/12/2016	JIM MURR PLUMBING	\$740.05
122743	09/12/2016	KUCHERA, MIKE	\$30.00
122744	09/12/2016	LANGUAGE LINE SERVICES	\$392.36
122745	09/12/2016	LAWSON PRODUCTS INC	\$32.12

Payment Register

From Payment Date: 8/24/2016 - To Payment Date: 9/12/2016

122746	09/12/2016	LITFIN, KATHLEEN	\$1,517.40
122747	09/12/2016	LIVING LONGER AND STRONGER	\$3,080.00
122748	09/12/2016	LOGIS	\$3,290.50
122749	09/12/2016	M & B SERVICES	\$5,475.00
122750	09/12/2016	M T I DISTRIBUTING	\$59.13
122751	09/12/2016	MARCO, INC	\$491.40
122752	09/12/2016	MCQUILLAN BROS PLUMBING	\$6,450.00
122753	09/12/2016	MENARDS	\$1,531.14
122754	09/12/2016	MILLER, IDONNA, J	\$30.00
122755	09/12/2016	MILNER, MYRTLE	\$20.00
122756	09/12/2016	MINNEAPOLIS OXYGEN CO	\$132.77
122757	09/12/2016	MINNESOTA PUMP WORKS	\$1,843.00
122758	09/12/2016	MN DEPT OF TRANS-COMMISIONER	\$724.10
122759	09/12/2016	MN GLOVE	\$69.90
122760	09/12/2016	MN OCCUPATIONAL HEALTH	\$391.00
122761	09/12/2016	MN OFFICE OF ENTERPRISE TECH	\$348.00
122762	09/12/2016	NORTHERN TOOL & EQUIPMENT	\$228.13
122763	09/12/2016	NYSTROM PUBLISHING CO INC	\$1,986.92
122764	09/12/2016	O'REILLY AUTOMOTIVE, INC	\$450.28
122765	09/12/2016	OFFICE DEPOT	\$303.22
122766	09/12/2016	PEMBER COMPANIES INC	\$556,872.19
122767	09/12/2016	PIONEER RIM & WHEEL	\$100.24
122768	09/12/2016	POSTMASTER	\$215.00
122769	09/12/2016	POWERPLAN/R D O EQUIPMENT	\$372.83
122770	09/12/2016	RAMY TURF PRODUCTS	\$514.00
122771	09/12/2016	READY WATT ELECTRIC	\$695.00
122772	09/12/2016	REAL-TITE INC	\$256.55
122773	09/12/2016	ROTARY CLUB W ST PAUL/MENDOTA	\$204.00
122774	09/12/2016	RUMPCA COMPANIES	\$61.43
122775	09/12/2016	S ST PAUL STEEL	\$131.70
122776	09/12/2016	SAM'S CLUB DIRECT	\$585.49
122777	09/12/2016	SCHILLING, DENNIS	\$448.00
122778	09/12/2016	SCHNEIDER, RAPHAEL	\$990.00
122779	09/12/2016	SELECTACCOUNT	\$151.92
122780	09/12/2016	SFDMG, LLC	\$7,888.71
122781	09/12/2016	SHRED-IT USA	\$111.80
122782	09/12/2016	SMAIL, JACK	\$50.00
122783	09/12/2016	SOUTHVIEW COUNTRY CLUB	\$30,000.00
122784	09/12/2016	SOUTHVIEW GARDEN CENTER INC	\$1,132.20
122785	09/12/2016	SPEED PRINT INC	\$46.00
122786	09/12/2016	SPORTS UNLIMITED	\$929.50
122787	09/12/2016	SRF CONSULTING GROUP INC	\$154,138.64
122788	09/12/2016	SSP UMPIRES ASSN	\$1,282.50
122789	09/12/2016	ST PAUL REGIONAL WATER SERVICE	\$448.33
122790	09/12/2016	ST PAUL/CITY OF	\$1,326.48
122791	09/12/2016	STAPLES ADVANTAGE	\$66.62
122792	09/12/2016	STREICHER'S	\$4,474.90
122793	09/12/2016	SUBURBAN TIRE WHOLESALE INC	\$692.79
122794	09/12/2016	SWANK MOTION PICTURES, INC	\$403.00
122795	09/12/2016	T - MOBILE	\$1,653.33
122796	09/12/2016	TROJE'S TRASH PICK-UP SERVICE	\$166.95
122797	09/12/2016	TURFWERKS	\$167.79
122798	09/12/2016	TWIN CITY JANITOR SUPPLY	\$858.75
122799	09/12/2016	TWIN CITY SAW	\$120.99

Payment Register

From Payment Date: 8/24/2016 - To Payment Date: 9/12/2016

122800	09/12/2016	TWIST OFFICE PRODUCTS	\$209.62
122801	09/12/2016	ULINE	\$82.15
122802	09/12/2016	UPS STORE	\$33.68
122803	09/12/2016	US BANK EQUIPMENT FINANCE	\$508.87
122804	09/12/2016	VENER/TRACY	\$448.00
122805	09/12/2016	VERSATILE VEHICLES, INC	\$965.00
122806	09/12/2016	VIKING ELECTRIC SUPPLY	\$83.12
122807	09/12/2016	VIKING INDUSTRIAL CENTER	\$712.80
122808	09/12/2016	VOYANT COMMUNICATIONS, LLC	\$2,024.46
122809	09/12/2016	WALMSLEY, GRACE	\$448.00
122810	09/12/2016	WITTE, ELIZABETH A	\$30.00
122811	09/12/2016	WITTWER, JASON	\$10.00

Type Check Totals:			<u>\$915,545.54</u>
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EFT

966	08/23/2016	ANCHOR BANK OF W. ST PAUL	\$52,387.82
967	08/23/2016	I C M A	\$150.00
968	08/23/2016	I C M A RETIREMENT TRUST-457	\$7,365.82
969	08/23/2016	MII LIFE --- VEBA	\$3,041.15
970	08/23/2016	MN DEPARTMENT OF REVENUE	\$10,712.92
971	08/23/2016	MN REVENUE	\$100.00
972	08/23/2016	MSRS - 457	\$1,865.00
973	08/23/2016	MSRS HCSP	\$2,144.56
974	08/23/2016	PUBLIC EMPLOYEES RETIRMNT ASSN	\$46,427.36
975	08/23/2016	PUBLIC EMPLOYEES RETIRMNT ASSN	\$372.16
976	08/23/2016	MII LIFE --- VEBA	\$1,551.92
977	08/23/2016	SELECTACCOUNT	\$726.09
978	08/24/2016	US BANK CARDMEMBER SERVICES	\$3,614.19
979	08/24/2016	US BANK CARDMEMBER SERVICES	\$5,000.00
980	08/24/2016	US BANK CARDMEMBER SERVICES	\$5,000.00
981	08/24/2016	MN DEPT OF REVENUE-WAGE	\$100.00
982	08/26/2016	SW/WC SERVICE COOPERATIVE	\$93,921.50
983	08/26/2016	SELECTACCOUNT	\$126.04
984	09/06/2016	ANCHOR BANK OF W. ST PAUL	\$52,171.71
985	09/06/2016	DEARBORN NATIONAL	\$461.96
986	09/06/2016	I C M A	\$200.00
987	09/06/2016	I C M A RETIREMENT TRUST-457	\$7,045.82
988	09/06/2016	MII LIFE --- VEBA	\$3,041.15
989	09/06/2016	MN DEPARTMENT OF REVENUE	\$10,593.74
990	09/06/2016	MN REVENUE	\$100.00
991	09/06/2016	MSRS - 457	\$1,890.00
992	09/06/2016	MSRS HCSP	\$13,177.36
993	09/06/2016	PUBLIC EMPLOYEES RETIRMNT ASSN	\$46,145.83
994	09/06/2016	THE HARTFORD-PRIORITY ACCOUNTS	\$1,292.24
995	09/06/2016	MII LIFE --- VEBA	\$1,551.92
996	09/12/2016	ANCHOR BANK OF W. ST PAUL	\$297.77
997	09/12/2016	SELECTACCOUNT	\$1,781.50
998	09/12/2016	SELECTACCOUNT	\$549.35

Type EFT Totals:			<u>\$374,906.88</u>
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TOTAL CHECKS & EFTS			<u><u>\$1,290,452.42</u></u>
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TO: Mayor and City Council
THROUGH: Matt Fulton, City Manager
FROM: Joan Carlson, Finance Director
DATE: September 12, 2016
SUBJECT: July 2016 Bank Reconciliation



City of West St. Paul

BACKGROUND INFORMATION:

Attached is the summary bank reconciliation for July 2016.

FISCAL IMPACT:

There is no fiscal impact.

		Amount
Fund:		
Department:		
Account:		

STAFF RECOMMENDATION:

Approve the July 2016 bank reconciliation.

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

ANCHOR BANK BALANCE:

Ending Balance - Checking Account	\$	2,781,327.58
Deposits in Transit		5,342.38
Outstanding Disbursements & Checks		(2,156,424.21)
Voided Check		
Petty Cash		3,000.00

RECONCILED BALANCE \$ 633,245.75

CITY TREASURER'S BALANCE:

Previous Month's Reconciled Balance	\$	<u>253,732.82</u>
Daily Receipts Posted		4,965,127.93
Disbursement Checks Issued		(3,516,071.71)
Payroll Checks and Direct Deposits		(315,261.66)
Cash Journal Entries (net)		(750,000.00)
Adjustments:		
Reverse Prior Months Adj.		1,397.93
Reconciling Item		(5,679.56)

RECONCILED BALANCE \$ 633,245.75

CASH ACCOUNT BALANCE:

	\$	638,925.31
Adjustments:		
		(5,679.56)

RECONCILED BALANCE \$ 633,245.75

CITY OF WEST ST. PAUL

07/31/16

FUND NUMBER AND NAME		CURRENT MONTH'S ACTIVITIES		
		BEGINNING BAL	NET REV / (EXP)	ENDING BAL
101	General Fund	733,497.96	2,134,703.84	2,868,201.80
209	Economic Development Authority	385,243.75	(38,722.08)	346,521.67
212	Insurance Fund	429,853.47	(8,385.45)	421,468.02
213	Innovation Fund	67,076.65	-	67,076.65
323	2006 GO Bonds	40,563.43	-	40,563.43
324	2008 GO Bonds	1,429.10	-	1,429.10
325	2009 GO Refunding Bonds	605,490.92	-	605,490.92
327	2008 Capital Note	606,601.33	-	606,601.33
328	2009 Capital Note	836,979.73	(3,686.96)	833,292.77
329	2012 GO Bonds	632,299.69	20,059.30	652,358.99
330	2013 GO Bonds	77,283.79	(4,439.05)	72,844.74
331	2014A GO Bonds	188,216.49	(63,778.13)	124,438.36
332	2014B GO Bonds	349,775.38	(55,609.54)	294,165.84
333	2015A Refunding Bonds	113,008.65	(96,551.29)	16,457.36
334	2015B Go Refunding Bonds	72,886.83	16,362.29	89,249.12
335	2015C Go Tax Increment Refunding	4,199.36	(20,756.67)	(16,557.31)
375	2005 G O TIF Bonds	(79,888.16)	-	(79,888.16)
401	Vehicle and Equipment Reserve	2,091,457.24	(42,631.47)	2,048,825.77
402	M S A Streets Fund	(331,454.40)	427,941.21	96,486.81
403	Street Maintenance Fund	862,167.53	43,135.25	905,302.78
409	Police and Fire PERA	230,209.02	-	230,209.02
411	Technology Replacement Fund	291,346.61	(46,966.93)	244,379.68
413	Parks Improvement Fund	(70,901.75)	238,172.05	167,270.30
415	Govt Facilities Cap Proj	426,067.23	(2,635.47)	423,431.76
450	TIF 1-1	1,001,968.62	(52.50)	1,001,916.12
451	TIF 1-2	247,861.82	36,093.40	283,955.22
452	TIF 1-3	(9,423.05)	28,372.08	18,949.03
453	Lowes TIF	37,149.25	(52.50)	37,096.75
551	Perm. Improv. Revolving Fund	(2,078,524.73)	(1,262,404.27)	(3,340,929.00)
600	Storm Sewer Utility	1,944,361.59	585.04	1,944,946.63
602	Public Utilities (Sewer) Fund	3,744,213.24	(81,632.75)	3,662,580.49
613	Golf Course Enterprise Fund	55,292.08	14,679.49	69,971.57
615	Civic Arena Enterprise Fund	189,369.76	(16,820.80)	172,548.96
616	Swimming Pool Enterprise Fund	(9,679.55)	(4,593.95)	(14,273.50)
617	Regional Athletic Center Fund	943,518.14	(76,589.58)	866,928.56
705	Investment Fund	(14,374,386.27)	(750,000.00)	(15,124,386.27)
CASH TOTAL ALL FUNDS		255,130.75	383,794.56	638,925.31

TO: Mayor and City Council
THROUGH: Matt Fulton, City Manager
FROM: Mike Sanders Asst. PW/Parks Superintendent
DATE: August 29, 2016
SUBJECT: Declare Public Works/Parks Vehicles as Surplus and Authorize Disposal



City of West St. Paul

BACKGROUND INFORMATION:

This vehicle is a 2002 and has reached its retirement age. Currently the frame and undercarriage have extreme rust and risks failure. Repair costs outweigh the value of the vehicle. An image of the vehicle is attached.

FISCAL IMPACT:

The sale price will be a credit which the City will use to reinvest via the capital equipment fund.

		Amount
Fund:	401	
Department:	45000	
Account:	40550	\$0

STAFF RECOMMENDATION:

Staff recommends that the City Council declare unit #52, a 2002 Chevy Venture Van, VIN. #1GNDX03E42D244371 of the Public Works/Parks Department as surplus and allow staff to sell it at a vehicle auction.

