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

REGULAR CITY COUNCIL MEETING
November 14, 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. Acceptance Of A Donation From Lawrence And Viginia Coss And The Coss Foundation

      Documents:

      COUNCIL REPORT - DONATION, COSS FOUNDATION.PDF

   B. Accept $700 Donation From Commercial Club For Halloween Bonfire

      Documents:

      COUNCIL REPORT - ACCEPT 700 DONATION FROM COMMERCIAL CLUB FOR HALLOWEEN BONFIRE.PDF
      RESOLUTION - ACCEPT DONATION FROM THE COMMERCIAL CLUB.PDF

   C. Acceptance Of A Hero's And Helpers Donation From Target

      Documents:

      COUNCIL REPORT - DONATION, TARGET.PDF

   D. Acceptance Of A Youth Bank Project Donation

      Documents:

COUNCIL REPORT - DONATION, YOUNG LIFE.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. City Council Meeting Minutes

Documents:

10-24-16 OCWS MINS.PDF
10-24-16 CC MINS.PDF

B. List Of Claims - November 14, 2016

Documents:

COUNCIL REPORT - LIST OF CLAIMS.PDF

C. Approve Updated 2017 Fee Schedule

Documents:

COUNCIL REPORT - APPROVE UPDATE TO 2017 FEE SCHEDULE.PDF

D. Rental Licensing

Documents:

RENTAL LICENSING MEMO.PDF

E. Council Report - City Licensing

Documents:

COUNCIL REPORT - CITY LICENSING.PDF

F. Approve Resolution Regarding The Administration Of The Wetland Conservation Act Of 1991

Documents:

RESOLUTION - WETLAND CONSERVATION TO DCSWD.PDF
COUNCIL REPORT - DELEGATING WETLAND CONSERVATION TO DCSWD.PDF

G. Approve 2017 General Services Pay Plans

Documents:

COUNCIL REPORT - 2017 G. S. PAY PLAN AMENDMENT 11-14-16.PDF

11. **PUBLIC HEARING**

A. Final Reading - Zoning Ordinance Amendment, Sections 153.004 And 153.050 Through 153.128 Relating To Group Homes

Documents:

Documents:

COUNCIL REPORT - GROUP HOME AMENDMENT.PDF
ORDINANCE - GROUP HOME AMENDMENT.PDF

B. Final Assessment Hearing For The 2015-2016 Robert St. Sidewalk Cleaning

Documents:

COUNCIL REPORT-FINAL HEARING FOR ROBERT STREET SIDEWALK CLEANING.PDF
ATTACHMENT-FINAL ASSESSMENT ROLL 2015- 2016.PDF

12. **NEW BUSINESS**

A. Approved Amendment To Temporary Seasonal Pay Plan

Documents:

COUNCIL REPORT - 2016-2017 TEMPORARY SEASONAL PAY PLAN AMENDMENT.DOC2.PDF

B. Approve 2017-2018 LELS Local #72 Labor Agreement

Documents:

COUNCIL REPORT - 2017-2018 LELS LOCAL 72 LABOR AGREEMENT.PDF
ATTACHMENT - LOCAL 72 CONTRACT 2017-2018.PDF

C. Possible Massage Ordinance Changes, Number Of Licenses

Documents:

111.04 MASSAGE THERAPY, CITY CODE.PDF
2015 STATEWIDE MASSAGE THERAPIST BILL.PDF
COUNCIL AGENDA REPORT - MASSAGE LICENESE.PDF
MASSAGE MEMO, 12-4-2015.PDF

D. Acceptance Of A 2017 COPS Grant

Documents:

COUNCIL REPORT - ACCEPTANCE OF A COPS GRANT.PDF
2017 COPS AWARD DOCUMENT.PDF
2017 COPS GRANT NARRATIVES.PDF

E. Approve Final Payment For 2015 Street Improvements - City Project #15-1

Documents:

COUNCIL REPORT-FINAL PAYMENT CITY PROJECT 15-1.PDF

F. Discussion Regarding Liquor License For 1673 S. Robert St
Requested by Mayor Meisinger

13. **OLD BUSINESS**

A. Approve Resolution Of Support For Dakota County's 2017-2021 CIP

Documents:

RESOLUTION - SUPPORT OF DAKOTA COUNTY 2017-2021 CIP.PDF

RESOLUTION - SUPPORT OF DAKOTA COUNTY 2017-2021 CIP.PDF
ATTACHMENT - DAKOTA COUNTY DRAFT CIP 2017-2021.PDF
COUNCIL REPORT - APPROVE RESOLUTION OF SUPPORT FOR DAKOTA COUNTY CIP.PDF

14. **ADJOURN**

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

TO: Mayor and City Council

THROUGH: Matt Fulton, City Manager

FROM: Manila Shaver, Chief of Police

DATE: November 14, 2016

SUBJECT: Donation, K-9, The Coss Foundation and Lawrence and Virginia Coss

City of West St. Paul

BACKGROUND INFORMATION:

Mr. Lawrence Coss and his wife Virginia established the Coss Family Foundation Scholarship Program in 1995 to aid in financing the post-secondary education of students attending high schools located in Dakota and Ramsey counties in Minnesota, as well as Buffalo, Hand, Hyde, Meade, and Pennington counties in South Dakota. In 2009, Mr. and Mrs. Coss established the Coss Family Foundation Adult Scholarship Program to aid in financing the post-secondary education of residents of the same South Dakota and Minnesota counties who did not attend or complete college right after high school. The Coss Family Scholarship fund program has awarded over $3,000,000 to 573 recipients since it was established in 1995.

Recently Mr. and Mrs. Coss have developed an interest in supporting police canine units. Several area police departments have benefited from the Coss' generosity, including our police department. Through the Coss Foundation, our police department will receive $25,000 for its canine unit.

FISCAL IMPACT:

Action	Fund	Department	Account	Amount
Donation	101	30000	36455	$25,000
			Total:	$25,000

STAFF RECOMMENDATION:

Publicly thank Mr. and Mrs. Coss and the Coss Foundation for the generous support of the police department's K-9 unit and accept the donation by passing the attached draft resolution.

On Motion of Seconded by

RESOLUTION NO. 16-

RESOLUTION ACCEPTING A K-9 DONATION FROM THE COSS FOUNDATION AND LAWRENCE AND VIRGINIA COSS

WHEREAS, Lawrence and Virginia Coss, through the Coss Foundation, wish to support various police canine units, including the West St. Paul police canine unit, by providing grant funds to support the operational activities of these specialized units;

WHEREAS, Lawrence and Virginia Coss intend to donate $25,000 to the police department through the Coss Foundation;

WHEREAS, the Mayor and City Council acknowledges Lawrence and Virginia Coss' generosity and extends their appreciation to Lawrence and Virginia Coss and the Coss Foundation for this generous donation;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council accepts this $25,000 donation from Lawrence and Virginia Coss on behalf of the City of West St. Paul and authorizes the police department to expend these funds in the manner described by Lawrence and Virginia Coss.

Adopted by the City Council of the City of West St. Paul this 14th day of November, 2016.

Ayes: Nays:

_____ Attest:_____

David Meisinger, Mayor Chantal Doriott, City Clerk

TO: Mayor and City Council

THROUGH: Matt Fulton, City Manager

Ross Beckwith, Park & Rec/PW Dir.

FROM: Dave Schletty, Asst. Parks & Rec. Dir.

DATE: November 14, 2016

City of West St. Paul

SUBJECT: Accept $700 Donation from the Commercial Club for the Halloween Bonfire

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BACKGROUND INFORMATION:
On October 31, 2016 the West St. Paul Parks and Recreation Department held its annual Halloween Bonfire at the West St. Paul Sports Complex. There were expenses associated with the free hotdogs that were given away at the event. The Commercial Clubs generously donated $700 to help cover the expenses associated with the bonfire and keep this event free for all residents.

FISCAL IMPACT:
The $700 donation helped offset the costs associated with the Halloween Bonfire.

		Amount
Fund:	**101**	
Department:	**30000**	
Account:	**36230**	**$700**

STAFF RECOMMENDATION:
Staff recommends that the City Council accept the $700 donation from the Commercial Club and thank them for their generosity.

On Motion of Seconded by

RESOLUTION NO. 16-

RESOLUTION ACCEPTING DONATION
FROM THE COMMERCIAL CLUB

WHEREAS, the Commercial Club has donated $700.00 to the West St Paul Parks & Recreation Department, and

WHEREAS, the Mayor and City Council acknowledges their generosity and extends their appreciation to the Commercial Club for their donation.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council accepts the donation of $700.00 on behalf of the City of West St. Paul.

Adopted by the City Council of the City of West St. Paul this 14th day of November, 2016.

Ayes: Nays:

_____ Attest:_____

David Meisinger, Mayor Chantal Doriott, City Clerk

TO: Mayor and City Council

THROUGH: Matt Fulton, City Manager

FROM: Manila Shaver, Chief of Police

DATE: Donation, Target, Heroes and Helpers

SUBJECT: November 14, 2016

City of West St. Paul

BACKGROUND INFORMATION:

Ever year the Target Corporation provides funds in order for local police officers to shop with their community's youth during the holidays. Target recognizes that not all families can afford to provide gifts to each other, thus it may diminish the festive experience of the holiday season. This year, Crime Prevention Specialist Laura Vaughan was able to work with Target Corporation to involve our police officers.

Our police department was provided $2,000 to shop with selected individuals. Staff from our local schools will identify the youth to participate in the program, while Laura will pair the youth with a police officer so that they may shop for the up-coming holiday season.

FISCAL IMPACT:

Action	Fund	Department	Account	Amount
Donation	101	30000	36453	$2,000
			Total:	$2,000

STAFF RECOMMENDATION:

Publicly thank the Target Corporation for their generous donation to the police department so that our officers can help our youth holiday shop for their family members. Accept the donation by passing the attached draft resolution.

On Motion of Seconded by

RESOLUTION NO. 16-

RESOLUTION ACCEPTING A DONATION FROM TARGET CORPORATION
(HEROS AND HELPERS PROGRAM)

WHEREAS, Target Corporation has a program entitled "Heroes and Helpers" which provides funds for local police officers to holiday shop with their youth;

WHEREAS, the police department has received $2,000 from Target to participate in the Heroes and Helpers program;

WHEREAS, the Mayor and City Council acknowledges Target's generosity and their efforts to improve the holiday experience for our community's youth;

WHEREAS, the Mayor and City Council extends their appreciation to Target Corporation for this generous donation;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council accepts this $2,000 donation from Target Corporation on behalf of the City of West St. Paul and authorizes the police department to expend these funds in the manner described by Target's Heroes and helpers program.

Adopted by the City Council of the City of West St. Paul this 14th day of November, 2016.

Ayes: Nays:

_____ Attest:_____

David Meisinger, Mayor Chantal Doriott, City Clerk

TO: Mayor and City Council

THROUGH: Matt Fulton, City Manager

FROM: Manila Shaver, Chief of Police

DATE: Donation, K-9, Youth Bank Project (Young Life)

SUBJECT: November 14, 2016

City of West St. Paul

BACKGROUND INFORMATION:

This donation comes from a group of Heritage students who are part of the Young Life and who participated in a Youth Bank Project, which is overseen by our local West St. Paul YMCA.

The Youth Bank Project focuses on leadership skills, which they feel is very important skill every young person needs to develop. To obtain funding, young persons are to identify an issue or a concern within their community and are to develop a project to improve those issues. In doing so, it is hoped that the young persons involved will develop both leadership skills and community investment.

For their project the team of Heritage Middle School students proposed a program to focus on fostering better police-community relationships by hosting a community event with our officers. The event was called “Police Day.” The students were awarded over $3,000 to host this event and on June 18th the students hosted a “thank you” event at Marthaler Park. During the event police officers and resident alike attended.

In addition to raising funds to help students attend summer camp, the students also wanted to give back to the community by donating money to the police canine unit. As such, the students are donating $100 to the police department for use in its canine unit.

FISCAL IMPACT:

Action	Fund	Department	Account	Amount
Donation	101	30000	36455	$100
			Total:	$100

STAFF RECOMMENDATION:

Publicly thank the students for their donation to the police department’s canine unit and their involvement in improving the quality of life in the City. Accept the donation by passing the attached draft resolution.

On Motion of Seconded by

RESOLUTION NO. 16-

RESOLUTION ACCEPTING A K-9 DONATION FROM THE COSS FOUNDATION AND LAWRENCE AND VIRGINIA COSS

WHEREAS, a group of Heritage students, though a Youth Bank Project, wished to improve police-community relationships by hosting a "Police Day" event.

WHEREAS, the students intend to donate $100 of the funds they received to the police canine unit;

WHEREAS, the Mayor and City Council acknowledges the students' generosity and their efforts to improve the quality of life within the City

WHEREAS, the Mayor and City Council extends their appreciation to these students and the Youth bank Project for this generous donation;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council accepts this $100 donation from the students and the Youth Bank Project on behalf of the City of West St. Paul and authorizes the police department to expend these funds in the manner described by the students.

Adopted by the City Council of the City of West St. Paul this 14th day of November, 2016.

Ayes: Nays:

_____ Attest:_____

David Meisinger, Mayor Chantal Doriott, City Clerk

City of West St. Paul
Open Council Work Session
October 24, 2016
5:00 p.m.

1. 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 and Jenny Halverson. Clpn. Dick Vitelli had an excused absence.

Others: City Manager Matt Fulton, Finance Director Joan Carlson, 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, SMF Chief Mike Pott, and City Clerk Chantal Doriott.

2. Approve Agenda

Council approved the OCWS agenda as presented.

3. Review the Regular Meeting Consent Agenda

Clpn. Bellows would like to remove item 12.F. Dakota County CIP. Clpn. Iago asked about item 10.J. Both items will remain on the agenda for the regular meeting and discussed at that time.

4. Agenda Item(s)

4.A. Closed Session to Discuss Robert Street Easement Acquisitions

Motion was made by Clpn. Napier and seconded by Clpn. Bellows to close the meeting pursuant to Minn. Statute 13D.05 Subd. 3(b). Meetings may be closed if the closure is expressly authorized by statute or permitted for attorney-client privilege. All members present voted aye. Motion carried.

Attorney for Kennedy and Graven gave an overview of negotiations for parcel easement acquisitions associated with the Robert Street Improvement project.

Parcel #30 and Parcel #111 easement acquisitions will be added to the regular council meeting agenda to be considered for approval.

Motion was made by Clpn. Napier and seconded by Clpn. John Bellows to open the work session at 5:19 p.m. All members present voted aye. Motion carried.

5. Adjourn

Motion was made by Clpn. Halverson and seconded by Clpn. Bellows to adjourn the work session at 5:19 p.m. All members present voted aye. Motion carried.

David Meisinger
Mayor
City of West St. Paul

City of West St. Paul Municipal Center
City Council Meeting
October 24, 2016

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, Dave Napier, Pat Armon, John Bellows and Jenny Halverson. Clpn. Dick Vitelli had an excused absence.

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

3. Pledge of Allegiance

4. Adopt the Agenda

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

- Move item 12. E. to 12. A.
- Add item 12. H. settlement of Parcel 20 for Robert Street Improvement project
- Add 12. I. settlement of Parcel 111 for Robert Street Improvement project
- Continue item 12.F. under New Business to the next meeting

All members present voted aye. Motion carried.

5. OCWS Briefing

Mayor David Meisinger gave an overview of the Open Council Work Session held prior to this meeting.

- Council held a Closed Session to discuss Robert Street easement acquisition for Parcels 20 and 111.

6. Robert Street Review

Public Works Director Ross Beckwith gave an overview.

- Last week quite a bit of lane closures;
- Exciting to start working on the outside lanes;
- Installing of street lights continues;
- A few different contractors are working at the same time so there is a little push and pull but the paving is getting done;
- Striping starts next week; and the

- Sidewalk contractor is back and working in specific areas.

7. Citizen Comments

Roger Verduzco, 2047 Charlton Street, delivered a petition from those who live on this street and are impacted by the proposed Charlton Street improvement project to be discussed later in the meeting. The safety of that bike plan is a large concern. The people who live there do not want to lose their off-street parking. The petition was delivered to the City Clerk and is attached as part of the public record.

Penny Affolter, 2033 Charlton Street, said the bike lanes are far too dangerous and there could be potential liability issues to the city. The plan is not a good course to take. She applauds the connection initiative but there is a safer way to do this.

Kevin Huebscher, 6275 South Robert Trail in Inver Grove Heights is not in favor of the planters. Unfortunately the concrete is poured. He is also supportive of Arrow Mower and the library having good access. Remember, the project is about public safety.

8. Council Comments

Clpn. Iago sends condolences to Mr. Robert Martinson's family as Bob recently passed away. Also Robert Street is starting to shape up and there is a light at the end of the tunnel

Clpn. Halverson reminded everyone to drive safely on Halloween and don't forget to come to our Annual Bonfire on October 31 at the Sports Complex. The bonfire starts at 6:30 p.m. and hot dogs will be served starting at 7:00 p.m. until they are gone.

Clpn. Armon gave a shout out to Sibley who plays a game this Friday; St. Croix will host an undetermined opponent at 7:00 p.m. on Saturday

Mayor Meisinger let everyone know that Marshall Linda McMillian is the Firestarter at the annual bonfire event this Halloween evening.

Clpn. Napier gave a verbal welcome to Chik-Fil-A and the great owners. There was a recent birthday party for John Sparrow who is 92 years and lives in the West St. Paul home he was born in. A happy belated birthday to John.

9. Proclamations, Presentations and Recognitions

A. Outstanding Property Award - 46 Langer Circle

Community Development Director Jim Hartshorn gave an overview of this important award program. In 2003, the City began the Outstanding Property Awards as part of the City's Quality Housing Program. The award recognizes property owners, both commercial and residential, who have maintained their property in a well-kept manner or who have made a significant, positive improvement. The following property has been nominated for the 2016 Outstanding Property

Award for 46 Langer Circle – Joe and Pam Perkovich. They were nominated by neighbor Rick Risch for keeping a consistently well cared for and beautiful property.
Mayor Meisinger presented Joe with the outstanding property award as Council and those in attendance applauded.

Joe said he and Pam thank everyone for this award. They enjoy keeping their house beautiful and they appreciate the compliments. They will continue gardening. Clpn. Iago said the backyard is something to wish for and all around the property there are gorgeous plantings. It's fabulous all the way around.

B. Accept Donation from South Robert Street Business Association –

Finance Director Joan Carlson gave an overview of the generous sponsorship of two community events by the South Robert Street Business Association.

Motion was made by Clpn. Napier and seconded by Clpn. Iago to accept and adopt Resolution No. 16-102 accepting the South Robert Street Business Association donation in the amount of $3,200.00. All members present voted aye. Motion carried.

10. Consent Agenda

A. City Council Work Session and Meeting Minutes of October 10, 2016
B. List of Claims
C. Approve Closing Debt Service Funds
D. September 2016 General Fund Budget Report
E. September 2016 Investment Report
F. September 2016 Bank Reconciliation
G. City Licensing
H. Rental Licensing
I. Approve I/I Grant Agreement with the Metropolitan Council – Resolution No. 16-101
J. Approve Contract Extension for Robert St. Sidewalk Cleaning 2016-2017

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

11. Public Hearings

A. Public Improvement Hearing; Authorize Preparation of Plans & Specifications for 2017 Street Improvements – Project #17-1

Public Works Director Ross Beckwith gave an overview. The City Council is requested to hold the public improvement hearing for the 2017 Street Improvements and authorize the preparation of plans/specifications on the project. On September 26, 2016 the City Council received the feasibility study which described in detail the proposed improvements on the project. The following streets are included in the 2017 Street Improvement Project:

Street	From	To
Charlton Ave.	Marie Ave.	Trunk Hwy 110
Bidwell St.	Marie Ave.	Crusader Ave.
Edgewood Ln.	Charlton St.	East end
Sherwood Ct.	Charlton St.	East end
Humboldt Ave.	Wentworth Ave.	Marie Ave
Kraft Rd.	Humboldt Ave.	Livingston Ave.
Fox Ridge Dr.	Livingston Ave.	Along/To
Fox Ridge Ct.	Fox Ridge Drive	West end
Runge Ln.	Smith Ave.	Charlton St.
Edith Dr.	Smith Ave.	Bellows St.

Staff and the project consultant, Bolton & Menk, recently held neighborhood open house meetings on October 18 and 19, 2016 to take input from residents on the project.

Clpn. Bellows asked about adding or making potential changes or options. Attorney Land said Council could consider each street project individually.

The Public Hearing opened at 6:59 p.m.

Charlton Avenue from Marie Avenue to Trunk Highway 110

Director Beckwith gave an overview of the proposed Charlton Avenue street improvement project.

- Brenda Corbett, 1964 Charlton Street – Charlton is very rough and she agrees with the resurfacing. She hopes the parking lane is not recommended. She is not in favor of the bike lane as there are too many safety issues. There is no space for anyone to park off-street.
- Jean McAllister, 1960 Charlton, she is not in favor of bike lanes. She is not in favor of parking. There are multiple cars parked in the street including a camper. The distance between, for her to use for parking, is too far. She doesn't feel like another bike lane on Charlton would be beneficial.
- Kathryn TerHorst, 2017 Charlton Street, is asking for consideration for alternatives to parking on street and maybe share the road with bikers. She asks what the volume is and what the anticipated biker number will be using this. The street parking would impact her in a negative way and she feels it could be dangerous. Lighting is poor in the area and please consider this if you were impacted personally. Potential sharing is an option.
- Ken Paulman, 912 Cherokee. He is year round bike commuter. In general he is in favor of the plan. He hears the concerns of the street parking. He hopes there will be a compromise made. He cautions throwing sharrows down. Consider utilizing construction for moving traffic slower.
- Penny Affolter, 2032 Charlton Street, agrees with bike plans and connecting the regional area. We already have Marie and other connectivity. Charlton is one block away and a bike lane is overkill. Her driveway is full of cars - there are six licensed drivers and watching for pedestrians and bikers is concerning for safety issues. She doesn't think it will work.
- Dawn Velaquer, 1869 Charlton, rides a bike and she doesn't have an issue about having a bike lane or not. She loves the on street parking and they can't lose it.

Public hearing closed at 7:13 p.m.

The design and construction of the road is what Council will consider this evening. Director Beckwith said striping and signing can be discussed later. The current width is 36 feet and would stay the same.

Bruce Johnson, if we left one side to do parking and one side for a bike lane – leaving two - 12 foot traffic lanes; would this work? Yes, there is enough room.

Clpn. Bellows added comment regarding universal parking, redoing the street with normal amenities, and the overwhelming comments in removing the parking.