C: Mike Sanders, Asst. PW/Parks Superintendent
Dave Schletty, Asst. Park/Rec Director



TO: Mayor and City Council
THROUGH: Matt Fulton, City Manager
FROM: Police Department
DATE: September 12, 2016
SUBJECT: City Business and Liquor Licenses



BACKGROUND INFORMATION:

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

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

2016 Business Licenses – No Background

Blue Lake Laundry, 1871 Robert St S, Laundry License

FISCAL IMPACT:

Action	Fund	Department	Account	Amount
Other License Fee	101	30000	32199	320.00
Total:				\$320.00

STAFF RECOMMENDATION:

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

TO: Mayor and City Council
THROUGH: Matt Fulton, City Manager
FROM: Community Development Department
DATE: September 12, 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 #205 – Existing rental with new owner
351 Schletty Lane – New single family home rental

FISCAL IMPACT:

Application Fees Received:		Amount:
Fund:	101	
Department:	30000	
Account:	32170	\$ 530

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: September 12, 2016
SUBJECT: Alcohol and Tobacco Compliance Checks



City of West St. Paul

BACKGROUND INFORMATION:

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

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

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

During our last alcohol/tobacco compliance check (May 2016), the below establishments failed the indicated compliance check:

Tobacco Compliance Check Failures

- Cub Liquors – 2001 Robert Street South
- West St. Paul Marathon – 433 Mendota Road East
- Walmart – 1644 Robert Street South

Alcohol Compliance Check Failures

- Carbone's Pizza - 55 Wentworth Avenue East
- Walmart – 1644 Robert Street South

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

This council packet contains the following information:

- Alcohol and tobacco compliance training announcements and attendance sheets
- A summary of the City’s alcohol compliance checks
- A report on the alcohol compliance failure for Carbone’s Pizza
- A report on the alcohol compliance failure for Walmart
- A summary of the City’s tobacco compliance checks
- A report on the tobacco compliance failure for Cub Liquors
- A report on the tobacco compliance failure for Walmart
- A report on the tobacco compliance failure for West St. Paul Marathon
- Draft resolutions for each establishment

FISCAL IMPACT:

Action	Fund	Department	Account	Amount
License Sanction Fees	101	30000	35102	\$850
Total:				\$850

STAFF RECOMMENDATION:

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

Alcohol License Violations by Year and Establishment

Establishment	Address	Winter 2011	Winter 2012 1200550	Fall 2013 13-4127	Spring 2014 14001917	Winter 2014 14004386	Spring2015 15001165	Fall 2015 15004070	Spring 2016 16001694
Applebee's	1753 Robert	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass
Beirut Deli	1385 Robert	Pass	Pass	Fail 13-4131	Pass	Pass	Pass	Pass	Pass
Boozemart (South)	1673 Robert	Pass	Pass	Pass	Pass	Pass	Pass	Fail 15-4071	Pass
Blvd's bar	433 East Mendota	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass
Carbonne's Pizza	55 Wentworth East	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Fail 16-1695
Cherokee Sirloin Room AKA: Cherokee Tavern	886 Smith Ave	Fail 1200-542	Fail 12000542	Pass	Pass	Pass	Pass	Pass	Pass
Chipotle	1857 Robert	Pass	Pass	Pass	Fail 14-1923	Pass	Pass	Pass	Pass
Chuck E. Cheese	1422 Robert	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass
Commercial Club	938 Robert	Pass	Pass	Pass	Closed	Closed	Closed	Closed	Closed
Cub Foods	2001 Robert	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass
Cub Liquor	2001 Robert	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass
Dunham's Bar	173 Lothenbach East	Pass	Pass	Pass	Pass	CAD 14004098	Pass	Pass	Pass
El-Taquito	1434 Robert	Pass	Pass	Pass	Pass	Pass	Fail 15-1171	Pass	Pass
Fireside Lounge	1288 Robert	Pass	Pass	Fail 13-4132	Pass	Pass	Pass	Pass	Pass
Gallagher's Bar	888 Ohio	Pass	Pass	Pass	Fail 14-1921	Pass	Pass	Pass	Pass
Grand Buffet	2015 Robert	Pass	Pass	Pass	Pass	Closed	Closed	Closed	Closed
Nowak's Liquor	1034 Robert	Pass	Pass	Fail 13-4133	Pass	Pass	Fail 15-1169	Closed	Closed
Morelo's	360 Bernard Ave West	Pass	Pass	Pass	Pass	Closed	Fail 15-1168	Pass	Pass
Marty's Bar	189 West Winona	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass
MGM Liquor	1690 Robert	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass
Mi Pueblo Market	433 East Mendota	Pass	Pass	Pass	NA	Fail 14004381	Pass	No Licquor License	No Liquor
Noodles & Company	1590 Robert	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass
R & B Liquor	1111 Robert	Pass	Pass	Pass	Pass	CAD 14003847	Fail 15-1170	Pass	Pass
Smith Avenue Liquor	Cancelled	Pass	Pass	Pass	Pass	CAD 14003978	Pass	6/8/2015 Closed	Pass
Smith Liquor NEW	977 Smith Ave S						6/1/15 Licensed	Pass	Pass
Southview Country Club	239 East Mendota	Pass	Pass	NA	Pass	Closed	Closed	Closed	Pass
Super America	1285 Robert	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass
Tapper's	879 Stryker	Pass	Pass	Pass	Pass	Fail 14004384	Pass	Pass	Pass
Target	1750 Robert	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass
Thompson Oaks Golf	1555 Oakdale	NA	Pass	NA	Pass	Closed	Pass	Closed	Pass
Walmart	1644 S. Robert	NA	Pass	Fail 13-4135	Pass	Pass	Pass	Pass	Fail 16-1696
5-8 club	1741 S. Robert	N/A	N/A	N/A	N/A	Pass	Pass	Pass	Pass

Alcohol-related Civil Penalties Grid

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

Key:

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

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

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

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



ALCOHOL & TOBACCO COMPLIANCE TRAINING

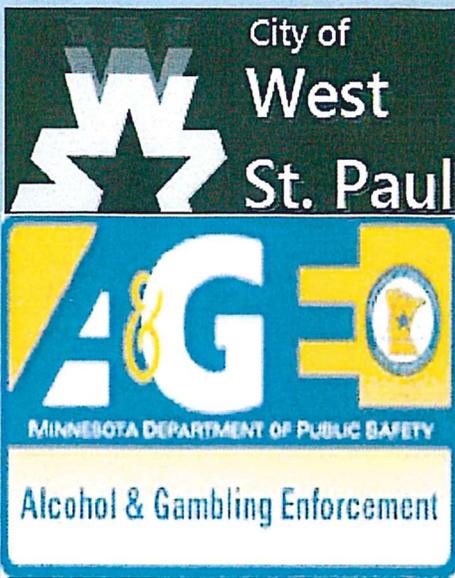
SUN. FEB 28TH - 10AM-12PM

MON. FEB 29TH - 9AM-11AM

1616 Humboldt Ave. - City Hall Council Chambers

Please RSVP to Officer Wood at 651-259-2628 or ewood@wspmn.gov

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

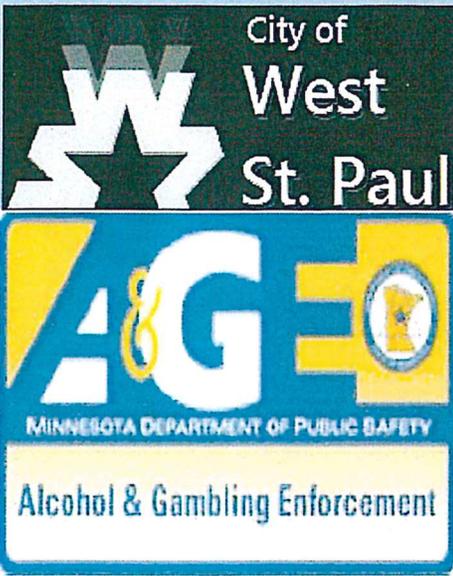


Alcohol & Tobacco Compliance Training

Attendance Records—please print clearly

February 28, 2016—10:00 am

Printed Name	Business Name
Vichara You	R & B liquors
Anthony Jones	R & B liquors
Sam Centano	Cherokee Tavern
Tricia Scharber	R & B liquor
MARK Faust	R & B Liquor
Isabel Vargas	Dunham's Bar & Rest.
Maricela Campos	R & B liquors
Larasha Izcano	R & B liquors
Nancy McKay	R & B Liquor
Chuck Wilson	TAPPESS Pub
Cheryl Fink	Dunham's
Holly Letexie	Cub Foods
Tiffany Goldschmitz	Cherokee Tavern
RAFAEL AVILA	SMITH LIQUOR.

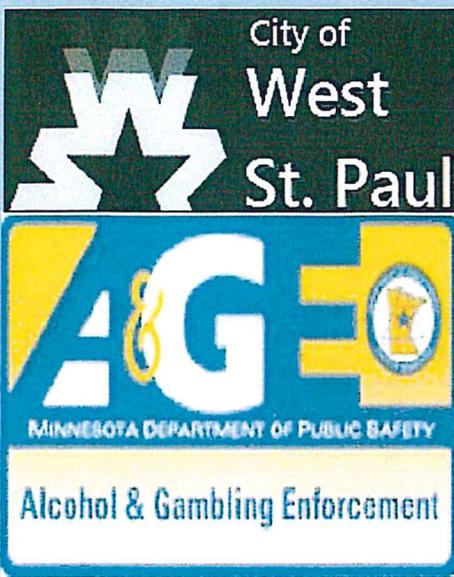


Alcohol & Tobacco Compliance Training

Attendance Records—please print clearly

February 28, 2016—10:00 am

Printed Name	Business Name
<i>George Jacobson</i>	<i>RFB</i>

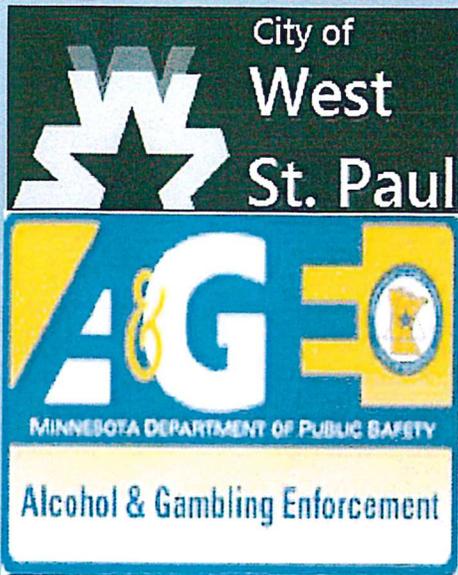


Alcohol & Tobacco Compliance Training

Attendance Records—please print clearly

February 29, 2016—09:00 am

Printed Name	Business Name
Jessica Folmer	Bird Bar & Grille
Lee Hanna	Dunhams
Kimhorr	Dunhams
Nicole Bullock	Dunhams
Jada Stotve	Cherokee Tavern
Cam Barnes	Dunhams
Carole Stetter	Bird
Kelly Mason	Bird
MATT MEAD	BLVD
Paige Jensen	BLVD
Taylor Burton	Cherokee Tavern
Jim Casper	Cherokee Tavern
Jamie Mackely Kulp	Dunhams
Michael Butler	TAPPERS



Alcohol & Tobacco Compliance Training

Attendance Records—please print clearly

February 29, 2016—09:00 am

Printed Name	Business Name
JORDAN TURNER	BLVD
Nick Lanza	BLVD

West St. Paul
Disposition: Inactive

INCIDENT

Case Number: 16001694
Title: Alcohol Compliance Check

16001694

Investigation Needed: No Incident Type: Licensing Offenses Citation Issued: No
Admin Review Needed: No CAD #: 16008357
Drug Related: No How Initiated:
Gang Related: No Domestic Related: No

OFFICER INFORMATION

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

EVENT DATES

Reported	On Scene	Cleared
2016-05-19 17:00	2016-05-19 17:05	2016-05-19 20:13

INCIDENT DETAILS

Address: 1616 Humbolt Avenue; West St. Paul, MN 55118; Dakota US
Location Type: GOVERNMENT/PUBLIC BUILDING
Location Description: West St Paul Police Department (B0000009199)
Start Date: 2016-05-19 17:00 End Date: 2016-05-19 20:13

SYNOPSIS

Required checks were conducted at every licensed alcohol establishment in the city. Two businesses failed this check.

Parties Involved

PERSON 1

Role(s): Confidential

Last: [REDACTED] First: [REDACTED] Middle: [REDACTED] Suffix:
Date of Birth: 1997-01-28 Age: 19 Is Juvenile: No

Residence: [REDACTED]

Email: [REDACTED] Description:

Cell Phone: [REDACTED] Description:

Sex: Male Height: 510 -510 Weight: 189 -189 lbs Hair: Eyes: Blue
Race: White Ethnicity: Not Hispanic/Latino Build: Medium Complexion: Fair
Is US Citizen: Yes DNA Collected: No Special Needs: No Immigration Checked: No

STATEMENT

On 2016-05-19 Officer Wood and I conducted required checks of every business holding an alcohol license in the city of West Saint Paul. A nineteen year old male was used, [REDACTED] DOB/1997-01-28 who shall be referred to as JDH in this report and subsequent reports. JDH did not/was not personally known by any employee in any of the establishments checked. All the money used during the tobacco compliance checks was provided by the city of West St Paul. During the checks, JDH was only in possession of his Minnesota driver's license (photocopy attached) and his

Incident Report

INCIDENT

cell phone along with one \$20.00 bill provided to him by Officer Wood. JDH was instructed to present his license if asked and not to lie about his age if questioned.

We checked the following businesses which passed:

- Smith Liquor, 977 Smith Avenue South
- Cherokee Tavern, 866 Smith Avenue South
- Gallagher's, 888 Ohio Street
- Marty's, 189 Winona Street
- Tapper's Pub, 879 Stryker Avenue
- R&B Liquor, 1111 Robert Street South
- Super America, 1285 Robert Street South
- Fireside Lounge, 1288 Robert Street South
- Beirut Deli, 1385 Robert Street South
- Chuck E Cheese, 1422 Robert Street South
- El Taquito, 1434 Robert Street South
- Thompson Oaks, 1555 Oakdale Avenue
- Southview County Club, 239 Mendota Road East
- Blvd Bar & Grille, 433 Mendota Road East
- Cub Foods, 2001 Robert Street South
- Cub Liquor, 2001 Robert Street South
- Applebee's, 1753 Robert Street South
- 5-8 Club, 1741 Robert Street South
- Target, 1750 Robert Street South
- MGM Liquor, 1690 Robert Street South
- Morelo's, 360 Bernard Street West
- Chipotle, 1857 Robert Street South
- Boozemart, 1673 Robert Street South
- Noodles & Company, 1590 Robert Street South

The following businesses were checked and did not pass:

- Carbone's, 55 Wentworth Avenue East (CN: 16001695)
- Walmart, 1644 Robert Street South (CN: 16001696)

A separate incident report was written on the above case numbers detailing each failure.

A photo copy of JDH's license along with a photo of JDH taken just prior to the checks was uploaded to the case file.

Nothing further.

RELATED REPORTS

Agency	CaseNumber	Type	Description
West St. Paul	16001695	Incident-Reference	

West St. Paul
Disposition: Inactive

INCIDENT

Case Number: 16001694
Title: Alcohol Compliance Check

16001694

West St. Paul 16001696 Incident-Reference

Incident Report

West St. Paul
Disposition: Inactive

SUPPLEMENT

Case Number: 16001694
Title: Alcohol Compliance Check

16001694

Investigation Needed: No Incident Type: Licensing Offenses Citation Issued: No
Admin Review Needed: No CAD #: 16008357
Drug Related: No How Initiated:
Gang Related: No Domestic Related: No

OFFICER INFORMATION

Name	Agency	Badge	Type
Audra Rawlings	West St. Paul	2631	Assisting

EVENT DATES

Reported	On Scene	Cleared
2016-05-19 17:00	2016-05-19 17:05	2016-05-19 20:13

INCIDENT DETAILS

Address: 1616 Humbolt Avenue; West St. Paul, MN 55118; Dakota US
Location Type: GOVERNMENT/PUBLIC BUILDING
Location Description: West St Paul Police Department (B0000009199)
Start Date: 2016-05-19 17:00 End Date: 2016-05-19 20:13

SYNOPSIS

Required checks were conducted at every licensed alcohol establishment in the city. Two businesses failed this check.

STATEMENT

On 2016-06-02 at about 2015 hours, I conducted a compliance check at Dunham's Food and Drink (173 Lothenbach Avenue). This establishment had been missed during the original checks. JDH was used for this check and the establishment passed.

Nothing further.

RELATED REPORTS

Agency	CaseNumber	Type	Description
West St. Paul	16001695	Incident-Reference	
West St. Paul	16001696	Incident-Reference	

Supplement Report

MINNESOTA

DRIVER'S LICENSE PROVISIONAL

UNDER 21



Date of Birth 01-28-1997 AGE 18 01-28-2015
Sex M Eyes BLU Class D
Height 5-10 Weight 189 DONOR
ISSUED 01-2015 EXPIRES 12-11-2016



WEST ST. PAUL POLICE DEPARTMENT

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

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

WWW.WSPMN.GOV

Type Violation: Alcohol

Name of the establishment: Carbone's Pizza

Address: 55 Wentworth Avenue West

Police Incident or Case Number: 16001695

Date of Violation: May 19, 2016

Summary:

On May 19th shortly before 7:00 pm Officers Rawlings and Wood, along with a 19 year old underage decoy, conducted an alcohol compliance check at Carbone's Pizza. The underage decoy was provided marked money and instructed to attempt to purchase alcohol (beer). Along with the marked money, the decoy possessed an unaltered state identification card showing he was underage and his cellphone. If asked, the decoy was told not to lie about his age. If denied alcohol or asked his age the decoy was to simply return to the officers. If provided alcohol the decoy was to call or txt the officers using his cellphones. The decoy was served a bottle of beer. The bartender never requested to see the decoy's ID or asked his age.

Other Information:

- This establishment did not send any employees to the compliance training which was conducted on February 28th and 29th of 2016.
- There have been no police issues at this location or City license violations.
- This license holder has passed all alcohol compliance checks in the preceding seven years.

Recommendation:

- A \$500 civil penalty is imposed against the license holder of which \$400 is stayed. The stayed penalty is based on this license holder's past record of successful compliance checks. Should the license holder fail a compliance check in the next 24 months, the stay penalty will be imposed along with any additional penalties imposed by the Council for the new violation.
- While holding a City-issued alcohol license, a representative from this establishment will attend any future City-sponsored alcohol compliance training when notified;
- The license holder will establish or update an age verification policy for the establishment's employees and provide the police department with a copy of this policy within 30 days of this resolution; and
- While holding a City-issued alcohol license, the license holder must document and maintain the signatures and dates of any alcohol training their employee's receive, including being advised of the policy cited above. This list must be up kept to date and made available to the police department upon a reasonable request.

Manila G. Shaver, Chief of Police

"We Serve with Honor and Integrity"



WEST ST. PAUL POLICE DEPARTMENT

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

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

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

August 2, 2016

Mr. Jerome Carbone
Carbone's Pizza
55 Wentworth Avenue East
West St Paul, Minnesota 55118

Subject: Alcohol License Violation

Dear Mr. Carbone,

On May 19, 2016 the police department conducted multiple alcohol compliance checks throughout the City of West St. Paul. Unfortunately a few establishments failed these checks including yours.

In following the procedure for alcohol license violations there was a review of the violation and a subsequent sanction recommendation developed. This recommendation will be presented to the City Council in the form of a hearing at the September 12th Council meeting for their consideration.

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

Attached is my recommendation to the Council. You may also wish to review the City's Alcohol and licensing Codes by visiting the City's website (www.cityofwsp.org) and click on "city ordinances," then go to Licensing – 1100 or Intoxicating Liquor – 1200.

If you have any questions or concerns, please do not hesitate to contact me at 552-4201.

Sincerely,

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

West St. Paul
Disposition: Inactive

INCIDENT

Case Number: 16001695
Title: Alcohol Compliance Check Failure

16001695

Charges/Offenses: 340A.503.2(1)

Incident Type: Licensing Offenses Citation Issued: No

Investigation Needed: No CAD #: 16008349

Admin Review Needed: No How Initiated:

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

OFFICER INFORMATION

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

EVENT DATES

Reported	On Scene	Cleared
2016-05-19 18:22	2016-05-19 18:26	2016-05-19 18:54

INCIDENT DETAILS

Address: 55 Wentworth Avenue E Bldg Name/Num: Carbone's; West St. Paul, MN 55118; Dakota US

Location Type: RESTAURANT

Location Description:

Start Date: 2016-05-19 18:26 End Date: 2016-05-19 18:55

SYNOPSIS

Alcohol compliance check failure.

Parties Involved

PERSON 1

Role(s): Suspect

Last: Derusha First: Mary Middle: Jo Suffix:

Date of Birth: 1979-09-05 Age: 36 Is Juvenile: No

Residence: [REDACTED]

Cell Phone: [REDACTED] Description: null

Sex: Female Height: 501 -501 Weight: 125 -125 lbs Hair: Brown Eyes: Blue

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

EMPLOYMENT INFORMATION

Name: Carbone's Type: RESTAURANT/BAR/CLUB

Description:

Location: 55 Wentworth Avenue E Bldg Name/Num: Carbone's; West St. Paul, MN 55118; Dakota US

BUSINESS 1

Role(s): Mentioned

Association(s): Mary Jo Derusha (Employee); Jerome Frank Carbone (BusinessOwner);

Business Name: Carbone's Business Type: RESTAURANT/BAR/CLUB

Incident Report

West St. Paul
Disposition: Inactive

INCIDENT

Case Number: 16001695
Title: Alcohol Compliance Check Failure

16001695

Description:

Location: 55 Wentworth Avenue E Bldg Name/Num: Carbone's; West St. Paul, MN 55118; Dakota US

PERSON 2

Role(s): Mentioned

Last: Carbone First: Jerome Middle: Frank Suffix:

Date of Birth: 1952-11-11 Age: 63 Is Juvenile: No

Residence: [REDACTED]

Sex: Male Height: 510 -510 Weight: 220 -220 lbs Hair: Gray or partially Gray Eyes: Brown

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

STATEMENT

On 2016-05-19 Officer Wood and I were conducting yearly alcohol compliance checks on all businesses in the city of West St Paul with current alcohol licenses. A nineteen year old male was used to conduct these checks and will be referred to as JDH in this report. JDH did not/was not personally known by any employee in any of the establishments checked. JDH was only in possession of his Minnesota driver's license and cell phone as well as a \$20.00 bill given to him by Officer Wood.

At 1825 we arrived at Carbone's, 55 Wentworth Avenue East. JDH entered the store alone. A short time later he texted Officer Wood's department issued cell phone indicating he had been served. We walked in and saw JDH sitting at the bar with a bottle of Miller Lite beer in front of him. The beer was open sitting on a coaster. I took a digital photo of the bottle of beer.

Officer Wood and I spoke with the bartender, who verbally identified herself as Mary Jo Derusha DOB/1979-09-05. Derusha said that she had worked at the establishment for a few months and that she is only a bartender. She said that she never received any training with regard to identification verification for alcohol sales and that her own personal policy was to card anyone with a "baby face." Officer Wood gave Derusha a business card. I spoke with JDH who said that Derusha did not ever ask him for identification before providing him with the bottle of beer.

After a few minutes, Jerome Frank Carbone DOB/1952-11-11 arrived. Jerome is the owner of Carbone's. Officer Wood explained to him what had happened. Jerome terminated Derusha on the spot.

A criminal history was run on Derusha to ensure that she had no prior offenses that would enhance this charge.

A photo of the beer bottle on the bar top was added to the case file.

Nothing further from this officer.

RELATED REPORTS

Agency	CaseNumber	Type	Description
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Incident Report

West St. Paul

Disposition: Inactive

INCIDENT

Case Number: 16001695

Title: Alcohol Compliance Check Failure

West St. Paul 16001694

Incident-Reference Title: Alcohol Compliance Check Location: 1616 Humbolt Avenue |

Date/Time: 2016-05-19 17:00 Person: [REDACTED] -

[REDACTED]

16001695

Incident Report

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

RESOLUTION NO. 16-

**RESOLUTION IMPOSING SANCTIONS UPON
RETAIL INTOXICATING LIQUOR LICENSE HOLDER
CARBONE'S PIZZA**

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

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

FINDINGS

Notice of a hearing for the imposition of a sanction for a liquor violation was duly given to the intoxication license holder for the premises at 55 Wentworth Avenue East, West St. Paul, Minnesota on August 2, 2016 pursuant to Minnesota Statutes, sections 14.57 to 14.69.

- 1.01 The hearing was held on Monday, September 12, 2016, in the Council Chambers in City Hall, located at 1616 Humboldt Avenue, West St. Paul, MN.
- 1.02 At the hearing all persons who appeared and desired to be heard, were heard.

CONCLUSION

- 2.01 Based upon the evidence presented at the hearing, the City Council concludes that the retail license holder for the premises at 55 Wentworth Avenue East, West St. Paul (Carbone's Pizza) failed to comply with an applicable statute in that an alcoholic beverage was sold to an underage person on May 19, 2016 in the licensed establishment.
- 2.02 The following sanctions are imposed for the violation:
 - a) A \$500 civil penalty is imposed against the license holder of which \$400 is stayed. The stayed penalty is based on this license holder's past record of successful compliance checks. Should the license holder fail a compliance check in the next 24 months, the stay penalty will be imposed along with any additional penalties imposed by the Council for the new violation.
 - b) While holding a City-issued alcohol license, a representative from this establishment will attend any future City-sponsored alcohol compliance training when notified;

- c) The license holder will establish or up-date an age verification policy for the establishment's employees and provide the police department with a copy of this policy within 30 days of this resolution; and
- d) While holding a City-issued alcohol license, the license holder must document and maintain the signatures and dates of any alcohol training their employee's receive, including being advised of the policy cited above. This list must be up kept to date and made available to the police department upon a reasonable request.

Adopted by the City Council of the City of West St. Paul this 12th day of September, 2016

Attest:

David Meisinger, Mayor

Chantel Doriott, City Clerk



WEST ST. PAUL POLICE DEPARTMENT

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

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

WWW.WSPMN.GOV

Type Violation: Alcohol

Name of the establishment: Walmart

Address: 1644 Robert Street South

Police Incident or Case Number: 16001696

Date of Violation: May 19, 2016

Summary:

On May 19th shortly after 7:00 pm Officers Rawlings and Wood, along with a 19 year old underage decoy, conducted an alcohol compliance check at Walmart. The underage decoy was provided with marked money and instructed to attempt to purchase alcohol. Along with the marked money, the decoy possessed an unaltered state identification card showing he was underage and his cellphone. If asked, the decoy was told not to lie about his age. If denied alcohol or asked his age the decoy was to simply return to the officers. If provided alcohol the decoy was to call or txt the officers using his cellphones. The decoy was able to purchase a 12-pack of beer. The cashier stated he checked the decoy's ID, but must have read the decoy's date of birth wrong.

Other Information:

- This establishment did not send any employees to the compliance training which was conducted on February 28th and 29th of 2016.
- This license holder has passed all alcohol compliance checks in the preceding three years; with their last alcohol compliance failure in 2013.

Recommendation:

- A \$500 civil penalty is imposed against the license holder of which \$250 is stayed. The penalty is based on this license holder's not attending the compliance training and a recent alcohol compliance failure. If this license holder fails another compliance check within 24 months of this resolution, the stayed penalty will be immediately imposed and additional sanctions may be imposed for the new violation.
- While holding a City-issued alcohol license, a representative from this establishment will attend any future City-sponsored alcohol compliance training when notified;
- The license holder will establish or update an age verification policy for the establishment's employees and provide the police department with a copy of this policy within 30 days of this resolution; and
- While holding a City-issued alcohol license, the license holder must document and maintain the signatures and dates of any alcohol training their employee's receive, including being advised of the policy cited above. This list must be up kept to date and made available to the police department upon a reasonable request.

Manila G. Shaver, Chief of Police

"We Serve with Honor and Integrity"



WEST ST. PAUL POLICE DEPARTMENT

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

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

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

August 2, 2016

Ms. Andrea Lazenby
Walmart, Store # 3364
808 Irelan Street
Lowel, Arkansas 72712

and

Mr. Rick Duerlinger
Walmart, Store # 3364
1644 Robert Street South
West St. Paul, Minnesota 55118

Subject: Alcohol License Violation

Dear Ms. Lazenby and Mr. Duerlinger,

On May 19, 2016 the police department conducted multiple alcohol compliance checks throughout the City of West St. Paul. Unfortunately a few establishments failed these checks including yours.

In following the procedure for alcohol license violations there was a review of the violation and a subsequent sanction recommendation developed. This recommendation will be presented to the City Council in the form of a hearing at the September 12th Council meeting for their consideration.

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

Attached is my recommendation to the Council. You may also wish to review the City's Alcohol and licensing Codes by visiting the City's website (www.cityofwsp.org) and click on "city ordinances," then go to Licensing – 1100 or Intoxicating Liquor – 1200.

If you have any questions or concerns, please do not hesitate to contact me at 552-4201.

Sincerely,

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

West St. Paul
Disposition: Inactive

INCIDENT

Case Number: 16001696
Title: Alcohol Compliance Check Failure

16001696

Charges/Offenses: 340A.503.2(1)

Incident Type: Licensing Offenses Citation Issued: No

Investigation Needed: No CAD #: 16008352

Admin Review Needed: No How Initiated:

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

OFFICER INFORMATION

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

EVENT DATES

Reported	On Scene	Cleared
2016-05-19 18:55	2016-05-19 18:55	2016-05-19 19:05

INCIDENT DETAILS

Address: 1644 Robert Street S Bldg Name/Num: Walmart; West St. Paul, MN 55118; Dakota US

Location Type: DEPARTMENT/DISCOUNT STORE

Location Description:

Start Date: 2016-05-19 18:55 End Date: 2016-05-19 19:05

SYNOPSIS

Alcohol compliance check failure.

Parties Involved

PERSON 1

Role(s): Suspect

Last: Gobena First: Tewodros Middle: Tamrat Suffix:

Date of Birth: 1985-05-05 Age: 31 Is Juvenile: No

Residence: [REDACTED]

Cell Phone: [REDACTED] Description:

Sex: Male Height: 511 -511 Weight: 120 -120 lbs Hair: Black Eyes: Brown

Race: Black/African American Ethnicity: Not Hispanic/Latino Build: Slender Complexion: Light Brown

Is US Citizen: Yes DNA Collected: No Special Needs: No Immigration Checked: No

EMPLOYMENT INFORMATION

Name: Walmart Type: RETAIL

Description:

Location: 1644 Robert Street S Bldg Name/Num: Walmart; West St. Paul, MN 55118; Dakota US

CHARGES/ORDINANCES

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

UOC: 4199 Level: Gross Misdemeanor Enh. Factor: Attempted

Incident Report

West St. Paul
Disposition: Inactive

INCIDENT

Case Number: 16001696
Title: Alcohol Compliance Check Failure

16001696

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

BUSINESS 1

Role(s): Mentioned

Association(s): Tewodros Tamrat Gobena (Employee);

Business Name: Walmart

Business Type: RETAIL

Description:

Location: 1644 Robert Street S Bldg Name/Num: Walmart; West St. Paul, MN 55118; Dakota US

STATEMENT

On 2016-05-19 Officer Wood and I were conducting yearly alcohol compliance checks on all businesses in the city of West St Paul with current alcohol licenses. A nineteen year old male was used to conduct these checks and will be referred to as JDH in this report. JDH did not/was not personally known by any employee in any of the establishments checked. JDH was only in possession of his Minnesota driver's license and cell phone as well as a \$20.00 bill given to him by Officer Wood.

At 18:55 hours, we arrived at Walmart, 1644 Robert Street South. JDH entered the store alone. Several minutes later he returned with a box of Miller Lite beer. He walked with Officer Wood to the cash register where the sale was completed at. I followed them and the Walmart employee verbally identified himself to Officer Wood as Tewodros Tamrat Gobena DOB/1985-05-05 and said he was from Virginia and had a state identification from there. He provided the address above. Gobena said he had worked at Walmart for about 1 month. He said he asked for the identification and read the year wrong.