Clpn. Halverson is glad to see there is support to reconstruction and that options will be reviewed and hopefully we can review this at the neighborhood meeting.

Clpn. Napier said he doesn't support removing parking. Clpn. Iago is not supportive of removing parking. Mayor Meisinger said he is in agreement that parking should remain and bike lanes are not necessary as there are many options.

Motion was made by Clpn. Bellows and seconded by Clpn. Napier to adopt Resolution No. 16-103 approving improvements and ordering preparation of plans for Charlton Street #17-1 with clear opposition to parking on west side of street; safety and engineering will be reviewed and the possibility of a sharrows will be reviewed. All members present voted aye. Motion carried

Bidwell Street from Marie Avenue to Crusader Avenue

Director Beckwith gave an overview of the proposed Bidwell Street improvement project.

Clpn. Bellows would like to see if there is a need putting in a sidewalk or an alternative. He would like to determine what the cost would be compared to a sidewall and retaining wall. There are also mature trees and wetlands to be filled. Make sure there is a sidewalk need.

The public hearing opened at 7:21 p.m.

No one present wished to speak.

The public hearing closed at 7:21 p.m.

- Clpn. Iago asked when doing design how would you do a need-study for a sidewalk on that street. Staff is following the adopted plan and sidewalks were desired by the city and previously approved (sidewalk plan). Clpn. Iago said things can change, so how would we consider a need? Manager Fulton said we hired a consultant to review the city and see where the sidewalks were needed and wanted. We are trying to build a system. Clpn. Iago said that was done with a different Council than is at this table. Clpn. Iago understands connectivity but as Clpn. Bellows pointed out - there are no sidewalks going south of Marie. He is concerned about the design being done with the approval. Clpn. Bellows said we have bike

lanes on a number of lanes/streets and these were a desire not a need. It would be a good idea to see if it's a want or a need.

- Clpn. Halverson talked about the master bike and sidewalk plan adopted many years ago.
- Clpn. Napier said we have snow on the ground five months out of the year and we have a school down there – the walkability in this city in the winter is pathetic. We need to look at the pedestrian plan. These streets were identified for a reason. We should get down to one sidewalk, on one side of the street, and we can't ignore safety.
- Clpn. Halverson said focus on walkability is important.

Motion was made by Clpn. Napier and seconded by Clpn. Armon to adopt Resolution No. 16-104 approving improvements and ordering preparation of plans for Bidwell Street #17-1. Clpns. Iago, Napier, Armon, Halverson voted aye. Clpn. Bellows abstained. The motion carried.

Sherwood Court from Charlton St. on East End

Director Beckwith gave an overview of the proposed Sherwood Court street improvement project.

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

No on present wished to speak.

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

Motion was made by Clpn. Napier and seconded by Clpn. Halverson to adopt Resolution No. 16-105 approving improvements and ordering preparation of plans for Sherwood Court #17-1 as presented. All members present voted aye. Motion carried.

Humboldt Avenue from Wentworth Ave. to Marie Ave

Director Beckwith gave an overview of the proposed project and added comment that he would recommend sidewalks on the west side that tied into Marthaler Park.

The public hearing opened at 7:31 p.m.

Delbert Gerdes, 1 KraftT Road East, lives at the corner of Kraft and Humboldt and thinks the street improvements are needed but is not sure of complete reconstruction which is more expensive. He is in favor of sidewalks and is supportive of them on both sides. If they are only placed on one side he is in favor of the west side because that makes most sense.

Director Beckwith explained that the street was in need of being reconstructed and putting sidewalks on the west side was a good idea. In the mid-70s the street was constructed and due to drainage issues this needs to be built properly.

Rick Newman, 1775 Humboldt Ave., has lived there many years and is not in favor of sidewalks as they are costly and negatively impacted.

The public hearing closed at 7:35 p.m.

Clpn. Armon mentioned Marthaler construction and said sidewalks will be welcome by the park attendees and those walking in this area.

Motion was made by Clpn. Bellows and seconded by Clpn. Iago to approve Resolution No. 16-106 and recommend sidewalk installation on one side and the alternative would be sidewalks on both sides of Humboldt Avenue #17-1 and ordering preparation of plans. All members present voted aye. Motion carried.

Kraft Road from Humboldt Ave. to Livingston Ave.

Director Beckwith gave an overview of the Kraft Road proposed improvement project and said the proposed includes sidewalks on both sides of the street (they are currently already on one side).

The public hearing opened at 7:36 p.m.

Delbert Gerdes, 1 Kraft Road E, is in favor of both sides but something on the narrower side so that irrigation can be maintained.

The public hearing closed at 7:37 p.m.

Clpn. Bellow said this is a good point and he approves the feasibility report to install a concrete walk on the north side but with emphasis on reducing the boulevard and existing trees.

Motion was made by Clpn. Bellows and seconded by Clpn. Iago to adopt Resolution No. 16-107 approving the proposed street improvements and ordering preparation of plan as outlined and presented. All members present voted aye. Motion carried.

Fox Ridge Drive along/to Livingston Avenue and Fox Ridge Court from Fox Ridge Drive to the West End

Director Beckwith gave an overview of the proposed improvements to the Fox Ridge Drive and Court areas. The public hearing opened at 7:39 p.m.

No one present wished to speak.

The public hearing closed at 7:39 p.m.

Clpn. Bellows confirmed there are no sidewalks planned on these streets.

Motion was made by Clpn. Napier and seconded by Clpn. Bellows to adopt Resolution No. 16-108 approving street improvements and preparation of plans as presented to Fox Ridge Court and Fox Ridge Drive. All members present voted aye. Motion carried.

Runge Lane from Smith Avenue to Charlton Street

Director Beckwith gave an overview adding that reconstruction back in 1990 took place. The city has been doing repairs as needed; this is a less invasive project.

Clpn. Bellows asked if there would be sidewalks. Director Beckwith said no.

The public hearing opened at 7:40 pm.

Ken Marble, 359 Runge Lane, is not objecting to road reconstruction but he is here with the same message that this area is in desperate need of having sump pumps hooked up to the sanitary sewer system. The residents need something done. There is ice in the winter that is very dangerous – make sure that the construction incorporates the sump pumps into the storm sewer.

Director Beckwith said in the feasibility report this item is addressed. Clpns. Napier and Iago said they are glad this is being addressed. This would be fixed next year and not this winter.

The public hearing closed at 7:44 p.m.

Motion was made by Clpn. Bellows and seconded by Clpn. Halverson to adopt Resolution No. 109 for street improvements and preparation of plans to address drainage issues via sanitary sewer improvements to Runge Lane as presented. All members present voted in favor. Motion carried.

Edith Drive from Smith Ave. to Bellows Street

Director Beckwith gave a short overview of this proposed street improvement project.

The public hearing opened at 7:45 p.m.

Robert and Jill Dusterhoft, 281 Edith Drive, improvements were done in 1990 so why are they getting a total street reconstruct? Director Beckwith said between 1990 to the present there was another project done on Runge Lane and a lot of it had extra work done which was not done on your street (Edith). Mr. Dusterhoft said also, when people don't shovel in the winter, there is a safety issue for sidewalk walkers. Also, with the I/I there was to be no digging in the street and now they are digging the street up – is there a chance that you can get a guy in to do the sewer lining? Director Beckwith and Mayor Meisinger said this can be done next year so we will televise this area. Director Beckwith asked Mr. Dusterhoft to contact him (651-552-4130). There are others in the neighborhood. Manager Fulton said we want to support and work with you and we encourage you to do what you are suggesting. Clpn. Bellows added comment. Police Chief Shaver added comment about shoveling of snow – the ordinance rules are on the city website.

Don Huber, 238 Edith Drive, is done with pavers. He has pavers on his driveway and would like to have his drive reviewed for design and would like to work with the city on his I/I issues. Director Beckwith said this will be done at a staff level.

The public hearing closed at 7:57 p.m.

Motion was made by Clpn. Bellows and seconded by Clpn. Halverson to adopt Resolution No. 16-110 ordering improvements and preparation of plans for Edith Drive as presented. All members present voted aye. Motion carried.

Edgewood Lane from Charlton Street to the East End

Director Beckwith gave an overview of the proposed reconstruct for this gravel road. Director Beckwith added that the St. Paul Regional Water Board is interested in doing a loop water system in this area to feed the properties. It's currently not up to code. Feasibility looked at various options; there are lots of mature trees. Public Works spends a fair amount of time to upkeep this roadway.

The public hearing opened at 8:00 p.m.

Dave Moga, 246 Edgewood, this are does not have a lot of through streets and the street meanders; this road was not built on the right of way and character established from where it is today should remain. The city wants to rebuild this street on the designated area (right-of-way) but Mr. Moga would like to see this discussed and reconsidered; he would like to see the street left in the current location. We are talking 6 to 8 people that use this road to the dead end. He is very concerned about putting in a 24 foot gravel road – that seems too wide due to various issues. Mayor Meisinger asked would you approve an assessment of costs to maintain gravel. Yes said Mr. Moga.

Duane Carlin, 235 Edgewood Lane – the right of way cuts his front yard in half and 6 trees would be lost. He likes the gravel character. He knows it doesn't meet the standard but the fire dept. can make their way. He doesn't quite understand why you need to have a sanitary sewer – just do cut outs. Would you be willing to pay for maintenance? He would be interested in hearing what those costs would be. He would like to learn what the costs are. He is not interested in spending more money on assessments. What if you have an irrigation system? If it's in the right of way you pay. The city does have a tree policy. He is concerned about the trees he would lose.

John Scanlon, 256 Oakview Road, has been there 18 years and he has seen emergency vehicles and semis coming down this road. This is a road to nowhere. You will not gain anything to redo it. He has 200 frontage feet and the assessment will be high even with an accommodation. Money would be better spent in another area of West St. Paul.

Charles Jones, 270 Edgewood Lane, agrees the street has unique character and the idea that this is a situation and should not be considered as a serious expenditure for $600,000 city funds. He has been there for a 1 ½ years. The issue of turn-around - there is a code for 20 ft. turn-around so this might be an argument against the 24 ft. width. He feels there could be a compromise – the way this was brought up with 24 feet – he would like to explore the idea and consideration of a compromise. He did not know about prioritizing and assessment of maintenance costs until today. He bought because they liked the gravel street and trees, etc. Mayor said the estimated cost is $631,000.00.

Chris Wills, 237 Edgewood Lane, the road in his neighborhood is truly one of kind. It is one of kind and that is what makes it special. Everyone who comes to his house – people comment that they can't believe this place exists. We in this neighborhood celebrate this. He has spent a ton of time on this issue. The majority of our neighborhood does not support this. The proposed cost is very high and it will destroy the ambiance of the neighborhood. The city cost is about $475,000 and it doesn't

make sense to him to spend that kind of money on something that affects so few. Ongoing maintenance which has not been done will preserve what we have. He asks this project to be removed from the road improvement construction project list.

Jennifer (not sure of last name), 247 Edgewood Lane, agrees with everyone and said the feasibility study does not show the road going to their driveway. They are open to review of other turn-around options.

Courtney Poepl, 257 Edgewood Lane, she is new to this neighborhood. Mayor Meisinger said welcome. They bought because of the character but they are in favor of the improvement that she believes outweighs any issues that may have been discussed.

John Scanlon, 256 Oakview Road, said last year they were surveying the road and the surveyor made comment about taking the top of the gravel off and grind it and put it back. This would not be done explained Director Beckwith.

Mr. Chris Wills, 237 Edgewood, said he feels like the assessment is so extreme he will not accept this quietly.