I spoke with Walmart Asset Protection Associate Jennifer Marie Merten DOB/1980-10-12 who gave me a DVD disk with video of the transaction. The disk was entered into the database and secured in an evidence locker.

A criminal history was run on Gobena to ensure that she had no prior offenses that would enhance this charge. Nothing was found.

A return was completed on the case of beer. A copy of the receipt will be included with this report.

Nothing further from this officer.

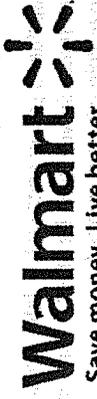
Incident Report

RELATED REPORTS

Agency	CaseNumber	Type	Description
West St. Paul	16001694	Incident-Reference	

See back of receipt for your chance
to win \$1000

ID #: 7JY7WK15FH11

Walmart 
Save money. Live better.

(651) 453 - 0343
MANAGER RICK DUERLINGER
1644 ROBERT ST. S
SAINT PAUL MN 55118
ST# 03364 OP# 003761 TE# 13 TR# 08486
LITE BEER FR 003410057636 10.47 T
SUBTOTAL 10.47
TAX 1 7.125 X 0.75
TOTAL 11.22
CASH TEND 20.00
CHANGE DUE 8.78

ITEMS SOLD 1

IC# 5641 4711 4741 5252 0040



Low Prices You Can Trust. Every Day.
05/19/16 18:53:14

Savings Catcher! Scan with Walmart app



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

RESOLUTION NO. 16-

**RESOLUTION IMPOSING SANCTIONS UPON
RETAIL INTOXICATING LIQUOR LICENSE HOLDER
WALMART**

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

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

FINDINGS

Notice of a hearing for the imposition of a sanction for a liquor violation was duly given to the intoxication license holder for the premises at 1644 Robert Street South, West St. Paul, Minnesota on August 2, 2016 pursuant to Minnesota Statutes, sections 14.57 to 14.69.

- 1.01 The hearing was held on Monday, September 12, 2016, in the Council Chambers in City Hall, located at 1616 Humboldt Avenue, West St. Paul, MN.
- 1.02 At the hearing all persons who appeared and desired to be heard, were heard.

CONCLUSION

- 2.01 Based upon the evidence presented at the hearing, the City Council concludes that the retail license holder for the premises at 1644 Robert Street South, West St. Paul (Walmart) failed to comply with an applicable statute in that an alcoholic beverage was sold to an underage person on May 19, 2016 in the licensed establishment.
- 2.02 The following sanctions are imposed for the violation:
 - a) A \$500 civil penalty is imposed against the license holder of which \$250 is stayed. The penalty is based on this license holder's not attending the compliance training and a recent alcohol compliance failure. If this license holder fails another compliance check within 24 months of this resolution, the stayed penalty will be immediately imposed and additional sanctions may be imposed for the new violation.
 - b) While holding a City-issued alcohol license, a representative from this establishment will attend any future City-sponsored alcohol compliance training when notified;

- c) The license holder will establish or up-date an age verification policy for the establishment's employees and provide the police department with a copy of this policy within 30 days of this resolution; and
- d) While holding a City-issued alcohol license, the license holder must document and maintain the signatures and dates of any alcohol training their employee's receive, including being advised of the policy cited above. This list must be up kept to date and made available to the police department upon a reasonable request.

Adopted by the City Council of the City of West St. Paul this 12th day of September, 2016

Attest:

David Meisinger, Mayor

Chantel Doriott, City Clerk

---CONTAINS JUVENILE INFORMATION---

16001344

Incident Report

West St. Paul
Disposition: Inactive

INCIDENT

Case Number: 16001344
Title: Tobacco Compliance Checks

Incident Type: Licensing Offenses Citation Issued: No

Investigation Needed: No CAD #:

Admin Review Needed: No How Initiated:

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

OFFICER INFORMATION

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

EVENT DATES

Reported	On Scene	Cleared
2016-04-19 16:00	2016-04-19 17:00	2016-04-19 19:30

INCIDENT DETAILS

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

Location Type:

Location Description: West St Paul Police Department (B0000009199)

Start Date: 2016-04-19 16:00 End Date: 2016-04-19 19:30

SYNOPSIS

Yearly check of all licensed tobacco establishments inside the city.

Parties Involved

PERSON 1

Role(s): Confidential

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

Date of Birth: [REDACTED] Age: 16 Is Juvenile: Yes

Residence: [REDACTED]

Home Phone: [REDACTED] Description:

Email: [REDACTED] Description:

Sex: Male Height: 604 -604 Weight: 180 -180 lbs Hair: Eyes: Hazel

STATEMENT

On 2016-04-19 Officer Wood and I were conducting yearly tobacco compliance checks on all businesses in the city of West St Paul with current tobacco licenses. A sixteen year old juvenile was used to conduct these checks. His name is [REDACTED] but he will be referred to as APL in this report and subsequent reports. APL is a juvenile and his identity shall remain confidential. APL did not/was not personally known by any employee in any of the establishments checked. APL has attended the tobacco checker training program put on by the Dakota County Sheriff's Office and has conducted compliance checks in the past for other agencies within the county.

West St. Paul
Disposition: Inactive

INCIDENT

Case Number: 16001344
Title: Tobacco Compliance Checks

16001344

All the money used during the tobacco compliance checks was provided by the city of West St Paul. One \$20.00 bill was photocopied at the West St Paul Police prior to use to record the serial number.

APL was only in possession of his Minnesota driver's license and the \$20.00 bill. He entered each store alone. A photograph was taken of APL prior to beginning the checks to document his appearance on this date/time.

We checked the following businesses who **passed** the compliance check:

- Holiday 1030 Dodd Road
- Holiday 1845 Robert Street South
- Super America 1285 Robert Street South
- Walgreens 1133 Robert Street South
- Bobby & Steve's 1820 Robert Street South
- Tobacco ECig Center 1676 Robert Street South
- Quick Pick 1113 Robert Street South
- Superette 1834 Oakdale Avenue
- Cub Foods 2001 Robert Street South
- Blvd Bar & Grille 433 Mendota Road East
- Booze Mart 1673 Robert Street South
- MGM Liquor 1690 Robert Street South
- R&B Liquor 1111 Robert Street South
- Smith Liquor Store 977 Smith Avenue South

The following places **did not** pass the check:

- Marathon 433 Mendota Road East
- Walmart 1644 Robert Street South
- Cub Liquor 2001 Robert Street South

Reports were completed for each failure. The case numbers are listed below.

Copies of the money used, APL's driver's license and his driving record are added to this case file along with the photo of APL prior to the checks.

Nothing further.

RELATED REPORTS

Agency	CaseNumber	Type	Description
West St. Paul	16001346	Incident-Reference	
West St. Paul	16001345	Incident-Reference	
West St. Paul	16001347	Incident-Reference	

Incident Report



Tobacco Compliance Checks 16001344

April 19, 2016

Juvenile Decoy's DL

CITY CODE – 113 TOBACCO (Selected Sections)

113.08 LICENSE DENIAL, SUSPENSION OR REVOCATION.

(A) Grounds for denial, suspension or revocation. The City Council may deny, revoke or suspend a license for violating a provision of this chapter or for any of the reasons enumerated in § 110.12(A). In addition, the City Council shall impose a civil penalty for each violation.

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

<i>Violation</i>	<i>Licensee</i>	<i>Employee</i>
First violation	\$75 fine and attend training by Police Department	\$50 fine
Second violation within 24 months	\$200 fine, plus 3-day suspension	\$50 fine
Third violation within 24 months	\$750 fine, plus 7-day suspension	\$50 fine
Four or more violations within 24 months	\$1,500 fine + revocation	\$50 fine

(C) Notice. Notice must be provided pursuant to § 110.12(D)(1).

(D) Hearing. A hearing will be conducted pursuant to § 110.12(D). It is not necessary that criminal charges be brought in order to support a determination of a license violation nor does the dismissal or acquittal of such a criminal charge operate as a bar to adverse license actions under this chapter.

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

(F) Non-exclusive remedy. Enforcement actions provided in this chapter are not exclusive, and the Council may take any action with respect to a licensee, employee or the retail establishments as is authorized by the city code, state or federal law.

(G) Re-application. Upon revocation of a license, the owner must re-apply for a new license and comply with all the provisions of § 113.03.

461.12 MUNICIPAL LICENSE OF TOBACCO, TOBACCO-RELATED DEVICES, AND SIMILAR PRODUCTS.

Subdivision 1. **Authorization.** A town board or the governing body of a home rule charter or statutory city may license and regulate the retail sale of tobacco, tobacco-related devices, and electronic delivery devices as defined in section 609.685, subdivision 1, and nicotine and lobelia delivery products as described in section 609.6855, and establish a license fee for sales to recover the estimated cost of enforcing this chapter. The county board shall license and regulate the sale of tobacco, tobacco-related devices, electronic delivery devices, and nicotine and lobelia products in unorganized territory of the county except on the State Fairgrounds and in a town or a home rule charter or statutory city if the town or city does not license and regulate retail sales of tobacco, tobacco-related devices, electronic delivery devices, and nicotine and lobelia delivery products. The State Agricultural Society shall license and regulate the sale of tobacco, tobacco-related devices, electronic delivery devices, and nicotine and lobelia delivery products on the State Fairgrounds. Retail establishments licensed by a town or city to sell tobacco, tobacco-related devices, electronic delivery devices, and nicotine and lobelia delivery products are not required to obtain a second license for the same location under the licensing ordinance of the county.

Subd. 2. **Administrative penalties; licensees.** If a licensee or employee of a licensee sells tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products to a person under the age of 18 years, or violates any other provision of this chapter, the licensee shall be charged an administrative penalty of \$75. An administrative penalty of \$200 must be imposed for a second violation at the same location within 24 months after the initial violation. For a third violation at the same location within 24 months after the initial violation, an administrative penalty of \$250 must be imposed, and the licensee's authority to sell tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products at that location must be suspended for not less than seven days. No suspension or penalty may take effect until the licensee has received notice, served personally or by mail, of the alleged violation and an opportunity for a hearing before a person authorized by the licensing authority to conduct the hearing. A decision that a violation has occurred must be in writing.

Subd. 3. **Administrative penalty; individuals.** An individual who sells tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products to a person under the age of 18 years must be charged an administrative penalty of \$50. No penalty may be imposed until the individual has received notice, served personally or by mail, of the alleged violation and an opportunity for a hearing before a person authorized by the licensing authority to conduct the hearing. A decision that a violation has occurred must be in writing.

Subd. 4. **Minors.** The licensing authority shall consult with interested educators, parents, children, and representatives of the court system to develop alternative penalties for minors who purchase, possess, and consume tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products. The licensing authority and the interested persons shall consider a variety of options, including, but not limited to, tobacco free education programs, notice to schools, parents, community service, and other court diversion programs.

Subd. 5. **Compliance checks.** A licensing authority shall conduct unannounced compliance checks at least once each calendar year at each location where tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products are sold to test compliance with sections 609.685 and 609.6855. Compliance checks must involve minors over the age of 15, but under the age of 18, who, with the prior written consent of a parent or guardian, attempt to purchase tobacco, tobacco-related devices,

electronic delivery devices, or nicotine or lobelia delivery products under the direct supervision of a law enforcement officer or an employee of the licensing authority.

Subd. 6. **Defense.** It is an affirmative defense to the charge of selling tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products to a person under the age of 18 years in violation of subdivision 2 or 3 that the licensee or individual making the sale relied in good faith upon proof of age as described in section 340A.503, subdivision 6.

Subd. 7. **Judicial review.** Any person aggrieved by a decision under subdivision 2 or 3 may have the decision reviewed in the district court in the same manner and procedure as provided in section 462.361.

Subd. 8. **Notice to commissioner.** The licensing authority under this section shall, within 30 days of the issuance of a license, inform the commissioner of revenue of the licensee's name, address, trade name, and the effective and expiration dates of the license. The commissioner of revenue must also be informed of a license renewal, transfer, cancellation, suspension, or revocation during the license period.

History: 1941 c 242 s 3; 1941 c 405 s 3; 1951 c 382 s 1; Ex1959 c 73 s 2; 1973 c 123 art 5 s 7; 1982 c 572 s 2; 1997 c 227 s 4; 1Sp2001 c 5 art 7 s 63; 2010 c 255 s 7; 2010 c 305 s 4-9; 2014 c 291 art 6 s 28



WEST ST. PAUL POLICE DEPARTMENT

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

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

www.cityofwsp.org

Type Violation: Tobacco

Name of the establishment: Cub Liquors

Address: 2001 Robert Street South

Police Incident or Case Number: 16001346

Date of Violation: April 19, 2016

Summary:

On April 19, 2016 shortly after 5:30 pm Officers Rawlings and Wood, along with an underage decoy, conducted a tobacco compliance check at the above establishment. The underage decoy was provided marked money by the officers and instructed to attempt to purchase a tobacco product (aka: cigarettes). The decoy possessed his unaltered Minnesota driver's license which indicated his age was 16. He was told not to lie about his age and if denied tobacco or asked his age, the decoy was to simply return to the officers.

Although there were signs posted about the liquor store stating they check the identification of anyone 40 years of age or younger, the store clerk did not request to see the decoy's DL nor ask the decoy's age. Additionally, the officers learned the store's cash register system had to be bypassed in order to complete the sale of cigarettes. Despite these control measures the decoy was able to purchase a pack of cigarettes. The officers were able to retrieve the marked money from the establishment's cash register, which the decoy had used to purchase the cigarettes.

Other Information:

- This establishment has passed five preceding compliance checks;
- The last compliance failure was in 2013; and
- The police department finds it concerning that a 16 year old was able to purchase a regulated product at a liquor store (as opposed to a convenience store where youths shopping are common).

Recommendations:

- That a \$75 civil penalty is imposed against license holder;
- The individual who sold the tobacco will pay a \$50 civil penalty;
- The civil penalties must be paid within 30 days of notice of payment;
- While maintaining an active City-issued tobacco license, the licensee will attend any City-sponsored compliance training when notified;
- The license holder will establish or up-date an age verification policy for the establishment's employees and provide the police department with a copy of this policy within 30 days of this resolution; and

"We Serve with Honor and Integrity"

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



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

West St. Paul
Disposition: Citation

INCIDENT

Case Number: 16001346
Title: Tobacco Compliance Check Failure

16001346

Charges/Offenses: 609.685.1a(a) (citation# 190716900678), 609.685.1a(a) (citation# 190716900678)

Incident Type: Licensing Offenses Citation Issued: Yes

Investigation Needed: No CAD #:

Admin Review Needed: No How Initiated:

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

OFFICER INFORMATION

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

EVENT DATES

Reported	On Scene	Cleared
2016-04-19 17:30	2016-04-19 17:35	2016-04-19 17:40

INCIDENT DETAILS

Address: 2001 Robert Street S; West St. Paul, MN 55118; Dakota US

Location Type: GROCERY/SUPERMARKET

Location Description: Cub Liquor

Start Date: 2016-04-19 17:30 End Date: 2016-04-19 17:45

SYNOPSIS

Tobacco compliance check failure.