Clpn. Bellows said he has talked to a lot of the folks. Some are in favor of some improvements but the changes are tough. This is a gravel road and it's not centered correctly; this may or may not have to change with a new roadway. The care to this street is minimal and we don't have equipment to continue – we have to look at that and the grader costs $400,000 and it would only be used for this road. This is a factor to consider. One option is to leave it as-is but this make will make some happy and some not. We could reengineer it. We could have a 24 foot paved road. We could have a 20 ft. paved road. We could vacate this road. The options suggest you get together and see if you can come up to a significant consensus (the property owners). If you can't do this then you are asking us six Councilmembers and Mayor to decide what is in the best right of you and your street. From a rational standpoint the Council would like to not pay $400,000+ but we are trying to understand what you want done. Clpn. Bellows will moderate if the people (property owners) want a meeting.

Clpn. Bellows commented on approval of the study and he is interested to know what the costs would be for 24 ft. road, 20 ft. road, gravel and any engineering to the problems (drainage).

Clpn. Napier said his concerns are the calls he gets about the street washing out. Public safety is a concern in that the fire department needs to have a way to turn their vehicle around. Regarding paving – Council and staff were hoping there would be a consensus. The issues need to be addressed. He supports more input and figuring out what the minimum standard is for this street.

Clpn. Halverson said what she has heard is against paving the road. She agrees there should be a neighborhood consensus. She does not support the study but questions should be answered such as the safety issues.

Clpn. Iago asked about study items. Director Beckwith said you are ordering plans and specs so they can be done at bid on time. Clpn. Iago asked if we delay, does this damage anything (with regard to getting competitive bids). Possibly, answered Director Beckwith. Clpn. Napier added that

something needs to be done to control maintenance costs and deal with public safety issues and run-off.

Mayor Meisinger said we will have this on the agenda again in four weeks and Clpn. Bellows can meet with the neighbors.

Someone asked if there was any way we can get a drawing of the road? Director Beckwith said yes, but a road drawing of improvements would be preliminary. The person wants a copy of the current road. Staff will have one for you tomorrow at 12:00 p.m., said Mayor Meisinger.

Chris Wills, 237 Edgewood, with all due respect, you have heard us; we don't want to do anything.

Mayor Meisinger said consideration will be put on hold until we get some questions answered and then it will come back to Council. Clpn. Halverson is supportive of reviewing safety issues.

Clpn. Bellows added further comment stating this matter needs to be addressed. Clpn. Napier and I have been aware that safety and drainage are issues. This matter needs to be resolved. It can't be left as-is. Something needs to be done.

Courtney Poepl, 257 Edgewood Lane, is in favor of costs and options reviewed. She also mentioned that people in favor of this project last year are not present at this meeting this evening.

Duane Carlin, 235 Edgewood Lane – the road is not on the right of way. Mayor Meisinger said this will be reviewed.

Motion was made by Clpn Napier and seconded by Clpn. Armon to continue the Edgewood Lane Improvement item with the idea that staff will come up with a minimum requirement from engineering professionals. Clpn. Bellows amended the motion and it was seconded by Clpns. Napier and Armon to have staff review, at a minimum, the requirement to make this road serviceable and deal with drainage issues and future maintenance, especially if there is no grader available; in addition to safety and right-of-way placement issues. By continuing this item Council and property owners will get more information but it does not mean the road will not be reconstructed. Clpns. Armon, Iago, Napier and Halverson voted aye. Clpn. Bellows voted no. Motion carried.

Clpn. Bellows voted no because of the items stated by Ms. Poepl.

Citizen Comment (added)

Earl Walker, 1701 Livingston Avenue, missed the earlier Citizen Comment section and he has a comment. He likes parking on one side of Livingston Avenue and he wants to keep it that way. This street will be checked into and also to keep parking on one side.

B. Application for a Conditional Use Permit to allow an Accessory Structure in a B3, General Business District at 1906 Livingston Ave. – The Povolny Group, Inc.

Community Development Director Jim Hartshorn gave an overview. The Povolny Group, Inc. is requesting a Conditional Use Permit to allow an Accessory Structure in a B3, General Business District at 1906 Livingston Ave. The applicant is proposing to construct a 30' x 60' accessory structure behind the existing office building (see site plan). The proposed building will be utilized to store construction materials, equipment and trailers on-site. The applicant is currently storing these items off-site. The proposed building includes two over-head garage doors that will be accessed via the exiting parking lot. The applicant is also proposing a small expansion of the parking lot in order to re-orientate the existing parking stalls (currently east-west orientation) that are located in the area of the proposed garage to a north-south orientation at the rear of the parking lot.

Clpn. Armon is in favor. He is questioning storage but Director Hartshorn said all materials will be stored inside.

Jim Povolny, 1906 Livingston Avenue, wants a facility for us to keep items stored inside. It enhances his ability to stay in the West St. Paul area.

Clpn. Iago asked what will be stored. Mr. Povolny said strictly equipment.

The public hearing opened at 8:57 p.m.

Dawn, a resident at 1715 Livingston Avenue, asked where will this building be located. It's a half mile south of your property reported staff.

The public hearing closed at 8:58 p.m.

Motion was made by Clpn. Napier and seconded by Clpn. Halverson to adopt Resolution No. 16-113 approving a conditional use permit to allow an accessory structure in a B3 District at 1906 Livingston Avenue for the Povolny Group, Inc. as presented. All members present voted aye. Motion carried.

C. Applications for a Conditional Use Permit to allow a Drive-through Lane in a B3, General Business District and Site Plan review for the construction of a new office building (bank) and parking lot at 1994 Robert St. S. – Civil Site Group

Community Development Director Jim Hartshorn gave an overview. Civil Site Group is requesting the following applications for the development of a new Bank of America at 1994 Robert St.:

1) Site Plan Review for the construction of a new bank building and parking lot
2) Conditional Use Permit approval to allow a Drive-through Lane

The applicant is proposing to construct a new 4,287 sq. ft. bank building (Bank of America) on the vacant parcel. The proposed building is to be located adjacent to Robert St., consistent to the setback of the Pearl Vision/AT&T building to the north. A north-south driveway is proposed adjacent to the east side of the building per the existing access easement (provides access to the property and connection between the properties to the north and south). Off-street parking is proposed east of the drive aisle and an ATM drive-through is proposed north of the proposed building.

Mayor Meisinger asked if this type of building was built anywhere else in the Metro Area. Applicant said yes in Woodbury, Maple Grove and other cities. Director Boike had received photos of the sites.

Clpn. Bellows said thanks for the drawings. This is a fairly difficult location. Looking at the west elevation it's fairly bare of vegetation. Could vegetation be added from the area by the two windows to the south? The applicant said they could provide additional landscaping in this area.

The public hearing opened at 9:06 p.m.

No one present wished to speak.

The public hearing closed at 9:06 p.m.

Motion was made by Clpn. Armon and seconded by Clpn. Iago to adopt Resolution No. 16-111 approving the site plan; Clpn. Bellows offered an amendment seconded by Clpns. Armon and Iago to add an eighth condition that the landscape plan include vegetation on west side of property towards Robert street as discussed and adopt Resolution No. 16-112 approving a conditional use permit to allow a drive-through lane in a B3 District at 1994 Robert Street. All members present voted aye. Motion carried.

12. New Business

E. Parking Permit Request – Livingston and Bernard (moved to item 12.A.)

Police Chief Manila Shaver gave an overview. Recently the City Council passed a City Code modification in order to create Permit Parking Zones (City Code 72.05). The modification to the City Code was a response to concerns about non-residential parking in certain areas of the City, often caused by the lack of or a reduction in off-street parking and/or due to a special or an on-going activity. Examples of special and on-going activities would include residents being impacted because of their proximity to a highly used park, a nearby school or a large business.

The applicants have requested a permit parking zone consisting of the area in front of two residential properties, specifically 994 and 998 Livingston (see attached maps). The applicants claim being adversely impacted by the Emerson Hill Apartment residents, 993 Robert Street, who are alleged to be parking on Livingston Avenue as a result of a loss of Robert Street parking, the cost of an Emerson Hill Apartment parking permit and insufficient apartment parking spaces for the Emerson Hill residents and their guests.

The home owner of 998 Livingston, Michelle Pivec, has attended several Council meetings during the past several months, expressing her concerns and frustrations about these parking issues. As a result, back in May 2016, when this issue was first brought to the City's attention, the police department conducted a two-week parking survey of the Livingston/Bernard area to determine who is parking there overnight.

The police department discovered a mixture of resident and non-resident parking. The reasons for non-resident parking were varied and included guests of area residents parking overnight; work vehicles being used by residents; residents using vehicles not registered to them; and a failure to change/update registration information. There were several Emerson Hill Apartment residents parking in this location as well (about 30% of the over-night parked vehicles). During this survey about fifteen to eighteen vehicles were being parked in this location on any given night.

Property owner at 994 Livingston has lived there for 13 years, and until the Robert Street project they never had a parking issue. He has seen the density and number of people living in the condos change. Eliminating the parking at the apartment complex took away Emerson Avenue apartment parking. People don't want to pay for parking so they end up on our street. The trouble is there are people working on their cars in front of my house on the street and they leave debris in my yard. We favor the idea of limited permit parking. This mostly affects me and my neighbor. There is also the gentleman's agreement and they want something in writing to make sure they will not be cut off from their house.

Michelle Pivoc, 998 Livingston, is in favor of the parking permit. She does not believe the Police Chief's findings are correct. There were six vehicles in front of her house and two belonged to someone in the apartments. The gentleman's agreement has not been working. Please approve the permit parking.

Clpn. Iago asked what was the status on Sherman's property and notification to the residents. Mr. Sherman has given notice to those in the apartment that they have 15 spots to park. All of the underground stalls are taken and are paid; these are being used. According to Mr. Sherman the guests are encouraged to park in the commercial area. Director Hartshorn has not seen a copy of the letter Mr. Sherman sent to apartment residents. Clpn. Iago is concerned about the conflicting comments from the two residents and the Police Chief. He wonders what the document said that Mr. Sherman sent and if it encourages the guests to not park on Livingston.

Clpn. Napier said first of all, you put in a lot of time, he said to Chief Shaver. He supports a pilot program and said "let's try it; it might need tweakin".

Clpn. Iago asked about sign costs and enforcement. Police Chief Shaver said the resident will have to call the police and they would come and cite the parked vehicle, opposed to towing. Have we given Mr. Sherman adequate time to push their residents? Maybe we craft a letter and Mr. Sherman hand delivers it. Clpn. Iago would like to give Mr. Sherman an opportunity.

Mayor Meisinger respectfully disagrees. These residents have been to many meetings. We have no parking in various places around West St. Paul. The sign cost will be derived from the residents. There is no good reason to postpone.

Clpn. Halverson said she hoped by Mr. Sherman saying extra parking would be provided, the problem would be taken care of. Unfortunately it isn't. We do need to keep a close eye on small no parking areas. She supports moving forward.

Clpn. Armon asked how many times have people worked on their cars on the street. A couple of times said a property owner. Clpn. Armon supports moving forward.

Police Chief Shaver explained the permit does not expire. If there are issues the property owner can come back to the Council.

Clpn. Napier will not support keeping it going if a third and fourth house (property owner) comes before us.

Someone said there is a disconnect because the Sherman parking option is closer than the street. He thanks Council for trying this option.

Clpn. Bellows asked to clarify that the two spots in front of your house. It's more than the two spots – there are other issues created from these people parking and going between the apartment.