Parties Involved

PERSON 1

Role(s): Cited

Last: Kropelnicki First: Misty Middle: Dawn Suffix:
Date of Birth: 1969-05-11 Age: 46 Is Juvenile: No
Residence: 42 Langer Circle; West St Paul 55118; Dakota US
Residence Type: RESIDENCE/HOME
Cell Phone: (651)206-1341 Description:
Sex: Female Height: 503 -503 Weight: 125 -125 lbs Hair: Eyes: Hazel
Race: White Ethnicity: Not Hispanic/Latino Build: Medium Complexion:

CHARGES/ORDINANCES

Type: Statute Chapter: 609 Section: 685 Subdivision: 1a(a) Citation #: 190716900678
UOC: Level: Misdemeanor Enh. Factor:
Description: Sale of Tobacco/Tobacco Related Device to Children-Under 18 Years Old; Misd; Subsequent offense GM

BUSINESS 1

Role(s): Mentioned

Business Name: Cub Liquor Business Type: RETAIL

Incident Report

INCIDENT

Description:

Location: 2001 Robert Street S; West St. Paul, MN 55118; Dakota US

STATEMENT

On 2016-04-19 Officer Wood and I were conducting yearly tobacco compliance checks on all businesses in the city of West St Paul with current tobacco licenses. A sixteen year old juvenile was used to conduct these checks and will be referred to as APL in this report. APL did not/was not personally known by any employee in any of the establishments checked. APL has participated in the tobacco compliance checker program put on by the Dakota County Sheriff's Office.

All the money used during the tobacco compliance checks was provided by the city of West St Paul.

At 1730 we arrived at Cub Liquor, 2001 Robert Street South. APL was only in possession of the \$20.00 bill provided by us and his Minnesota driver's license. He entered the store alone. A short time later he exited the store with a box of cigarettes, change for the sale of the cigarettes and a receipt. APL gave us a description of the store employee who sold him the cigarettes.

Officer Wood and I entered the store and made contact with the clerk described by APL who was identified as Misty Dawn Kropelnicki DOB/1969-05-11. Misty said she has worked at Cub Liquor for 1 month. We explained that a minor had just purchased the cigarettes I had in my hand. I took a digital photo of the cigarettes inside the store and downloaded the photo to the case file. Misty said that there is an age verification in place on the register for alcohol but was unsure about tobacco. There were multiple signs around the store that stated they check identification for anyone under 40 years of age. Misty said she "usually" checks identification but did not provide a reason why she did not this time. With the help of another employee in the store, we learned that the cash register asks for age verification for tobacco sales as well and that the verification would need to be bypassed to complete the sale.

The cigarettes and change were given to another employee and he returned the \$20.00 bill to me.

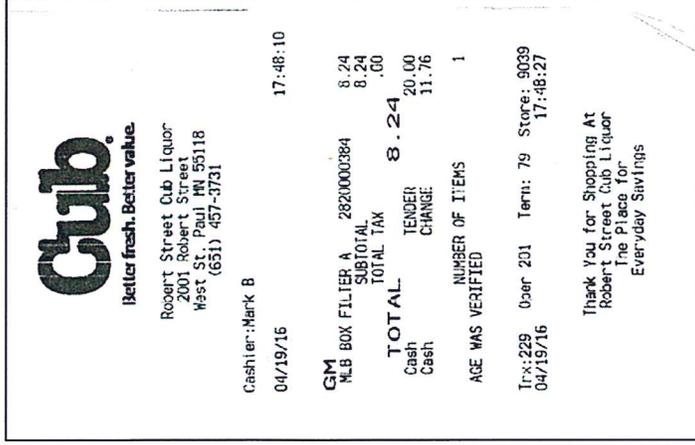
Officer Wood gave Misty a business card with her contact information on it. She explained that a citation would be coming in the mail and to contact us if she had any further questions.

A criminal history was run on Misty to ensure this was a first time offense and nothing was found that would enhance this charge. A citation was printed and mailed to the address listed above for the above charge.

Nothing further at this time.

RELATED REPORTS

Agency	CaseNumber	Type	Description
West St. Paul	16001344	Incident-Reference	



Tobacco Compliance Checks, Cub Liquors

April 19, 2016

Case Number 16001346



WEST ST. PAUL POLICE DEPARTMENT

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

August 2, 2016

Mr. Kent Dixon
Cub Liquors
2001 Robert Street South
West St. Paul, Minnesota 55118

Dear Mr. Dixon,

On April 19, 2016 the police department conducted multiple tobacco compliance checks throughout the City of West St. Paul. Unfortunately three establishments failed these checks, including yours.

In following the procedure for tobacco license violations there was a review of the violation and a subsequent sanction recommendation developed. This recommendation will be presented to the City Council in the form of a hearing at the September 12th Council meeting for their consideration.

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

Attached is my recommendation to the Council and an excerpt from State Statute 461.12, which mandates specific penalties for certain offenses. You may also wish to review the City's Tobacco Code by visiting the City's website (www.wspmn.gov) and click on "city ordinances," then go to Tobacco – 113.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

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



WEST ST. PAUL POLICE DEPARTMENT

1616 HUMBOLDT AVENUE, WEST ST. PAUL, MN 55118-3972
Police Administration 651-552-4200 Fax: 651552-4199
www.ci.west-saint-paul.mn.us

August 2, 2016

Ms. Misty Kropelnicki
42 Langer Circle
West St. Paul, Minnesota 55118

Subject: Tobacco License Violation, Hearing Notice

Dear Ms. Kropelnicki,

In April 2016 the police department conducted numerous tobacco compliance checks throughout the City of West St. Paul. Unfortunately a few establishments failed these checks and you were identified as the store clerk conducting the sale at one of these failed establishments.

Selling tobacco products to a minor is a violation of state statute and a violation of a City-issued tobacco license. Section 113 of the West St. Paul City Code articulates the requirements for licensees and employees and the civil penalties which may be imposed for license violations. For your reference I have enclosed the portion of the City Code articulating the possible civil penalties you may be subjected to. You may also wish to review the City's Tobacco Code by visiting the City's website (www.wspmn.gov) and click on "city ordinances," then go to Tobacco – 113.

In following the procedure for a tobacco license violation, a review of the violation was conducted and a subsequent sanction recommendation developed. Attached is my recommendation to the City Council, including an excerpt from State Statute 461.12 which mandates specific penalties for certain offenses.

This recommendation will be presented to the City Council in the form of a hearing at the September 12th Council meeting for their consideration. City Council meetings start at 6:30 pm and are held at City Hall, located at 1616 Humboldt Avenue in West St. Paul. This letter serves as your official notice of this hearing, which you have the right to be present at. You may address the Council, provide testimony, evidence or bring witnesses on your behalf if you wish.

If you have any questions or concerns, please do not hesitate to contact me at 552-4201.

Sincerely,

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

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

RESOLUTION NO. 16-

**RESOLUTION IMPOSING SANCTIONS UPON
RETAIL TOBACCO LICENSE HOLDER
CUB LIQUORS**

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

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

FINDINGS

Notice of a hearing for the imposition of a sanction for a tobacco violation was duly given to the tobacco license holder for the premises at 2001 Robert Street South, West St. Paul, Minnesota (Cub Liquors) on August 2, 2016, pursuant to Minnesota Statutes, sections 461.12, Subd. 2 and 3.

- 1.01 The hearing was held on Monday, September 12, 2016, in the Council Chambers in City Hall, located at 1616 Humboldt Avenue, West St. Paul, Minnesota.
- 1.02 At the hearing all persons who appeared and desired to be heard, were heard.

CONCLUSION

- 2.01 Based upon the evidence presented at the hearing, the City Council concludes that the retail license holder for the premises at 2001 Robert Street South (Cub Liquors) failed to comply with an applicable statute in that tobacco was sold to a minor on April 19, 2016 in the licensed establishment.
- 2.02 The following sanctions are imposed for the violation:
 - (a) That a \$75 civil penalty is imposed against license holder;
 - (b) The individual who sold the tobacco will pay a \$50 civil penalty;
 - (c) The civil penalties must be paid within 30 days of notice of payment;
 - (d) While maintaining an active City-issued tobacco license, the licensee will attend any City-sponsored compliance training when notified;

- (e) The license holder will establish or up-date an age verification policy for the establishment's employees and provide the police department with a copy of this policy within 30 days of this resolution; and
- (f) While holding a City-issued tobacco license, the license holder must document and maintain the signatures and dates of any tobacco training their employee's receive, including being advised of the establishment's tobacco policy. This list must be up to date and made available to the police department upon request.

Adopted by the City Council of the City of West St. Paul this 12th day of September, 2016

Ayes:

Nays:

Attest:

David Meisinger, Mayor

Chantel Doriott, City Clerk



WEST ST. PAUL POLICE DEPARTMENT

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

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

www.cityofwsp.org

Type Violation: Tobacco

Name of the establishment: Marathon Gas

Address: 433 Mendota Road East

Police Incident or Case Number: 16001345

Date of Violation: April 19, 2016

Summary:

On April 19, 2016 shortly before 5:30 pm Officers Rawlings and Wood, along with an underage decoy, conducted a tobacco compliance check at the above establishment. The underage decoy was provided marked money by the officers and instructed to attempt to purchase a tobacco product (aka: cigarettes). The decoy possessed his unaltered Minnesota driver's license which indicated his age was 16. He was told not to lie about his age and if denied tobacco or asked his age, the decoy was to simply return to the officers.

The store clerk did request to see the decoy's DL and told the officers he must have misread the date of birth. The officers were able to retrieve the marked money from the establishment's cash register, which the decoy had used to purchase the cigarettes.

Other Information:

- This establishment has passed seven preceding compliance checks;

Recommendations:

- That a \$75 civil penalty is imposed against license holder;
- The individual who sold the tobacco will pay a \$50 civil penalty;
- The civil penalties must be paid within 30 days of notice of payment;
- While maintaining an active City-issued tobacco license, the licensee will attend any City-sponsored compliance training when notified;
- The license holder will establish or up-date an age verification policy for the establishment's employees and provide the police department with a copy of this policy within 30 days of this resolution; and
- While holding a City-issued tobacco license, the license holder must document and maintain the signatures and dates of any tobacco training their employee's receive, including being advised of the establishment's tobacco policy. This list must be up to date and made available to the police department upon request.

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

"We Serve with Honor and Integrity"

West St. Paul
Disposition: Inactive

INCIDENT

Case Number: 16001345
Title: Tobacco Compliance Check Failure

16001345

Charges/Offenses: 609.685.1a(a) (citation# 190716900677)

Incident Type: Licensing Offenses

Citation Issued: Yes

Investigation Needed: No

CAD #:

Admin Review Needed: No

How Initiated:

Drug Related: No

Gang Related: No

Domestic Related: No

OFFICER INFORMATION

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

EVENT DATES

Reported	On Scene	Cleared
2016-04-19 17:27	2016-04-19 17:27	2016-04-19 17:35

INCIDENT DETAILS

Address: 433 Mendota Road E; West St. Paul, MN 55118; Dakota US

Location Type: CONVENIENCE STORE

Location Description: Marathon Gas

Start Date: 2016-04-19 17:27

End Date: 2016-04-19 17:35

SYNOPSIS

Tobacco compliance check failure.

Parties Involved

PERSON 1

Role(s): Cited

Last: Abdelaty First: Ehab Middle: Mohamed Harbi Ahme Suffix:

Date of Birth: 1975-09-07 Age: 40 Is Juvenile: No

Residence: 2044 Oakdale Avenue APT 203; West St. Paul, MN 55118; Dakota

Residence Type: APARTMENT

Residence Description: Eagle Point Apartments

Cell Phone: (651)703-4724

Description:

Sex: Male Height: 602 -602 Weight: 215 -215 lbs Hair: Black Eyes: Brown

Race: Arab/Persian/Indian Ethnicity: Build: Slender Complexion:

CHARGES/ORDINANCES

Type: Statute Chapter: 609 Section: 685 Subdivision: 1a(a) Citation #: 190716900677

UOC: Level: Misdemeanor Enh. Factor:

Description: Sale of Tobacco/Tobacco Related Device to Children-Under 18 Years Old; Misd; Subsequent offense GM

BUSINESS 1

Role(s): Mentioned

Incident Report

West St. Paul
Disposition: Inactive

INCIDENT

Case Number: 16001345
Title: Tobacco Compliance Check Failure

16001345

Business Name: Marathon Gas Business Type: GAS STATION/CONV. STORE

Description:

Location: 433 Mendota Road E; West St. Paul, MN 55118; Dakota US

STATEMENT

On 2016-04-19 Officer Wood and I were conducting yearly tobacco compliance checks on all businesses in the city of West St Paul with current tobacco licenses. A sixteen year old juvenile was used to conduct these checks and will be referred to as APL in this report. APL did not/was not personally known by any employee in any of the establishments checked. APL has participated in the tobacco compliance checker program put on by the Dakota County Sheriff's Office.

All the money used during the tobacco compliance checks was provided by the city of West St Paul.

At 1725 we arrived at Marathon Gas, 433 Mendota Road East. APL was only in possession of the \$20.00 bill provided by us and his Minnesota driver's license. He entered the store alone. A short time later he exited the store with a box of cigarettes, change for the sale of the cigarettes and a receipt.. APL gave us a description of the store employee who sold him the cigarettes.

Officer Wood and I entered the store and made contact with the clerk described by APL who was identified as Ehab Mohamed Harbi Ahme Abdelaty DOB/1975-09-07. Ehab has worked at Marathon for a few months. We explained that a minor had just purchased the cigarettes I had in my hand. I took a digital photo of the cigarettes inside the store and downloaded the photo to the case file. Ehab said that he had asked for APL's identification but had checked it wrong and that it was "my mistake." Ehab said that APL acted "strange" and that was the reason why the sale was completed despite APL not being of age to purchase tobacco. Officer Wood showed Ehab a photo copy of APL's driver's license and explained the security features and how to properly check identifications.

The cigarettes and change were given to Ehab and he returned the \$20.00 bill to us.

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

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

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

Nothing further at this time.

RELATED REPORTS

Agency	CaseNumber	Type	Description
West St. Paul	16001344	Incident-Reference	

Incident Report



W. ST. PAUL MARATHON
 433 EAST MENDOTA ROAD
 WEST ST. PAUL, MN 55118
 00000108951-09 WEST ST PAUL MARATHO
 433 EAST MENDOTA R WEST ST. PAUL MN

Descr.	qty	amount
MARLBORO	1	8.69
CUSTOMER ID VERIFIED 12/31/23		
Sub Total		8.69
Tax		0.00
TOTAL		8.69
CASH \$		20.00
Change \$		-11.31

**EARN UP TO \$.25 ON
 MARATHON PURCHASES
 WITH MARATHON VISA**

THANKS, COME AGAIN
 REG# 0003 CSH# 003 DR# 01 TRAN# 34951
 04/19/16 17:28:34 ST# AB123

Tobacco Compinance Checks – 16001345

April 19, 2016

Marathon, 433 Mendota Road East



WEST ST. PAUL POLICE DEPARTMENT

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

August 2, 2016

Ms. Heather Saman
West St. Paul Marathon, LLC
433 Mendota Road East
West St. Paul, Minnesota 55118

Dear Ms. Saman,

On April 19, 2016 the police department conducted multiple tobacco compliance checks throughout the City of West St. Paul. Unfortunately three establishments failed these checks, including yours.

In following the procedure for tobacco license violations there was a review of the violation and a subsequent sanction recommendation developed. This recommendation will be presented to the City Council in the form of a hearing at the September 12th Council meeting for their consideration.

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

Attached is my recommendation to the Council and an excerpt from State Statute 461.12, which mandates specific penalties for certain offenses. You may also wish to review the City's Tobacco Code by visiting the City's website (www.wspmn.gov) and click on "city ordinances," then go to Tobacco – 113.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

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



WEST ST. PAUL POLICE DEPARTMENT

1616 HUMBOLDT AVENUE, WEST ST. PAUL, MN 55118-3972
Police Administration 651-552-4200 Fax: 651552-4199
www.ci.west-saint-paul.mn.us

August 2, 2016

Mr. Ehab Abdelaty
2044 Oakdale Avenue
Apartment #203
West St. Paul, Minnesota 55118

Subject: Tobacco License Violation, Hearing Notice

Dear Mr. Abdelaty,

In April 2016 the police department conducted numerous tobacco compliance checks throughout the City of West St. Paul. Unfortunately a few establishments failed these checks and you were identified as the store clerk conducting the sale at one of these failed establishments.

Selling tobacco products to a minor is a violation of state statute and a violation of a City-issued tobacco license. Section 113 of the West St. Paul City Code articulates the requirements for licensees and employees and the civil penalties which may be imposed for license violations. For your reference I have enclosed the portion of the City Code articulating the possible civil penalties you may be subjected to. You may also wish to review the City's Tobacco Code by visiting the City's website (www.wspmn.gov) and click on "city ordinances," then go to Tobacco – 113.

In following the procedure for a tobacco license violation, a review of the violation was conducted and a subsequent sanction recommendation developed. Attached is my recommendation to the City Council, including an excerpt from State Statute 461.12 which mandates specific penalties for certain offenses.

This recommendation will be presented to the City Council in the form of a hearing at the September 12th Council meeting for their consideration. City Council meetings start at 6:30 pm and are held at City Hall, located at 1616 Humboldt Avenue in West St. Paul. This letter serves as your official notice of this hearing, which you have the right to be present at. You may address the Council, provide testimony, evidence or bring witnesses on your behalf if you wish.

If you have any questions or concerns, please do not hesitate to contact me at 552-4201.

Sincerely,

A handwritten signature in black ink that reads "Manila G. Shaver". The signature is written in a cursive, flowing style.

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

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

RESOLUTION NO. 16-

**RESOLUTION IMPOSING SANCTIONS UPON
RETAIL TOBACCO LICENSE HOLDER
WEST ST. PAUL MARATHON, LLC**

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

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

FINDINGS

Notice of a hearing for the imposition of a sanction for a tobacco violation was duly given to the tobacco license holder for the premises at 433 Mendota Road East, West St. Paul, Minnesota (West St. Paul Marathon, LLC) on August 2, 2016, pursuant to Minnesota Statutes, sections 461.12, Subd. 2 and 3.

- 1.01 The hearing was held on Monday, September 12, 2016, in the Council Chambers in City Hall, located at 1616 Humboldt Avenue, West St. Paul, Minnesota.
- 1.02 At the hearing all persons who appeared and desired to be heard, were heard.

CONCLUSION

- 2.01 Based upon the evidence presented at the hearing, the City Council concludes that the retail license holder for the premises at 433 Mendota Road East (West St. Paul Marathon, LLC) failed to comply with an applicable statute in that tobacco was sold to a minor on April 19, 2016 in the licensed establishment.
- 2.02 The following sanctions are imposed for the violation:
 - (a) That a \$75 civil penalty is imposed against license holder;
 - (b) The individual who sold the tobacco will pay a \$50 civil penalty;
 - (c) The civil penalties must be paid within 30 days of notice of payment;
 - (d) While maintaining an active City-issued tobacco license, the licensee will attend any City-sponsored compliance training when notified;

- (e) The license holder will establish or up-date an age verification policy for the establishment's employees and provide the police department with a copy of this policy within 30 days of this resolution; and
- (f) While holding a City-issued tobacco license, the license holder must document and maintain the signatures and dates of any tobacco training their employee's receive, including being advised of the establishment's tobacco policy. This list must be up to date and made available to the police department upon request.

Adopted by the City Council of the City of West St. Paul this 12th day of September, 2016

Ayes:

Nays:

Attest:

David Meisinger, Mayor

Chantel Doriott, City Clerk



WEST ST. PAUL POLICE DEPARTMENT

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

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

www.cityofwsp.org

Type Violation: Tobacco

Name of the establishment: Walmart

Address: 1644 Robert Street South

Police Incident or Case Number: 16001347

Date of Violation: April 19, 2016

Summary:

On April 19, 2016 shortly after 6:00 pm Officers Rawlings and Wood, along with an underage decoy, conducted a tobacco compliance check at the above establishment. The underage decoy was provided marked money by the officers and instructed to attempt to purchase a tobacco product (aka: cigarettes). The decoy possessed his unaltered Minnesota driver's license which indicated his age was 16. He was told not to lie about his age and if denied tobacco or asked his age, the decoy was to simply return to the officers.

The store clerk did not request to see the decoy's DL nor ask the decoy's age. Additionally, the officers were told by the clerk she had bypassed the store's cash register system to complete the sale of cigarettes. Despite these control measures the decoy was able to purchase a pack of cigarettes. The officers were able to retrieve the marked money from the establishment's cash register, which the decoy had used to purchase the cigarettes.

Other Information:

- This establishment has passed three preceding compliance checks; and
- The last compliance failure was on December 8, 2014 making this a second violation within 24 months (enhanced penalties)

Recommendations:

- That a \$200 civil penalty is imposed against license holder;
- The individual who sold the tobacco will pay a \$50 civil penalty;
- The civil penalties must be paid within 30 days of notice of payment;
- That a 3-day suspension of the licensee's tobacco license be imposed on the following dates: September 22nd, 23rd and the 24th. Sales may resume on September 25th.
- While maintaining an active City-issued tobacco license, the licensee will attend any City-sponsored compliance training when notified;
- The license holder will establish or up-date an age verification policy for the establishment's employees and provide the police department with a copy of this policy within 30 days of this resolution; and

"We Serve with Honor and Integrity"

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



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

West St. Paul
Disposition: Citation

INCIDENT

Case Number: 16001347
Title: Tobacco Compliance Check Failure

16001347

Charges/Offenses: 609.685.1a(a) (citation# 190716900679), 609.685.1a(a) (citation# 190716900679)
Incident Type: Licensing Offenses **Citation Issued:** Yes

Investigation Needed: No **CAD #:**
Admin Review Needed: No **How Initiated:**
Drug Related: No **Gang Related:** No **Domestic Related:** No

OFFICER INFORMATION

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

EVENT DATES

Reported	On Scene	Cleared
2016-04-19 18:10	2016-04-19 18:10	2016-04-19 18:30

INCIDENT DETAILS

Address: 1644 Robert Street S; West St. Paul, MN 55118; Dakota US
Location Type: DEPARTMENT/DISCOUNT STORE
Location Description: Walmart
Start Date: 2016-04-19 18:10 **End Date:** 2016-04-19 18:30

SYNOPSIS

Tobacco compliance check failure.

Parties Involved

PERSON 1

Role(s): Cited

Last: Jones **First:** Michaela **Middle:** Alexis **Suffix:**
Date of Birth: 1997-01-23 **Age:** 19 **Is Juvenile:** No
Residence: 308 Prince Street APT 1351; St. Paul, MN 55101; Ramsey US
Cell Phone: (651)247-0602 **Description:**
Sex: Female **Height:** 504 -504 **Weight:** 184 -184 lbs **Hair:** Brown **Eyes:** Brown
Race: White **Ethnicity:** Unknown **Build:** Medium **Complexion:**
Is US Citizen: Yes **DNA Collected:** No **Special Needs:** No **Immigration Checked:** No

CHARGES/ORDINANCES

Type: Statute **Chapter:** 609 **Section:** 685 **Subdivision:** 1a(a) **Citation #:** 190716900679
UOC: **Level:** Misdemeanor **Enh. Factor:**
Description: Sale of Tobacco/Tobacco Related Device to Children-Under 18 Years Old; Misd; Subsequent offense GM

BUSINESS 1

Role(s): Mentioned

Incident Report

West St. Paul
Disposition: Citation

INCIDENT

Case Number: 16001347
Title: Tobacco Compliance Check Failure

16001347

Business Name: Walmart

Business Type: RETAIL

Description:

Location: 1644 Robert Street S; West St. Paul, MN 55118; Dakota US

STATEMENT

On 2016-04-19 Officer Wood and I were conducting yearly tobacco compliance checks on all businesses in the city of West St Paul with current tobacco licenses. A sixteen year old juvenile was used to conduct these checks and will be referred to as APL in this report. APL did not/was not personally known by any employee in any of the establishments checked. APL has participated in the tobacco compliance checker program put on by the Dakota County Sheriff's Office.

All the money used during the tobacco compliance checks was provided by the city of West St Paul.

At 1810 we arrived at Walmart, 1644 Robert Street South. APL was only in possession of the \$20.00 bill provided by us and his Minnesota driver's license. He entered the store alone. A short time later he exited the store with a box of cigarettes, change for the sale of the cigarettes and a receipt.. APL gave us a description of the store employee who sold him the cigarettes.

Officer Wood and I entered the store and made contact with the clerk described by APL who was identified as Michaela Alexis Jones DOB/1997-01-23. Jones has worked at Walmart for five weeks. We explained that a minor had just purchased the cigarettes I had in my hand. I took a digital photo of the cigarettes inside the store and downloaded the photo to the case file. Jones said that she was able to bypass the age verification process on the store's cash register in order to complete the sale.

The cigarettes and change were given to another store employee and he returned the \$20.00 bill to us.

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

A criminal history was run on Jones to ensure this was a first time offense and nothing was found that would enhance this charge. A citation was printed and mailed to the address listed above for the above charge.

A copy of the store surveillance video was entered into evidence.

Nothing further at this time.

RELATED REPORTS

Agency	CaseNumber	Type	Description
West St. Paul	16001344	Incident-Reference	

Incident Report



Walmart
 Save money. Live better.

(651) 453 - 0343
 MANAGER RICK DUERLINGER
 1644 ROBERT ST S
 SAINT PAUL MN 55118
 ST# 03364 OP# 003789 TE# 18 TR# 07092 8.42 0
 HARL GLD 100 002820000465 8.42
 SUBTOTAL 8.42
 TOTAL 20.00
 CASH TEND 20.00
 CHANGE DUE 11.58

ITEMS SOLD 1

TC# 0412 2624 2723 9093 8181
 Low Prices, You Can Trust. Every Day.
 04/19/16 18:15:48

 ATTENTION CUSTOMERS

Effective 04/03/08
 All Customers appearing to be under
 the age of 40 will be asked to
 provide proof of age by showing
 proper id. Customers under legal age
 or without proper id, will not be
 permitted to purchase alcohol or
 tobacco products. This change in
 Wal-Mart policy is an effort on our
 part to restrict the availability
 of these products to minors.

 Thank You for your cooperation.

Tobacco Compliance Checks – 16001347

April 19, 2016

Walmart, 1644 Robert Street South



WEST ST. PAUL POLICE DEPARTMENT

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

August 2, 2016

Ms. Andrea Lazenby
Walmart, #3364
1644 Robert Street South
West St. Paul, Minnesota 55118

Dear Ms. Lazenby,

On April 19, 2016 the police department conducted multiple tobacco compliance checks throughout the City of West St. Paul. Unfortunately three establishments failed these checks, including yours.

In following the procedure for tobacco license violations there was a review of the violation and a subsequent sanction recommendation developed. This recommendation will be presented to the City Council in the form of a hearing at the September 12th Council meeting for their consideration.

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

Attached is my recommendation to the Council and an excerpt from State Statute 461.12, which mandates specific penalties for certain offenses. You may also wish to review the City's Tobacco Code by visiting the City's website (www.wspmn.gov) and click on "city ordinances," then go to Tobacco – 113.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

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



WEST ST. PAUL POLICE DEPARTMENT

1616 HUMBOLDT AVENUE, WEST ST. PAUL, MN 55118-3972
Police Administration 651-552-4200 Fax: 651552-4199
www.ci.west-saint-paul.mn.us

August 2, 2016

Ms. Michaela Jones
308 Pine Street
Apartment 1351
St. Paul, Minnesota 55101

Subject: Tobacco License Violation, Hearing Notice

Dear Ms. Jones,

In April 2016 the police department conducted numerous tobacco compliance checks throughout the City of West St. Paul. Unfortunately a few establishments failed these checks and you were identified as the store clerk conducting the sale at one of these failed establishments.

Selling tobacco products to a minor is a violation of state statute and a violation of a City-issued tobacco license. Section 113 of the West St. Paul City Code articulates the requirements for licensees and employees and the civil penalties which may be imposed for license violations. For your reference I have enclosed the portion of the City Code articulating the possible civil penalties you may be subjected to. You may also wish to review the City's Tobacco Code by visiting the City's website (www.wspmn.gov) and click on "city ordinances," then go to Tobacco – 113.

In following the procedure for a tobacco license violation, a review of the violation was conducted and a subsequent sanction recommendation developed. Attached is my recommendation to the City Council, including an excerpt from State Statute 461.12 which mandates specific penalties for certain offenses.

This recommendation will be presented to the City Council in the form of a hearing at the September 12th Council meeting for their consideration. City Council meetings start at 6:30 pm and are held at City Hall, located at 1616 Humboldt Avenue in West St. Paul. This letter serves as your official notice of this hearing, which you have the right to be present at. You may address the Council, provide testimony, evidence or bring witnesses on your behalf if you wish.

If you have any questions or concerns, please do not hesitate to contact me at 552-4201.

Sincerely,

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

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

RESOLUTION NO. 16-

**RESOLUTION IMPOSING SANCTIONS UPON
RETAIL TOBACCO LICENSE HOLDER
WALMART**

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

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

FINDINGS

Notice of a hearing for the imposition of a sanction for a tobacco violation was duly given to the tobacco license holder for the premises at 1644 Robert Street South, West St. Paul, Minnesota (Walmart) on August 2, 2016, pursuant to Minnesota Statutes, sections 461.12, Subd. 2 and 3.

- 1.01 The hearing was held on Monday, September 12, 2016, in the Council Chambers in City Hall, located at 1616 Humboldt Avenue, West St. Paul, Minnesota.
- 1.02 At the hearing all persons who appeared and desired to be heard, were heard.

CONCLUSION

- 2.01 Based upon the evidence presented at the hearing, the City Council concludes that the retail license holder for the premises at 1644 Robert Street South (Walmart) failed to comply with an applicable statute in that tobacco was sold to a minor on April 19, 2016 in the licensed establishment.
- 2.02 The following sanctions are imposed for the violation:
 - (a) That a \$200 civil penalty is imposed against license holder;
 - (b) The individual who sold the tobacco will pay a \$50 civil penalty;
 - (c) The civil penalties must be paid within 30 days of notice of payment;
 - (d) That a 3-day suspension of the licensee's tobacco license be imposed on the following dates: September 22nd, 23rd and the 24th. Sales may resume on September 25th;

- (e) While maintaining an active City-issued tobacco license, the licensee will attend any City-sponsored compliance training when notified;
- (f) The license holder will establish or up-date an age verification policy for the establishment's employees and provide the police department with a copy of this policy within 30 days of this resolution; and
- (g) While holding a City-issued tobacco license, the license holder must document and maintain the signatures and dates of any tobacco training their employee's receive, including being advised of the establishment's tobacco policy. This list must be up to date and made available to the police department upon request.