Continued comment from Council, staff and residents.

Motion was made by Clpn. Napier and seconded by Clpn. Halverson to approve and authorize implementation of the parking request and permit parking zone with an eight (8) month revaluation for properties located at 994 and 998 Livingston Avenue from 6:00 a.m. to 6:00 p.m. All members present voted aye. Motion carried.

There were further comments from the Council, Police Chief Shaver and Ms. Pivoc.

Mayor Meisinger excused himself briefly from the meeting at 9:42 p.m.

Mayor Pro Tem Ed Iago took over the meeting at 9:42 p.m.

A. Authorization to Solicit Bids for GO Street Reconstruction Bonds, Series 2016B

Finance Director Joan Carlson gave an overview. In 2014, the City declared its intent to bond and held the required public hearings to finance the City's portion of the Roberts Street Reconstruction project. The City subsequently issued $4.93 million of GO Bonds in October 2014. As the project continues there is now the need to issue and additional $4.89 million in 2016.

Clpn. Bellows made comments and questions.

Motion was made by Clpn. Bellows and seconded by Clpn. Halverson to approve and adopt Resolution 16-114 Authorizing Proceeding for the Sale of General Obligation Street Reconstruction Bonds, Series 2016B in the amount of $4,890,000.00 as presented. All members present voted aye. Motion carried.

Mayor Dave Meisinger returned to the meeting at 9:45 p.m.

B. 2017-2018 Teamsters Local #320 Labor Agreement

Assistant City Manager and HR Director Sherrie Le gave an overview of the agreement. Teamsters Local #320 recently ratified the 2017-2018 tentative agreement negotiated between the City and

Union. The agreement covers terms and conditions of employment for West St. Paul's Public Works and Park Maintenance staff.

Motion was made by Clpn. Armon and seconded by Clpn. Halverson to approve the 2017-2018 Teamsters Local 320 Labor Agreement as presented. All members present voted aye. Motion carried.

C. Approve LELS Local #80 2017-2018 Labor Agreement

Assistant City Manager and HR Director Sherrie Le gave an overview. Staff recently reached agreement on the 2017-2018 Labor Agreement between the City and LELS Local #80 representing the police sergeants. The employees have ratified the agreement for Council approval.

Motion was made by Clpn. Iago and seconded by Clpn. Napier to approve the 2017-2018 LELS Local 80 Contract as presented. All members present voted aye. Motion carried.

D. Approve 2017 City Contributions for Insurance for General Services Employees

Assistant City Manager and HR Director Sherrie Le gave an overview. We will be holding an open enrollment period from November 10 through December 10, 2016. During Open Enrollment, employees can switch between health plans or tiers (single, single plus 1 or family), increase life insurance coverage for themselves and their spouse and add dependent life insurance. They may also elect voluntary benefits such as dental, short term disability and vision or change tiers for those plans.
We have completed negotiations for two of our three bargaining units and recommend that the City provide the same contributions that were negotiated for those two unions to our General Services employees. It has been our policy and practice for many years to treat all employees equitably. The contributions we have negotiated were reviewed and outlined in the Council meeting packet.

Motion was made by Clpn. Bellows and seconded by Clpn. Armon to approve the 2017 GS Employees City Insurance Contributions and City contribution for health insurance as presented. All members present voted aye. Motion carried.

E. Permit Parking Request - Livingston and Bernard

This item was discussed under 12.A.

~~**F. Approve Resolution of Support for Dakota County's 2017-2021 CIP**~~

This item was removed for future consideration.

G. First Reading - Zoning Ordinance Amendment, Sections 153.004 and 153.050 through 153.128 relating to Group Homes

Attorney Korine Land gave an overview. In July 2015, the City Council adopted a one-year moratorium on accepting any zoning applications related to transitional housing, foster care, overnight shelters, and chemical dependency facilities.

The one-year has expired and we are now proposing several ordinance changes to be consistent with recent changes in state law. Our ordinances have numerous types of categories of "group homes" that can be simplified by adopting the state law categories of: State Licensed Residential Care Facilities (i.e. nursing homes, developmentally disabled group homes) and Registered Housing with Services Establishments (i.e. people recently released from prison, chemically dependent-related group homes).

State law (Minn. Stat. §462.357 subd. 7-8) requires a State-License Residential Care Facility and a Registered Housing With Services Establishment to be permitted uses in certain zoning districts, which coincide with our ordinances as follows:

	R1-R2	**R3**	**R4**	**B1-B4, B6**	**B5**	**I1-I2**
State-Licensed	Permitted 0-6 persons	Permitted 7-16 persons	Permitted 7-16 persons	Prohibited	CUP for mixed use	Prohibited
Registered Housing with Services	Permitted 0-6 persons	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited

Staff is recommending adding a PROHIBITED USE section to R3, R4, and B1-B6 that will specifically prohibit these uses, as appropriate, in those zoning districts.

Motion was made by Clpn. Bellows and seconded by Clpn. Armon to approve the first reading of an Ordinance amendment related to group homes as presented. All members present voted aye. Motion carried.

12. H. Settlement of Robert Street Improvement Project Parcel 20

Motion was made by Clpn. Napier and seconded by Clpn. Bellows to approve the easement acquisition settlement for Robert Street Improvement Project Parcel 20 as presented. All members present voted aye. Motion carried.

12. I. Settlement of Robert Street Improvement Project Parcel 111

Motion was made by Clpn. Halverson and seconded by Clpn. Napier to approve the easement acquisition settlement for Robert Street Improvement Project Parcel 111 as presented. All members present voted aye. Motion carried.

13. Old Business

There was no old business to discuss or consider.

14. Adjourn

Motion was made by Clpn. Napier and seconded by Clpn. Halverson to adjourn the meeting at 9:55 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: November 14, 2016

SUBJECT: List of Claims

City of West St. Paul

BACKGROUND INFORMATION:

Invoices to be paid

FISCAL IMPACT:

$1,364,851.82

STAFF RECOMMENDATION:

Approve payment of attached

CITY OF WEST ST PAUL

Summary of List of Claims

Council Meeting of November 14, 2016

PAYROLL CHECK REGISTER:

Payroll Period		
Date Paid	10/10/16 - 10/23/16	
Direct Deposit	10/28/2016	$150,413.23
Payroll Period	10/24/16 - 11/06/16	$142,868.13
Date Paid	11/10/2016	
Direct Deposit		
TOTAL NET PAYROLL		$293,281.36

DISBURSEMENT CHECK REGISTER:

Checks	123178 - 123327	$938,715.36
EFTS	1050 - 1066	$132,855.10
TOTAL DISBURSEMENT CHECKS		$1,071,570.46

TOTAL PAYROLL, DISBURSEMENTS, ACH AND WIRE TRANSFERS $1,364,851.82

CITY OF W.S.P

Payment Register

From Payment Date: 10/17/2016 - To Payment Date: 11/14/2016

Number	Date	Payee Name	Transaction Amount
AP - Accounts Payable			
Check			
123179	10/24/2016	HOWARD L BUFFINGTON &SUSAN K	$13,600.00
123180	10/26/2016	CILIBERTI, NICHOLAS JAMES,	$140.00
123181	10/26/2016	EHLERS & ASSOCIATES	$115.00
123182	10/26/2016	HAAS, KALEY	$50.00
123183	10/26/2016	HATFIELD/SHARON	$8.68
123184	10/26/2016	KVASNIK, DAVID	$20.00
123185	10/26/2016	MONTANO P, TANIA	$50.00
123186	10/26/2016	RJM CONSTRUCTION	$3,000.00
123187	10/26/2016	SCHWACH, TINA, S	$70.00
123188	10/26/2016	SNAP ON TOOLS	$75.45
123189	10/26/2016	TRI COUNTY LAW ENFORCEMENT	$75.00
123190	11/08/2016	BARBARI, RITA & JOHN	$60.00
123192	11/14/2016	A B C RENTAL	$174.67
123193	11/14/2016	ABRAMS & SCHMIDT ATTORNEYS	$120.00
123194	11/14/2016	ADVANCED ENGINEERING &	$14,573.78
123195	11/14/2016	ADVANTAGE SIGNS & GRAPHICS	$49.10
123196	11/14/2016	ARROW MOWER	$1,531.41
123197	11/14/2016	BATTERIES PLUS BULBS	$51.90
123198	11/14/2016	BENJAMIN FRANKLIN PLUMBING	$6,354.00
123199	11/14/2016	BOLTON & MENK INC	$25,644.00
123200	11/14/2016	BOYER FORD TRUCKS INC	$82.05
123201	11/14/2016	CAMPBELL KNUTSON	$832.00
123202	11/14/2016	CAPRA'S UTILITIES	$8,325.00
123203	11/14/2016	CDW GOVERNMENT, INC	$151.92
123204	11/14/2016	CENTURYLINK	$733.76
123205	11/14/2016	CHLIC-BLOOMFIELD EASC	$2,640.02
123206	11/14/2016	CINTAS CORPORATION	$345.86
123207	11/14/2016	COMCAST	$462.41
123208	11/14/2016	COMMERCIAL ASPHALT COMPANY	$2,321.88
123209	11/14/2016	CONTINENTAL SAFETY EQUIPMENT	$295.00
123210	11/14/2016	CORNWELL TOOLS	$6.75
123211	11/14/2016	CORPORATE MARK INC	$181.38
123212	11/14/2016	CUB FOODS - WEST ST PAUL	$84.07
123213	11/14/2016	CUMMINS NPOWER,LLC	$578.00
123214	11/14/2016	D & K CONSTRUCTION & SERVICES	$4,970.00
123215	11/14/2016	DAKOTA COUNTY REGIONAL	$1,000.00
123216	11/14/2016	DANNER INC	$20.00
123217	11/14/2016	DEARBORN NATIONAL	$472.46
123218	11/14/2016	DORIOTT, CHANTAL	$67.39
123219	11/14/2016	EMBROIDME	$109.18
123220	11/14/2016	FASTENAL COMPANY	$19.78
123221	11/14/2016	FIDELITY SECURITY LIFE	$154.10
123222	11/14/2016	GENERAL SECURITY SERVICES	$513.60
123223	11/14/2016	GOODPOINT TECHNOLOGY	$5,750.00
123224	11/14/2016	GOPHER STATE ONE-CALL	$243.00
123225	11/14/2016	GRAND ST PAUL CVS, LLC	$44,750.00
123226	11/14/2016	GREEN ACRES TREE MOVING	$770.00
123227	11/14/2016	GREYSTONE CONSTRUCTION	$6,950.00
123228	11/14/2016	GUARDIAN SUPPLY LLC	$307.91
123229	11/14/2016	HARTSHORN, JIM	$98.28

Payment Register

From Payment Date: 10/17/2016 - To Payment Date: 11/14/2016

123230	11/14/2016	HEALTHEAST MEDICAL TRANSPORT	$85.00
123231	11/14/2016	HENRICKSEN PSG	$17,362.50
123232	11/14/2016	HILLYARD/MINNEAPOLIS	$540.60
123233	11/14/2016	I C M A	$1,198.00
123234	11/14/2016	INVER GROVE FORD	$830.76
123235	11/14/2016	INVER GROVE HEIGHTS/CITY OF	$2,037.94
123236	11/14/2016	J R'S APPLIANCE	$47.00
123237	11/14/2016	JIM MURR PLUMBING	$3,547.75
123238	11/14/2016	JONNIED AND CO	$303.40
123239	11/14/2016	KEEPRS, INC	$903.87
123240	11/14/2016	KENNEDY & GRAVEN	$122,366.54
123241	11/14/2016	KIMLEY-HORN & ASSOCIATES, INC	$54,627.23
123242	11/14/2016	KORMAN, JIM	$941.25
123243	11/14/2016	KREMER SERVICES, LLC	$167.94
123244	11/14/2016	LANGFIELD, GLENN & SHEILA	$667.50
123245	11/14/2016	LAROCK, LINDA	$747.75
123246	11/14/2016	LAWSON PRODUCTS INC	$568.92
123247	11/14/2016	LEIRNESS, ALAN	$575.30
123248	11/14/2016	LMCIT	$24.65
123249	11/14/2016	LOE'S OIL COMPANY INC	$125.00
123250	11/14/2016	LOGIS	$2,795.50
123251	11/14/2016	LYONS, RODNEY	$520.00
123252	11/14/2016	M & B SERVICES	$4,422.50
123253	11/14/2016	M P C A	$62.50
123254	11/14/2016	M T I DISTRIBUTING	$2,249.67
123255	11/14/2016	MACQUEEN EQUIPMENT INC	$2,035.00
123256	11/14/2016	MANSFIELD OIL COMPANY	$10,121.51
123257	11/14/2016	MCMULLEN INSPECTING, INC	$1,504.80
123258	11/14/2016	MENARD, INC	$24,750.00
123259	11/14/2016	MENARDS	$693.84
123260	11/14/2016	MICHALES, MARILYN	$16,317.30
123261	11/14/2016	MIDWEST FENCE &	$147.05
123262	11/14/2016	MIKE BROTHERS LLC	$149.50
123263	11/14/2016	MINNEAPOLIS OXYGEN CO	$94.41
123264	11/14/2016	MINNEAPOLIS/CITY OF	$48.60
123265	11/14/2016	MITCHELL, SHANNON	$60.00
123266	11/14/2016	MN BENEFIT ASSOCIATION	$929.26
123267	11/14/2016	MN DEPT OF HEALTH	$805.00
123268	11/14/2016	MN DEPT OF LABOR & IND-CODE/IN	$10.00
123269	11/14/2016	MN DEPT OF TRANS-COMMISIONER	$2,017.71
123270	11/14/2016	MN DEPT-EMPL & ECON DEV	$6,170.00
123271	11/14/2016	MN GLOVE	$169.96
123272	11/14/2016	MN MUTUAL LIFE	$1,110.15
123273	11/14/2016	MN NCPERS LIFE INSURANCE	$496.00
123274	11/14/2016	MN OFFICE OF ENTERPRISE TECH	$696.00
123275	11/14/2016	MN POLLUTION CONTROL AGENCY	$1,035.00
123276	11/14/2016	NAC MECHANICAL & ELECTRICAL	$1,738.00
123277	11/14/2016	NATURE CALLS	$1,021.00
123278	11/14/2016	NEIDERMAIER, MICHAEL	$772.50
123279	11/14/2016	NITTI SANITATON INC	$133.17
123280	11/14/2016	O'REILLY AUTOMOTIVE, INC	$813.30
123281	11/14/2016	OFFICE DEPOT	$85.90
123282	11/14/2016	PARRANTO, MARK, S	$275.00
123283	11/14/2016	POWERPLAN/R D O EQUIPMENT	$10.37

Payment Register

From Payment Date: 10/17/2016 - To Payment Date: 11/14/2016

123284	11/14/2016	REIMAN, JACOB	$20.00
123285	11/14/2016	RENNER, PATRICIA	$690.45
123286	11/14/2016	REPUBLIC SERVICES	$822.07
123287	11/14/2016	ROTARY CLUB W ST	$204.00
123288	11/14/2016	SAM'S CLUB DIRECT	$498.46
123289	11/14/2016	SCHLOMKA SERVICES INC	$1,200.00
123290	11/14/2016	SCHMITT, ALICE	$81.00
123291	11/14/2016	SEWALD/TIM	$93.65
123292	11/14/2016	SFDMG, LLC	$9,993.09
123293	11/14/2016	SHORT ELLIOTT HENDRICKSON, INC	$9,833.88
123294	11/14/2016	SONNEK, MELISSA	$19.98
123295	11/14/2016	SOUTH METRO FIRE DEPT	$177,116.17
123296	11/14/2016	SPEED PRINT INC	$140.00
123297	11/14/2016	SPRINT	$10,000.00
123298	11/14/2016	SPRWS	$889.16
123299	11/14/2016	ST PAUL/CITY OF	$13,451.08
123300	11/14/2016	STAPLES ADVANTAGE	$12.47
123301	11/14/2016	STEPP MANUFACTURING CO. INC	$32.37
123302	11/14/2016	STONEBROOKE EQUIPMENT	$29.78
123303	11/14/2016	SUBURBAN TIRE WHOLESALE INC	$540.04
123304	11/14/2016	SUMMIT FIRE PROTECTION	$1,405.00
123305	11/14/2016	T - MOBILE	$1,689.30
123306	11/14/2016	TACTICAL SOLUTIONS	$423.00
123307	11/14/2016	TESSMAN SEED	$1,000.00
123308	11/14/2016	TOWMASTER	$211,656.00
123309	11/14/2016	TRI STATE BOBCAT INC	$1,650.00
123310	11/14/2016	TWIN CITY JANITOR SUPPLY	$127.90
123311	11/14/2016	TWIST OFFICE PRODUCTS	$446.87
123312	11/14/2016	TYLER TECHNOLOGIES INC	$20,414.00
123313	11/14/2016	UMR GEOTHERMAL	$500.00
123314	11/14/2016	UNIFORMS UNLIMITED	$966.50
123315	11/14/2016	UPS STORE	$12.17
123316	11/14/2016	US BANK EQUIPMENT FINANCE	$230.98
123317	11/14/2016	US BANK EQUIPMENT FINANCE	$481.68
123318	11/14/2016	VIKING AUTOMATIC SPRINKLER CO	$540.00
123319	11/14/2016	VIKING INDUSTRIAL CENTER	$275.25
123320	11/14/2016	W W GOETSCH ASSOCIATES	$18,098.57
123321	11/14/2016	WARNING LITES OF MN	$188.40
123322	11/14/2016	WATSON COMPANY	$28.59
123323	11/14/2016	WHEELER, DEBORAH	$1,400.00
123324	11/14/2016	WINDSCHITL/PHIL	$22.00
123325	11/14/2016	WOODEN TUB	$85.00
123326	11/14/2016	WSB & ASSOCIATES	$1,613.50
123327	11/14/2016	XCEL ENERGY	$8,864.81
Type Check Totals:			$938,715.36
EFT			
1050	10/31/2016	I C M A	$200.00
1051	10/31/2016	I C M A RETIREMENT TRUST-457	$6,795.82
1052	10/31/2016	IRS - PR TAXES	$48,676.98
1053	10/31/2016	MII LIFE --- VEBA	$2,925.77
1054	10/31/2016	MN DEPT OF REVENUE - PR TAXES	$10,147.72
1055	10/31/2016	MN REVENUE	$100.00
1056	10/31/2016	MSRS - 457	$1,900.00
1057	10/31/2016	MSRS HCSP	$2,180.49

CITY OF W.S.P

Payment Register

From Payment Date: 10/17/2016 - To Payment Date: 11/14/2016

1058	10/31/2016	PUBLIC EMPLOYEES RETIRMNT	$45,194.75
1059	10/31/2016	PUBLIC EMPLOYEES RETIRMNT	$372.16
1060	10/31/2016	MII LIFE --- VEBA	$1,551.92
1061	10/31/2016	SELECTACCOUNT	$514.00
1062	10/31/2016	SELECTACCOUNT	$166.05
1063	10/31/2016	US BANK CARDMEMBER SERVICES	$7,500.00
1064	11/14/2016	NEOPOST - ADVANCE	$50.00
1065	11/14/2016	PAY.GOV/CMS	$3,645.00
1066	11/14/2016	SELECTACCOUNT	$934.44
Type EFT Totals:			$132,855.10

TO: Mayor and City Council

THROUGH: Matt Fulton, City Manager

FROM: Joan Carlson, Finance Director

DATE: November 14, 2016

SUBJECT: Approved Updates to 2017 Fee Schedule

City of West St. Paul

BACKGROUND INFORMATION:

It recently came to staff's attention that the approved 2017 Fee Schedule did not include the penalty for working without a permit or the late payment fee for residential rental applications. Excluding these fees on the schedule was an oversight as they are not new fees. The fees are as follows:

- Penalty for working without a permit – permit fee doubles
- Late payment of residential rental application – 50% of license fee

FISCAL IMPACT:

		Amount
Fund:	**101**	
Department:	**30000**	
Account:	**32170**	**unknown**

STAFF RECOMMENDATION:

Approve updates to the 2017 Fee Schedule.

TO: Mayor and City Council

THROUGH: Matt Fulton, City Manager

FROM: Community Development Department

DATE: November 14, 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:

930 Dodd Road – Previous rental, change of ownership

Charlton Terrace Apartments - Renewal
- 1492 Charlton Street
- 212 Thompson Avenue
- 232 Thompson Avenue

Westview Park Apartments – Renewal
- 1875-1895 Oakdale Avenue
- 273 Westview Drive
- 281 Westview Drive
- 290 Westview Drive
- 310 Westview Drive
- 330 Westview Drive
- 1867 Scott Lane
- 1875 Scott Lane
- 1885 Scott Lane
- 1891 Scott Lane
- 264 Marie Avenue East
- 274 Marie Avenue East
- 282 Marie Avenue East
- 288 Marie Avenue Eat

FISCAL IMPACT:

Application Fees Received:		**Amount:**
Fund:	**101**	
Department:	**30000**	
Account:	**32170**	**$ 8,400**

STAFF RECOMMENDATION:

Staff recommends City Council approve the license applications.

TO: Mayor and City Council
THROUGH: Matt Fulton, City Manager
FROM: Police Department
DATE: November 14, 2016
SUBJECT: City Business and Liquor Licenses

City of West St. Paul

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.

2017 On-Sale Liquor Licenses

Applebee's Neighborhood Grill & Bar – On-Sale, Outside Service, Sunday Sale
Fireside Lounge – On-Sale Liquor, Sunday Sale, Outside Service

2017 Off-Sale Liquor Licenses

Smith Ave Liquors, Off-Sale Liquor & Tobacco

2017 Wine Licenses
El Taquito Taco Shop Inc, Wine, Sunday Sale, Outside Service

2017 3.2 Beer Liquor Licenses

Cub Foods, Off-Sale Liquor, Tobacco, Fireworks
Cub Liquor, Off-Sale Liquor, Tobacco

2017 Business Licenses – No Background

Alcaraz Auto Repair, Motor Vehicle Related
All Star Rolloff,Rubbish Commercial
Allied Waste Service, RubbishCommercial & Residential
Blue Lake Laundry, Laundry Self-Service
Cabros Management Corporation, Motor Vehicle Related
Clothesline Laundromat, Self-Serve Laundry
Goodwill Easter Seals, Second Hand Dealer
JME of Monticello Inc, Rubbish Commercial
Jiffy Lube, Motor Vehicle Related
Maaco Collision Repair & Painting, Motor Vehicle Related
Play It Again Sports, Second Hand Dealer
Romero Auto Repair, Motor Vehicle Related
Signal Garage, Motor Vehicle Related
Valvoline, Motor Vehicle Related

2017 Business Licenses – Background Required

Bobby & Steve's Auto World, Motor Vehicle Related & Tobacco
Allyssa Herning, Massage – Personal
Binyan Zhu, Massage License Business & Personal
West St Paul Marathon, LLC, Motor Vehicle Related & Tobacco

FISCAL IMPACT:

Action	Fund	Department	Account	Amount
Liquor License Fee	101	30000	32110	20,833.00
Other License Fee	101	30000	32199	8,075.00
Background Fee	101	30000	34208	1,200.00
			Total:	$30,108.00

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.