Adopted by the City Council of the City of West St. Paul this 12th day of September, 2016

Ayes: Nays:

Attest:

David Meisinger, Mayor

Chantel Doriott, City Clerk

TO: Mayor and City Council
THROUGH: Matt Fulton, City Manager
FROM: Police Department
DATE: September 12, 2016
SUBJECT: Special Permit for Exceeding the Number of Animals



West St Paul Police Department
"We Serve with Honor and Integrity"

BACKGROUND:

Lisa Leach, the owner of 448 Emerson Ave West, has applied for a Special Permit for exceeding the number of animals (chickens and goats) restricted by City Code. This property has two structures including a single family home with a tuck-under garage, along with an animal coop in the backyard. The property is fenced in and appears to be well maintained.

In order to assure compliance with City Code, on June 25, 2016 Community Service Officer Nolan Cornell inspected the property and the area where the animals will be kept. CSO Nolan took several photos to document the property's condition. The following information was noted during the inspection:

- The property appear to be well maintained ;
- The four hens and two miniature goats were making no noise;
- The area was free of offensive odor;
- The animal coop appeared suitable for the four hens and the two goats;
- The coop was not particularly visible from any public property; and
- The property was fenced in with chain link fence and the animal coop was further fenced in within the property by an additional chain link fence.

SPECIFIC CITY CODE REQUIREMENTS:

90.04 NUMBER OF ANIMALS

Subd. 5. Notification. Upon receipt of an initial or renewal application, the City shall notify all residential properties within 350 feet of the applicant's property line of the Council's consideration of the Special Permit.

All property owners within 350 feet of the applicant's property were notified by US Mail (60 residents) of the pending Council's consideration for this special permit. The notice was sent on August 31st.

90.08 FARM AND OTHER SMALL DOMESTIC ANIMALS.

(A) General rule. A person may keep up to two farm animals, except roosters, or up to two Vietnamese pot-bellied pigs or up to two animals deemed similar by the Police Chief within the city. A person may keep more than two of the aforementioned animals if:

(1) The property upon which the animals are kept is greater than five acres and there is at least 350 feet between the animal enclosure and a residence; or

(2) A special permit is approved by the Council pursuant to §90.04(B).

The applicant's property does not meet the specifications in section #1, thus the applicant is requesting a special permit to maintain four hen chickens and two miniature goats on their property. Permits to keep certain animals are covered in City Code, specifically section 90.08.

90.08. PERMIT TO KEEP CERTAIN ANIMALS.

Subd. 1. Construction. Every stable or other building where any animal is kept will be constructed of material and in a manner that allow it to be kept clean and sanitary at all times.

The animal coop was constructed of treated plywood and is enclosed by a chain link fence. The animal coop is built in such a fashion that the applicant has easy access to clean the animal coop.

Subd. 3. Small Animal Shelters.

Proximity to Certain Uses. A chicken coop, dove cote, dog kennel facility (which is a facility designed to contain more than 3 dogs), rabbit warren, or other yard or establishment where small animals or fowls are kept, must not be maintained closer than 100 feet from any apartment, hotel, restaurant, boarding house, retail food store, building used for school, religious or hospital purposes, or residence other than occupied by the owner or occupant of the premises where the creatures are kept.

The nearest building, including the applicant's home, is well beyond the 100 foot requirement from the animal coop. The only structure within the 100 feet requirement is a shed from the property behind the applicant's property.

Subd. 4. Cleaning Animal Shelters. All structures, pens, coops or yards where animals or fowls are kept or permitted to be, must be maintained in a clean and sanitary condition, devoid of all rodents and vermin, and free from objectionable odors. The interior walls, ceiling, floors, partitions, appurtenances of all the structures must be whitewashed or painted annually or as often as the city directs. The city, upon the complaint of any individual, will inspect any structure or premises and issue any order as may be necessary to carry out the provisions of this section.

During the licensure period the community service officers will periodically inspect the animal coop and adjoining property.

STAFF RECCOMENDATION:

The applicant has met all of the requirements set forth by City Code to apply for and be considered for a Special Permit. After sending out a notification the police department received the following comments from a resident:

- *Lisa has had at least four chickens in her backyard for years; they frequently get loose and have been in our yard before. She is usually not at home to capture them and the chickens roam the neighborhood.*
- *This spring her chicken coup started on fire and caused significant damage to our neighbor's garage, we were told (unconfirmed) the cause of the fire was faulty wiring in the coup. Our house would have been in jeopardy if the garage would have caught fire.*

(I checked with the fire department and the cause of the fire was a wire in the coop that was low enough for the chickens to peck at it. Eventually the chickens pecked through the insulation causing a short. The fire department recommended the wire be moved up higher so the chickens cannot peck at it.)

- *Lisa has had the goats in her backyard all summer, they are extremely loud and "bah" in a high pitched way, especially in the evenings when we are enjoying our yard.*
- *We have noticed an increase in predators drawn to our neighborhood since Lisa has had her animals. We often see a red fox and coyotes running though our yard towards hers. There hasn't been an issue yet, but there are a lot of young children in the neighborhood.*

In summary we do not support Lisa getting this permit because she has already proven she cannot be responsible and we believe the noises decrease our quality of life and property value.

Because of the above comments I sent a Community Service Officer to knock on several doors in the neighborhood, securing additional comments. Below are several paraphrased remarks from these neighbors:

- *The resident had no direct issues with the chickens, but did think that four chickens are too many to have. She also noted seeing a fox in the backyards.*
- *This resident said they have no problems at all with the animals and support them having the goats and chickens.*

- *This was an older resident whom seemed a little confused. She knew that they had the animals and had no direct problems with them, but did think they should not be allowed to have that many.*
- *The homeowner said he was just fine with them, and noted that he is often gone on weekends.*
- *This resident had no problems with them and when asked never heard any of them making sounds.*
- *The last three homes I talked with had backyards that faced the home with the chickens. I asked each of them if there were any problems with noise and they all said no. The neighbors who had an issue with the extra chickens and goats were against it because of the increased numbers, but none of them could cite any specific issue. I also spoke to the homeowners that adjoined the applicant's backyard asking them if they recalled seeing any of the animals getting out loose and none had. The only comment was about a fox, but I have seen foxes around my house this spring and summer so I wouldn't say it's because of the chickens.*

The Council should ask for additional comments, concerns or objections from those attending the Council meeting. After hearing all those that wish to be heard the Council will need to consider the applicant's request for a Special Permit.



448 Emerson Avenue West



448 Emerson Avenue West, Aerial View



Photo of the chicken coop and the enclosure for the mini goats.



Photo of the chickens



Photo of the two Miniature Goats.

TO: Mayor and City Council
THROUGH: Matt Fulton, City Manager
Jim Hartshorn, Comm. Dev. Director
FROM: Ben Boike, Assistant Comm. Dev. Dir.
DATE: September 12, 2016
SUBJECT: Comprehensive Plan Proposals



City of West St. Paul

BACKGROUND INFORMATION:

Staff recently solicited proposals from consulting firms to assist with the development of the required 2018 Comprehensive Plan Update. Met Council mandates that all cities in the metro area complete a Comp Plan update every 10 years. In doing so, the City is required to amend the current plan to adhere to the policies set forth by Met Council in areas such as Land Use, Transportation, Water Resources, Housing and Parks.

Staff received proposals from the Cuningham Group and WSB & Associates. Both consultants provide three pricing options to complete the plan update based on the amount of community engagement (see attached for more info). Both proposals call for the completion of the plan update in early 2018 which is in advance of the submittal deadline of December 31, 2018 to MetCouncil.

Staff recommends selecting the base proposal (\$94,150) provided by WSB due to the proposals inclusion of meetings with the various city commissions. Although the base proposal from WSB is higher than Cuningham, Staff feels that gathering input from the city commissions brings value to the process in addition to the more standard public open house format. Staff does not believe that the higher quoted options that include additional community engagement are needed to complete the plan.

FISCAL IMPACT:

\$20,000 is included in the 2016 budget. Staff is proposing \$60,000 for the 2017 (majority of work to be completed in 2017) and proposes \$14,150 for the 2018 budget.

		Amount
Fund:	401	
Department:	41910	
Account:	40399	\$94,150

STAFF RECOMMENDATION:

Staff is recommending selecting the base package in the amount of \$94,150 from WSB & Associates to complete the required plan update. If approved, Staff will request a contract for services and present it at a future Council meeting for approval.

PROPOSAL OPTIONS

Cunningham Group	Includes	Cost
Base	2 Council Worksessions, 2 public meetings, 1 online engagement and city managed website	\$80,000
"Plus" Community Engagement	In addition to the above: bi-monthly Steering Committee Meetings, up to 6 focus groups, 1 additional Council Worksession, 1 additional public meeting, 1 additional online engagement and consultant managed website	\$110,000
"Premium" Community Engagement	In addition to the above: 2 additional public meetings, 2-3 Speaker Series meetings, 2 additional online engagements and project branding.	\$140,000

WSB Associates	Includes	Cost
Base	7 Planning Commission meetings, 3 Council Worksessions, 2 Economic Development Meetings, 3 Park & Rec Meetings, 1 Environmental Committee Meeting, Kickoff Workshop, Open House, Pop-up Engagement Event, Public Hearing (plan approval)	\$94,150
"Tier 1" Public Engagement	In addition to the above: Project website, Targeted invitations (for public meetings), Community workshops, and Meeting in a Box (package for city staff to use on their own)	\$105,350
"Tier 2" Public Engagement	In addition to the above: Neighborhood walks, Outreach through Early Childhood Family Education, Translation Services, Childcare and meals for public meetings, Community Survey	\$110,550

TO: Mayor and City Council
THROUGH: City Manager
FROM: PW & Parks Dir./City Engineer
DATE: September 12, 2016
SUBJECT: Approve Revision to Consultant Contract for Safe Routes to School Project #14-6



City of West St. Paul

BACKGROUND INFORMATION:

On September 28, 2015, the City Council approved a consultant contract with WSB & Associates, Inc. (WSB) in the amount of \$96,452 for preliminary engineering of the Wentworth/Bellows Safe Routes to School Project.

Acquiring right of way is a delicate process. The actual time it can take to negotiate can vary greatly with each parcel. In this case, WSB was able to settle all of the properties very near the appraised values and in a timely manner. It did however take more hours than they estimated in their original scope to perform the right of way services which amounted to an additional \$9,451.75. Through their entire preliminary engineering contract WSB was able to underrun in a few areas to cut some of the total hours down. WSB ended up \$4,577 over their original contract amount, based on actual hours worked, and are requesting an amendment.

Engineering contracts are paid per each hour worked and invoiced, not as a lump sum. Spending more time on a task than originally anticipated, especially when it comes to right of way negotiations, is a legitimate overrun.

FISCAL IMPACT:

Amending WSB's contract for actual hours work would bring their contract to \$101,029. Dakota County, our financial partner on this project, is supportive of the contract amendment.

		Amount
Fund:	551	
Department:	43121	
Account:	41146	\$4,577

STAFF RECOMMENDATION:

Staff recommends that the City Council approve a revision to the City's existing consultant contract with WSB & Associates, Inc. increasing the contract amount to \$101,029 for services on the Wentworth/Bellows Safe Routes to School Project #14-6.

TO: Mayor and City Council
THROUGH: Matt Fulton, City Manager
FROM: Joan Carlson, Finance Director
DATE: September 12, 2016
SUBJECT: Approve Purchase of E-Suite (electronic timesheets)



City of West St. Paul

BACKGROUND INFORMATION:

In 2014 the City upgraded its 15 year old accounting software to a faster, more efficient system however, we did not purchase the electronic timesheet module at that time due to cost constraints. Since that time, New World, our accounting software vendor, was purchased by Tyler Technologies and they have revised their pricing structure. The proposal in 2014 was \$45,810 (one time cost) but today the quote is \$19,432 (one time cost) with annual maintenance of \$1,852. Although travel expenses are included on the attached quote the vendor does not anticipate needing to travel to the City for implementation.

As we strive for excellence in governance, this software will greatly enhance the efficiency of the payroll process, saving time and money. The electronic timesheets will be automatically routed for department approvals and then easily uploaded directly into the payroll program. This saves time and reduces the potential for data entry errors. It also allows employees to access and update payroll documents online, at their convenience.

This module is included in the 2017 Capital Equipment Plan but due personnel changes in the Finance Department we are requesting to purchase it immediately. Although the amount is within the City Manager's approval authority, we are bringing it for Council approval as it was not included in the 2016 budget. Funds are currently available in the Technology Fund for this purchase.

FISCAL IMPACT:

		Amount
Fund:	411	
Department:	41520	
Account:	40590	\$19,432

STAFF RECOMMENDATION:

Approve purchase of Tyler Technologies E-Suite (timesheet) software.



Quoted By: Krystyn Maxwell
Date: 9/8/2016
Quote Expiration: 1/6/2017
Client Name: City of West Saint Paul, MN
Quote Number: NW-00808 v1
Quote Description: eSuite

Sales Quotation for:
City of West Saint Paul, MN - #0818
 1616 Humboldt Avenue
 West Saint Paul, MN 55118
 651-552-4123

Tyler price quotations are valid for 120 days

Software and Related Services

Description	License	Year 1 Maintenance	Implementation		Data Conversion	Module Total
			# of Days	Cost		
eSuite Applications:						
eSuite Base	\$3,960	\$792	3	\$3,660	Not Applicable	\$8,412
eEmployee	\$2,200	\$440	1	\$1,220	Not Applicable	\$3,860
eTimesheets	\$3,100	\$620	2	\$2,440	Not Applicable	\$6,160
eSuite Application Subtotal:	\$9,260	\$1,852	6	\$7,320		\$18,432
TOTAL INITIAL COST:	\$9,260	\$1,852	6	\$7,320	\$0	\$18,432

Service	Qty	Description	Fee
Project Management Services	1	Project Manager to assist Customer's management in implementing the solution. This responsibility will include initial development of overall Implementation Plan with Customer's management and the Customer Liaison. A project review (kickoff) meeting at Customer's location.	\$1,000

TOTAL: \$1,000

New World ERP Summary	One Time	
	Fees	Recurring
Total Software	\$9,260	\$1,852
Total Services	\$8,320	
Summary Total	\$17,580	\$1,852
Contract Total (Excluding Estimated Travel Expenses)	\$19,432	

Estimated Travel Expenses

Trips @ \$2,000/each -Includes airfare, car rental, hotel accommodations and per diem	1	Trips	\$2,000
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The software, services, and hardware, as applicable, that are itemized above, are hereby added to your existing Agreement with us. These fees will be invoiced to you in full upon receipt of your signed quote. Associated maintenance and support fees will be invoiced on a pro rata basis beginning on the first day of the month following Amendment Effective Date, and thereafter in a lump sum amount together with Client's then-current maintenance and support fees for previously licensed software. The terms and conditions of your Agreement will otherwise control.

Authorized Client Signatory:

Client Approval

Date

Print Name

Client PO#



Quoted By: Krystyn Maxwell
Date: 9/8/2016
Quote Expiration: 1/6/2017
Client Name: City of West Saint Paul, MN
Quote Number: NW-00808 v1
Quote Description: eSuite

Sales Quotation for:
City of West Saint Paul, MN - #0818
1616 Humboldt Avenue
West Saint Paul, MN 55118
651-552-4123

Tyler price quotations are valid for 120 days

Footnotes

Personal Computers must meet the minimum hardware requirements for the New World ERP product. Microsoft Windows 7 or greater with Internet Explorer (IE) 8 or greater is the required operating system and browser for all client machines.

Servers must meet the minimum hardware requirements for the New World ERP product. Windows Server 2008 (R2) or greater is required for the Application Server(s), Web Server(s) and Database Server. Microsoft SQL Server 2008 (R2) or greater is required for the Database Server. Customers must also license the appropriate number of Microsoft Client Access Licenses (CALs) for license compliance.

Suggested minimum: 100MB Ethernet Network. 10MB CAT5 Ethernet Network may have less than adequate response time. Further consultation would be required to assess your network.

Travel and expenses are not included under *Total Services* as they are billed at actual cost. A separate line item above "*Estimated Travel Expenses*", shows Tyler's estimate for travel and living expenses for the scope of this project. That estimate is based upon \$2,000 per trip, which may include airfare, hotel, per diem, car rental, and gas). All travel and living expenses will be billed on a weekly basis, but only as incurred.

Tyler supports SQL Server Reporting Services (SSRS) for server-based report generation and ad hoc reporting. SSRS utilizes a web services interface to support the development of custom reporting applications. SSRS is included in the Express, Workgroup, Standard, and Enterprise editions of Microsoft SQL Server. Customers may elect to use other third-party report generation tools including Crystal Reports however Tyler does not provide support for these tools and cannot guarantee compatibility.

Prices assumes that all software proposed is licensed.

Licensed Software, and third party software embedded therein, if any, will be delivered in a machine-readable form to Customer via an agreed upon network connection. Any taxes or fees imposed are the responsibility of the purchaser and will be remitted when imposed.

TO: Mayor and City Council
FROM: Matt Fulton, City Manager
DATE: September 12, 2016
SUBJECT: City Legal Services Contract



BACKGROUND INFORMATION : The legal services agreement with LeVander, Gillen, and Miller expires at the end of 2016. This agreement provides for legal services covering civil, criminal prosecution, economic development, and developer pass-through representation.. LeVander, Gillen, and Miller has provided legal services to the City since 1994 for civil services and 1995 for criminal services.

DISCUSSION : Legal services are an essential need within the City’s organizational operation. It has also become an increasingly expensive service. With prosecution services, significant shifts in responsibility within the Court structure has resulted in added burden and costs for legal services. Increased reliance on legal opinions and assistance with the myriad of civil activities going on in the community has also placed pressure on the legal services budget. The proposed 2017 budget for legal services is \$354,000.

Legal services have not been publicly bid since the commencement of the contract with LeVander, Gillen, and Miller. However, there is great value in the continuity of services and institutional knowledge and the law firm continues to provide strong and solid service to the City. In addition, because LeVander, Gillen, and Miller serve adjacent communities including South St Paul, Inver Grove Heights, and Cottage Grove, there are built-in efficiencies on regional issues that impact all communities. Going out for bids might save the City some money, at least on the short term, but it would come at the expense of historical knowledge and understanding relationships/personalities. Going out for bids is an option the Council could consider if it thinks it is in the City’s best interest.

Two renewal options have been proposed by LeVander, Gillen, and Miller for extending the contract for an additional 5 years (2017-2021). Both proposals include:

- The hourly rates remain the same as they are today through 2019, increasing by \$5/hour for the last 2 years, except for developer pass-through, which would remain the same as shown below.

Year	Description of Work	Rate
2017-2019	Civil Legal Representation	\$135/hour attorneys
		\$95/hour paralegals
	Criminal	\$120/hour attorneys
		\$90/hour paralegals
	Developer Pass-Through	\$210/hour attorneys
		\$130/hour paralegals
Year	Description of Work	Rate
	Civil Legal	\$140/hour attorneys

2020-2021	Representation	\$100/hour paralegals
	Criminal	\$125/hour attorneys
		\$95/hour paralegals
	Developer Pass- Through	\$210/hour attorneys
		\$130/hour paralegals

- **Capped prosecution amount.** The cap is proposed to be set at \$250,000 through 2019, increasing to \$288,000 for the last 2 years. There currently is no cap on prosecution costs.

Option 1: Continue \$2,000 monthly retainer which would cover:

Provide routine legal advice, consultation and opinions to the City Council and City Manager.

2. Attend City Council meetings and work sessions.
3. Monitor pending and current State/Federal legislation and case law as appropriate.
4. Prepare legal services budget and quarterly reports.

Note: Currently, work sessions are billed outside of the retainer. Routine discussions with other City staff are currently included in the retainer, except when related to a project. EDA meetings would not be included within the retainer.

Option 2: Discontinue use of retainer and simply bill for hours used.

This approach would require a much greater level of oversight and management relating to the use of the City Attorney.

An analysis was recently completed for a one month period to assess which option might be more cost effective for the City. Based on the assessment, Option 1 would be the better option.

Under either option, closer management in how legal services are used is warranted and I will be working with the management team to determine the best approach for accomplishing this in order to more effectively manage the legal services budget.

FISCAL IMPACT

2017		Amount
Fund:	101	
Department:	41610	
Account:		Budgeted \$354,000

STAFF REQUEST FOR CONSIDERATION : Approve a 5 year contract with LeVander, Gillen, and Miller, continuing to use the retainer approach identified in Option 1 above, for legal services.

TO: Mayor and City Council
FROM: Matt Fulton, City Manager
DATE: September 12, 2016
SUBJECT: Recycling Coordinator JPA



BACKGROUND INFORMATION : The City has operated a recycling program for many years. The program is funded through a grant provided by Dakota County. The City has been discussing a joint recycling program with the City of South St Paul to create greater efficiencies and better recycling programming. The Council is being requested to consider the attached agreement formalizing a coordinated recycling program, starting in 2017.

DISCUSSION Staff presented this concept to the City Council at a work session on June 13. At the time, Mendota Heights and Inver Grove Heights were also included in the discussion. These two communities' have elected to retain their individual recycling programming.

Under the currently proposed recycling program, West St Paul and South St Paul would coordinate recycling activities and administrative responsibilities. The recycling program would be led by a (20 hour) part-time employee who would split hours between the two communities. For payroll purposes, the employee would technically be a West St Paul employee. West St Paul would also serve as the fiscal agent for the program. The overall intent of the coordinated program will be to provide a more organized and purposeful recycling program for the two communities.

The attached agreement provides details regarding how the services will be coordinated as well as a proposed shared budget.

FISCAL IMPACT:

Action	Fund	Department	Account	Amount
WSP SCORE Grant	101	30000	333199	\$25,000
Total				\$25,000

	WSP	SSP
Personnel Expenses	10,000	10,000
Administrative Expenses	5,000	5,000
Program Activities	10,000	10,000

STAFF RE REQUEST FOR CONSIDERATION Staff is recommending approval of the attached agreement and directing staff to implement a coordinated recycling program with South St Paul commencing in 2017.

**AGREEMENT TO PROVIDE
RECYCLING COORDINATOR SERVICES**

THIS AGREEMENT is made this ____ day of _____, 2016, by and among the Cities of **WEST ST. PAUL and SOUTH ST. PAUL** (hereinafter individually referred to as a “City” and collectively referred to as the “Cities”).

1. AUTHORITY. This Agreement is entered into pursuant to Minnesota Statute § 471.59.

2. PURPOSE. The purpose of this Agreement is to provide recycling coordination services for the Cities.

3. RECYCLING COORDINATOR SERVICE. A Recycling Coordinator will be hired as an employee of the City of West St. Paul, and shall perform the basic services of the recycling program (the “Program”) for itself and for the Cities of South St. Paul and West St. Paul. The basic Program services include but are not limited to:

- Distribute recycling/disposal information to each household.
- Actively participate and contribute to monthly Local Solid Waste Staff Meetings with Dakota County.
- Support and promote Dakota County’s integrated solid waste management program.
- Make presentations (schools, community groups, local organizations).
- Work with Multi-family buildings to enhance recycling efforts.
- Work with City staff to reduce waste and increase environmentally preferable purchases.
- Ensure that recycling programs are established for City facilities.
- Apply for the annual grants from Dakota County commonly known as the Community Landfill Abatement Grants on behalf of each City.
- Produce the annual reports to Dakota County as required pursuant to the Community Landfill Abatement Grants.
- Comply with all requirements of the Dakota County Community Landfill Abatement Grants to maintain funding.
- Answer phone/e-mail inquiries regarding recycling/disposal.

- Assist Cities in promotion and administration of recycling events.
- Participate in the Cities Environmental Committee or comparable committee/program

If either of the Cities of South St. Paul or West St. Paul desire additional services outside of the scope of the basic services of the Program, then the Cities may enter into a separate agreement concerning those services, or may enter into a written amendment of this Agreement to incorporate the additional services.

4. FINANCE.

A. The City of South St. Paul shall pay the City of West St. Paul to reimburse for the costs of wages, benefits and other costs necessary to employ the Recycling Coordinator and operate the Program. The Cities shall initially share the cost of this position equally in accordance with Attachment A. By _____ of each year, the Cities shall meet to review the results of the Program and shall establish a budget for the following year. The City of West St. Paul shall invoice the City of South St. Paul and the City of South St. Paul shall pay the invoice within thirty (30) days. The City of West St. Paul is authorized to pay claims submitted by the Recycling Coordinator.

B. The City of West St. Paul shall act as fiscal agent and shall maintain a separate fund for the purpose of operating the Program.

C. Any grants received (other than the Community Landfill Abatement Grants) will be apportioned equally among the Cities and shall reduce each City's contribution to the costs of the Program.

5. CONTRIBUTIONS OF FACILITIES BY CITIES.

A. Each City shall determine which of its assets will be available to the Program, but at a minimum each City will provide a workspace with appropriate office supplies

and equipment to allow the Recycling Coordinator to fulfill the requirements of the Program. It is expected that the Recycling Coordinator will spent at least one day a week officing in each City, with the final schedule to be determined at a later date.

B. Each City shall maintain public liability insurance coverage on the assets made available for the Program.

C. Assets made available to the Program will be promptly returned to the City that provided them upon that City's withdrawal from the Agreement.

D. The Recycling Coordinator in charge of the Program will be supervised by the designated contact in West St. Paul, in coordination with the primary contact in the City of South St. Paul. Required safety, legal and related reporting shall be through the designated contact in the City of West St. Paul.

6. PERSONNEL. The City of West St. Paul shall establish standards and qualifications for its personnel. The Recycling Coordinator shall be deemed an employee of the City of West St. Paul, not of City of South St. Paul. The Recycling Coordinator shall be subject to the personnel and other policies of the City of West St. Paul.

7. INSURANCE AND INDEMNIFICATION.

A. General Liability Insurance. Each City agrees to maintain in force comprehensive general liability insurance equal to or greater than the maximum liability for tort claims under Minn. Stat. § 466.04, as amended. If a City is notified that its insurance is cancelled, it will immediately notify the other City in writing. If a City is unable to obtain or keep in force at least the minimum coverage required by this paragraph, a City may withdraw from this Agreement after giving the other City at least thirty (30) days written notice of its intent to withdraw.

B. Workers' Compensation Insurance. Each City shall be responsible for injuries to or death of its own employees. Each City shall maintain workers' compensation coverage or self-insurance coverage, covering its own employees while they are providing services pursuant to this Agreement. Each City waives the right to sue the other City for any workers' compensation benefits paid to its own employee or their dependents, even if the injuries were caused wholly or partially by the negligence of the other City or its officers, employees or agents.

C. Indemnification. Each City shall be liable for its own acts to the extent provided by law. The Cities agree to indemnify and hold harmless each other and each other's respective employees, trustees, directors, officers, subcontractors, agents or other members of its workforce, each of the foregoing referred to as "indemnified party," against all actual and direct losses suffered by the indemnified party and all liability to third parties arising from or in connection with any breach of this Agreement or from any negligence or wrongful acts or omissions by the indemnifying party or its employees, trustees, directors, officers, subcontractors, agents or other members of its workforce in connection with the indemnifying party's performance under this Agreement.

Accordingly, on demand, the indemnifying party agrees to reimburse the indemnified party for any and all actual and direct losses, liabilities, lost profits, fines, penalties, costs or expenses (including reasonable attorneys' fees) which may for any reason be imposed upon any indemnified party by reason of any suit, claim, action, proceeding or demand by any third party that results from the indemnifying party's breach of any provision of this Agreement or from any negligence or wrongful acts or omissions by the indemnifying party or its

employees, trustees, directors, officers, subcontractors, agents or other members of its workforce in connection with the indemnifying party's performance under this Agreement.

Under no circumstances, however, shall a City be required to pay on behalf of itself and other parties to this Agreement any amounts in excess of the limits of liability established in Minn. Stat. § 466.04. The limits of liability for some or all of the Cities shall not be added together to determine the maximum amount of liability for any one City.

8. DURATION.

A. Any City may withdraw from this Agreement on _____ of any year. Written notice of termination must be given to the other City at least ninety (90) days prior thereto.

9. In the event of termination, all surplus funds shall be distributed to the Cities in proportion to the amount contributed over the lifetime of the Agreement, in relation to all contributions made by the Cities. Property obtained under this Agreement shall be distributed to the Cities in the same manner. **PRIOR AGREEMENTS SUPERSEDED.** This Agreement supersedes and repeals all prior agreements among the Cities related to the Recycling Coordinator.

10. **NO PRESUMPTION AGAINST DRAFTING CITY.** The Cities acknowledge that: (a) this Agreement and its reduction to final written form are the result of extensive good-faith negotiations among the Cities through themselves and/or their respective legal counsel; (b) said Cities and/or their legal counsel have carefully reviewed and examined this Agreement prior to execution; and (c) any statute, common law, or rule of construction which provides that ambiguities are to be resolved against the drafting City(ies) shall not be employed in the interpretation of this Agreement.

11. GOVERNING LAW AND VENUE. This Agreement shall be governed and construed in accordance with the laws of the State of Minnesota without regard to its conflict of laws provision. The Cities agree that any action arising out of this Agreement or with respect to the enforcement of this Agreement shall be venued in the Dakota County District Court, State of Minnesota.

12. COUNTERPARTS. This Agreement may be executed in any number of counterparts, each of which when so executed shall be deemed to be an original and the counterparts shall together constitute one and the same agreement.

13. EXECUTION OF ADDITIONAL DOCUMENTS. The Cities are to execute and deliver to the other party, as requested, any additional documents and/or instruments that may reasonably be determined as necessary to consummate this transaction.

Dated: _____

CITY OF WEST ST. PAUL

By: _____
David Meisinger
Its Mayor

By: _____
Matt Fulton
Its Manager

Dated: _____

CITY OF SOUTH ST. PAUL

By: _____
Beth Baumann
Its Mayor

By: _____
Christy Wilcox

Its Clerk

ATTACHMENT A
JOINT FEES/EXPENSES

Annual - 2017

A.	Recycling Coordinator Salary	\$20,000
B.	Benefits (PERA/FICA)	\$6,240
C.	Membership – Recycling Association of MN	\$100
D.	Printing/Promotion –generic materials	\$600
E.	Mileage Reimbursement	\$300
F.	Smart Phone Monthly Fee Reimbursement \$50/mo.	\$600
G.	Miscellaneous	\$300
	Total Projected Costs	\$28,140

To be divided equally between South St. Paul and West St. Paul