CITY OF WEST ST. PAUL
DAKOTA COUNTY, MINNESOTA

RESOLUTION NO. 16-__

A RESOLUTION REGARDING THE ADMINISTRATION OF THE WETLAND CONSERVATION ACT OF 1991

WHEREAS, the Minnesota Wetland Conservation Act of 1991 (WCA) requires local governmental units (LGU's) to implement this law by adopting the rules and regulations promulgated by the Minnesota Board of Water and Soil Resources (BWSR) pertaining to wetland draining, filling and excavation; and

WHEREAS, the BWSR has defined metropolitan area cities and townships as LGUs under the WCA; and

WHEREAS, the City of West St. Paul acknowledged and accepted administrative responsibility for the WCA within its borders on March 24, 1994 via Resolution 94-22; and

WHEREAS, the LGU is responsible for following the WCA rules as stated in 8420.0200, Determining Local Government Unit Duties; and

WHEREAS, Minnesota Statutes, § 103G.005 permits an LGU to delegate some or all of its WCA authority to a qualified entity; and

WHEREAS, the Dakota County Soil and Water Conservation District has qualified personnel trained in application of the WCA and has indicated a willingness to accept a delegation of certain WCA administrative responsibilities;

THEREFORE, BE IT RESOLVED THAT the City of West St. Paul hereby acknowledges and delegates its decision and administrative authority to the Dakota County Soil and Water Conservation District and their technical staff for the following WCA purposes:

- Official Listing as LGU Contact
- Wetland Boundary and Type Decisions
- No Loss Decisions
- Exemption Decisions
- Providing State Required Annual WCA Reports

Adopted by the City Council of the City of West St. Paul this 14th day of November, 2016.

_____	_____
David Meisinger, Mayor	Chantal Doriott, City Clerk

SWCD BOARD DATE ACCEPTED AND APPROVED:_____

SWCD BOARD SIGNATURE:_____

City of West St. Paul

TO: Mayor and City Council

THROUGH: City Manager

FROM: Public Works & Parks Director/City Engineer

DATE: November 14, 2016

SUBJECT: Approve Resolution Regarding the Administration of the Wetland Conservation Act of 1991

BACKGROUND INFORMATION:
In March, 1994 the City Council adopted Resolution 94-22 which designated the City as the Local Governmental Unit (LGU) for the administration of the Wetlands Conservation Act (WCA) of 1991.

Over the years the City has always used the Dakota County Soil & Water Conservation District (SWCD) as a technical resource for any administration of the WCA. Typically, the City only handles a few wetland applications every year. Staying current on WCA rules and regulations is what the SWCD does as one of their primary functions. It is very difficult for City staff to remain current on WCA rules and regulations as the number of applications are so few and far apart.

Therefore, the staff is recommending that the City turn over the LGU responsibilities of the WCA to the SWCD as they are the agents in this area. There is no cost to the City to have the SWCD administer the WCA applications. The SWCD will continue to include the City in all reviews and approvals. The attached resolution assigns the authority of the LGU to the Dakota County SWCD.

FISCAL IMPACT:
There is no cost to the City to provide these WCA administrative services as the SWCD uses an application fee schedule to pay for their services.

STAFF RECOMMENDATION:
Staff recommends that the City Council approve a resolution delegating Wetland Conservation Act decisions and administrative authority to the Dakota County Soil and Water Conservation District.

TO: Mayor and City Council

THROUGH: Matt Fulton, City Manager

FROM: Sherrie Le, Assistant City Manager

DATE: November 14, 2016

SUBJECT: Amendment to General Services Pay Plan for 2017

City of West St. Paul

BACKGROUND INFORMATION: Staff recently completed labor negotiations with the City's three bargaining units. The last of the three is before you tonight. Consistent with our pay philosophy of treating all employees consistently, we are proposing the same 2.5% increase to the general services salary ranges as was negotiated with the three unions.

There is just one other change that we would like to propose to the City Council and that is a market adjustment for the position of Building Official. Over the course of this past year, we added responsibility in two significant areas to the Building official's job. They include adding the rental housing inspection program and the City Hall building. Along with that, come the staff in those areas, oversight of the contracted cleaning company, budgets and approving purchases. Considering the mechanical and structural problems with the City Hall building, this added a substantial burden on an already quite busy and complex position.

We have examined the additional responsibilities and are recommending a market increase of 6% to the salary range effective 1-1-17. This would bring the position in the range of other comparable positions within the City.

Included are resolutions to amend the pay plans listing the current ranges and proposed 2017 ranges.

FISCAL IMPACT:

The impact of the 2.5% wage increase on January 1, 2017 is estimated to be $75,000 for this group of employees. The wage increases are included in the 2017 budget.

		Amount
Fund:	**101**	
Department:	**various**	
Account:	**40101 and 40102**	**$75,000**

STAFF RECOMMENDATION: Staff recommends Council approve the 2017 G.S. Hourly and Salaried Employee Pay Plans.

On Motion of Clpn. Seconded by Clpn.

RESOLUTION NO. 16-

RESOLUTION AMENDING THE GENERAL SERVICE HOURLY EMPLOYEE PAY PLAN

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL
OF THE CITY OF WEST SAINT PAUL, MINNESOTA:

Effective 11-14-16, the General Services Hourly Employees Pay Plan will be revised as follows:

	1/1/2016		1/1/2017	
	Minimum	Maximum	Minimum	Maximum
Accounting Clerk	$ 21.37	$ 26.72	$ 21.91	$ 27.38
Accountant	$ 24.03	$ 30.04	$ 24.63	$ 30.79
Accounting Technician	$ 22.35	$ 27.93	$ 22.91	$ 28.63
Administrative Specialist	$ 20.51	$ 25.64	$ 21.02	$ 26.28
Assistant to Arena Supervisor	$ 13.00	$ 17.00	$ 13.94	$ 17.43
Building Inspector	$ 27.84	$ 34.80	$ 28.53	$ 35.67
Building Maintenance Technician	$ 22.34	$ 27.93	$ 22.90	$ 28.63
Building Permit Clerk	$ 20.51	$ 25.64	$ 21.02	$ 26.28
Building Permit Technician	$ 21.31	$ 26.63	$ 21.84	$ 27.30
City Clerk	$ 29.14	$ 36.42	$ 29.86	$ 37.33
Civil Engineer	$ 30.63	$ 38.29	$ 31.40	$ 39.25
Code Enforcement Officer	$ 21.01	$ 26.27	$ 21.54	$ 26.92
Community Service Officer	$ 18.20	$ 22.75	$ 18.66	$ 23.32
Crime Prevention Specialist	$ 25.02	$ 31.27	$ 25.65	$ 32.06
Engineering Technician III	$ 28.44	$ 35.54	$ 29.15	$ 36.43
Community Development Coordinator	$ 26.11	$ 32.64	$ 26.76	$ 33.46
Housing Inspector	$ 24.88	$ 31.09	$ 25.50	$ 31.87
Human Resource Specialist	$ 25.30	$ 31.62	$ 25.93	$ 32.41
I & I Inspector	$ 20.00	$ 30.00	$ 24.60	$ 30.75
Ice Arena/Pool Maintenance Supervisor	$ 23.46	$ 29.32	$ 24.05	$ 30.06
Investigative Assistant	$ 23.78	$ 29.72	$ 24.37	$ 30.47
IT Analyst I	$ 22.56	$ 28.20	$ 23.12	$ 28.90
IT Analyst II	$ 28.20	$ 35.24	$ 28.90	$ 36.13
Lead Police Secretary/Licensing Specialist	$ 21.31	$ 26.63	$ 21.84	$ 27.30
Marketing and Communications Coordinator	$ 30.66	$ 38.32	$ 31.42	$ 39.28
Office Assistant	$ 17.44	$ 21.80	$ 17.88	$ 22.34
Payroll Technician	$ 22.82	$ 28.53	$ 23.39	$ 29.24
Police Data Specialist	$ 20.51	$ 25.64	$ 21.02	$ 26.28
Receptionist	$ 17.81	$ 22.27	$ 18.26	$ 22.83
Recreation Programmer	$ 24.77	$ 30.96	$ 25.39	$ 31.73
Volunteer Engagement Manager	$ 17.95	$ 22.44	$ 18.40	$ 23.00

The City Manager may hire employees at any rate between the minimum and maximum pay stated for the job classification based on relevant factors. The City Manager will determine the pay for each employee based on the employee's performance in the job and on the basis of other job relevant factors.

Upon successful completion of the one-year probationary period, an employee is eligible for up to a 5% pay increase. The employee is eligible for up to a 5% wage step once per year on their anniversary date until they reach the maximum pay for their job class. Employees who are promoted from one City position to another will normally receive a pay increase at the time of promotion and will be eligible for future increases at one year intervals until they reach the maximum pay for their job class. Step increases are contingent upon a successful performance review and the recommendation of the employee's supervisor, department head and approval by the City Manager.

Adopted by the City Council of the City of West St. Paul on November 14, 2016

Ayes: Nays:

Attest:

_____ _____

David Meisinger, Mayor Chantal Doriott, City Clerk

On Motion of Clpn. Seconded by Clpn.

RESOLUTION NO. 16-

RESOLUTION AMENDING THE GENERAL SERVICE SALARIED EMPLOYEE PAY PLAN

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL
OF THE CITY OF WEST SAINT PAUL, MINNESOTA:

Effective 11-14-16, the General Services Salaried Employees Pay Plan will be as follows:

Biweekly	**1/1/2016**		**1/1/2017**	
	Minimum	**Maximum**	**Minimum**	**Maximum**
Assistant CDD/City Planner	$2,979.83	$3,724.78	$ 3,054.32	$ 3,817.90
Assistant City Manager/HR Director	$3,539.61	$4,424.52	$ 3,628.10	$ 4,535.13
Assistant Park and PW Supt	$2,511.93	$3,139.91	$ 2,574.73	$ 3,218.41
Assistant Park and Recreation Director	$2,895.52	$3,619.41	$ 2,967.91	$ 3,709.89
Building Official	$2,773.18	$3,466.47	$ 3,013.08	$ 3,766.35
City Manager	$4,522.02	$5,652.53	$ 4,635.07	$ 5,793.84
Community Development Director	$3,576.92	$4,471.14	$ 3,666.34	$ 4,582.92
Finance Director	$3,592.18	$4,490.23	$ 3,681.99	$ 4,602.49
Information Technology Manager	$2,965.05	$3,706.32	$ 3,039.18	$ 3,798.97
Parks and Public Works Director	$3,698.81	$4,623.51	$ 3,791.28	$ 4,739.09
Parks and PW Superintendent	$2,970.96	$3,713.70	$ 3,045.23	$ 3,806.54
Police Chief	$3,695.05	$4,618.81	$ 3,787.42	$ 4,734.28
Police Lieutenant	$3,237.62	$4,047.03	$ 3,318.56	$ 4,148.20

The City Manager may hire employees at any rate between the minimum and maximum pay stated for the job classification based on relevant factors. The City Manager will determine the pay for each employee based on the employee's performance in the job and on the basis of other job relevant factors.

Upon successful completion of the one-year probationary period, an employee is eligible for up to a 5% pay increase. The employee is eligible for up to a 5% wage step once per year on their anniversary date until they reach the maximum pay for their job class. Employees who are promoted from one City position to another will normally receive a pay increase at the time of promotion and will be eligible for future increases at one year intervals until they reach the maximum pay for their job class. Step increases are contingent upon a successful performance review and the recommendation of the employee's supervisor, department head and approval by the City Manager.

Adopted by the City Council of the City of West St. Paul on November 14, 2016

Ayes: Nays:

Attest:

_____ _____

David Meisinger, Mayor Chantal Doriott, City Clerk

TO: Mayor and City Council

THROUGH: Matt Fulton, City Manager
Jim Hartshorn, Community Dev. Dir.
Ben Boike, Planner

FROM: Korine Land, City Attorney

DATE: November 14, 2016

SUBJECT: Ordinances Related to Group Homes

City of West St. Paul

BACKGROUND INFORMATION:
In July 2015, the City Council adopted a one-year moratorium on accepting any zoning applications related to transitional housing, foster care, overnight shelters, and chemical dependency facilities.

The one-year has expired and we are now proposing several ordinance changes to be consistent with recent changes in state law. Our ordinances have numerous types of categories of "group homes" that can be simplified by adopting the state law categories of: State Licensed Residential Care Facilities (i.e. nursing homes, developmentally disabled group homes) and Registered Housing with Services Establishments (i.e. people recently released from prison, chemically dependent-related group homes).

State law (Minn. Stat. §462.357 subd. 7-8) *requires* a State-License Residential Care Facility and a Registered Housing With Services Establishment to be permitted uses in certain zoning districts, which coincide with our ordinances as follows:

	R1-R2	**R3**	**R4**	**B1-B4, B6**	**B5**	**I1-I2**
State-Licensed	Permitted 0-6 persons	Permitted 7-16 persons	Permitted 7-16 persons	Prohibited	CUP for mixed use	Prohibited
Registered Housing with Services	Permitted 0-6 persons	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited

We are recommending adding a PROHIBITED USE section to R3, R4, and B1-B6 that will specifically prohibit these uses, as appropriate, in those zoning districts.

PLANNING COMMISSION:
The Planning Commission met in regular session on September 18, 2016 and voted 6-0 to recommend APPROVAL of the proposed amendment as written. No one from the public wished to speak on the item.

FISCAL IMPACT:
n/a

STAFF RECOMMENDATION:
Hold the public hearing and approve the final reading

ATTACHMENTS:
An ordinance amending Section 153.004 – 153-254

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

AN ORDINANCE AMENDING SECTIONS 153.004 AND 153.050 THROUGH 153.254 OF THE WEST ST. PAUL CITY CODE REGARDING STATE-LICENSED RESIDENTIAL CARE FACILITIES AND RESIDENTIAL HOUSING WITH SERVICES ESTABLISHMENTS

The City Council of West St. Paul does ordain:

SECTION 1. AMENDMENT. The following definitions are deleted from West St. Paul City Code Section 153.004:

- Adult Foster Care;
- Chemical Dependency Treatment Facility;
- Elderly Housing with Services Establishment;
- Overnight Shelter Facility; and
- Transitional Housing Facility.

SECTION 2. AMENDMENT. The following definition in West St. Paul City Code Section 153.004 is changed from "Residential Care Facility" to "Residential Care Facility, State Licensed."

SECTION 3. AMENDMENT. West St. Paul City Code Sections 153.050 through 153.128 are hereby amended as follows:

§ 153.050 PERMITTED USES.

Within any "R-1A" One-Family Residential District, no structure or land shall be used except for one or more of the following uses:

(A) One-family detached dwellings;

(B) Public parks and playgrounds;

(C) Public and parochial schools with the following conditions:

(1) No school building shall be located within 50 feet of any lot line of an abutting lot in an R District; and

(2) Where a school has an open play area abutting a street, a fence shall be erected 15 feet or more from the street right-of-way.

(D) Churches, including those related structures located on the same site which are an integral part of the church property, such as convents or homes for persons related to a religious function on the same site with the following conditions:

(1) No church building shall be located within 50 feet of any lot line of an abutting lot in an R District; and

(2) No more than ten persons shall reside on the site.

(E) Municipal buildings and structures including storage of maintenance equipment and trucks. No building shall be located within 50 feet of any lot line of an abutting lot in an R District;

(F) A state licensed residential care facility or a housing with services establishment registered under Minn. Stat. Chapter 144D serving six or fewer persons, a licensed day care center serving 12 or fewer persons~~ as defined in § 153.004~~, or a group family day care facility licensed under Minn. Rules 9502.0315 to 9502.0445, to serve 14 or fewer children;

(G) Radio and television antennas, subject to the provisions in § 153.395;

(H) Satellite dish antennas less than one meter (39 inches) in diameter;

(I) Those uses as permitted and regulated in § 153.006; and/or

~~(J) A state licensed child day care facility serving 12 or fewer children;~~

~~(K) A state licensed adult day care facility serving 12 or fewer adults;~~

~~(L) A state licensed adult foster care program serving 12 or fewer adults;~~

~~(M) Residential hospice facility serving eight or fewer hospice patients;~~

~~(N) Transitional housing facility serving a total of four or fewer adults and children; and/or~~

~~(O)~~(J) Farmers market for the sale of agricultural and horticultural products.

§ 153.051 CONDITIONAL USES.

Within any R-1A One-Family Residential District, no structure or land shall be used for the following uses, except by conditional use permit:

(A) Golf courses, country clubs, tennis clubs, public swimming pools serving more than one family. The principal structure for any of the above listed uses shall be 100 feet or more from any abutting lot in an R District, and accessory structure shall be a minimum of 50 feet from any lot line;

(B) Essential service structures, including, but not limited to, buildings, such as telephone exchange stations, booster or pressure regulating stations, wells and pumping stations, elevated tanks, lift stations and electrical power substation provided no building shall be located within 50 feet from any lot line of an abutting lot in an R District. Prior to granting the permit it shall be found that the architectural design of essential service structures is compatible to the neighborhood in which it is to be located and thus will promote the general welfare;

(C) Commercial greenhouses provided all outside storage is fenced in such a manner so as to screen the stored material from view when observed from the public street or an adjoining lot;

(D) Nursing homes, retirement homes, ~~elderly housing with services establishments~~ and other similar state licensed residential care uses.

(1) For nursing homes the site shall contain not less than 1,000 square feet of lot area for each person to be accommodated and buildings for uses described in this division are 50 feet or more from a lot line of an abutting lot in an R-1, R-2 or R-3 District.

(2) For retirement homes, ~~elderly housing with services establishments~~ and other similar state licensed residential care uses, the site shall contain not less than 3,500 square feet of lot area per dwelling unit. Parking facilities shall be equal to one space for each dwelling unit and proof of the availability of one additional space per unit.

(3) All parking for facilities in this section shall comply with §§ 153.345 through 153.351.

(E) A state licensed child day care facility serving 13 or more provided that the conditional use be in structures at least 50 feet of any lot line of an abutting lot in an R District and that a fence be erected 15 feet or more from any street right-of-way where the intended use is for open play;

(F) Off-street parking when the proposed site of the off-street parking abuts on a lot which is in the B or I District and is in the same ownership as the land in the B or I District and subject to those conditions set forth in §§ 153.345 through 153.351, and other conditions as found necessary by the City Council to carry out the intent of this chapter;

(G) School buildings which are a part of the physical system of the school district but which are considered temporarily in surplus may be used as research centers, offices not directly serving the public or for some form of educational activity provided:

(1) The off-street parking requirements are met; and

(2) The work day of the use falls between 7:00 a.m. and 7:00 p.m.

(H) Commercial buildings which have previously been classified and certified as nonconforming uses at the time of the effective date of this chapter may be used as the same nonconforming or less intense use provided:

(1) The off-street parking requirements for the use are met;

(2) The hours of operation of the use shall be determined by the City Council;

(3) The structure is significant to the neighborhood and its continued active use will not be detrimental to the value of quiet enjoyment or surrounding residential properties; and

(4) The use would be normally allowed as a permitted use in the B-2 Neighborhood Business District.

(I) Satellite dish antennas greater than one meter (39 inches) in diameter. See § 153.396;

(J) Bed and breakfast residence;

(K) Elderly community education center, provided that it is located in a building that contains a civic or community center or a multifamily elderly residential housing facility;

~~(L) Residential hospice facility serving from nine to 12 hospice patients;~~

~~(M) Shelter for battered persons serving a total of six or fewer persons, including adults and children;~~

~~(N) Overnight shelter facility serving a total of six or fewer persons, including adults and children;~~

~~(O)~~(L) School with more than four accessory buildings or structures; or

~~(P)~~(M) On-site residential housing for an educational facility operating ~~school owned and operated~~ in conjunction with a permitted principal use, provided:

(1) Housing structures are limited to three stories in height;

(2) The number of on-site residents is limited to 200; and

(3) Housing structures must meet the building setback requirements from adjacent property lines as outlined in § 153.128.

~~(Q)~~(N) Columbaria, provided they are located on the same property as an existing church and located a minimum of 50 feet from any property line.

§ 153.052 PERMITTED ACCESSORY USES.

Within any R-1A One-Family Use District, the following uses shall be permitted accessory uses:

(A) Private garages and parking spaces;

(B) Private swimming pool and tennis court;

(C) Home occupations as defined herein, provided that:

(1) Only persons residing in the dwelling shall be engaged in the occupation;

(2) The occupation shall be conducted entirely within the principal structure;

(3) Evidence of the occupation shall not be visible from the street;

(4) No stock or warehousing for the occupation shall be stored on the premises;

(5) Over-the-counter retail sales are not involved;

(6) There shall be no more than three parking spaces for the occupant and visitors;

(7) No accessory building or attached garage shall be used for the home occupation; and

(8) Property cannot be used as a meeting location for employees.

(D) Signs as regulated by §§ 153.430 through 153.438 and by §§ 150.105 through 150.110;

(E) Temporary buildings located for purposes of construction on the premises for a period not to exceed time necessary for the construction;

(F) Gardening and other horticultural uses where no sale of products is conducted on the premises;

(G) Decorative landscape features;

(H) The keeping of domestic animals for noncommercial purposes for use of the occupants of the premises, provided that any accessory building used for housing the animals shall be located not less than 30 feet from the nearest residence, and provided further that the keeping of the animals shall be subject to requirements of the city code; and

(I) Storage buildings subject to § 153.380.

§ 153.053 LOT AREA, HEIGHTS, LOT WIDTH, YARD AND OTHER REQUIREMENTS.

(A) No structure or building shall exceed 30 feet in height as defined in § 153.004 “Building Height,” except as provided in § 153.009.

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

Lot Area	
Corner lot	9,100 square feet
Interior lot	7,000 square feet

Lot Width	
Corner lot	65 feet
Interior lot	50 feet

Yard, Building Setback	
Front	30 feet
Rear	30 feet or 20% of average lot depth, whichever is greater
Side	5 feet adjacent to another lot
	20 feet adjacent to street

(C) (1) Exterior walls of all principal structures must be covered only with siding (e.g., wood, vinyl, aluminum or metal horizontal lap), stucco, brick, glass or other comparable material as approved by the Zoning Administrator.

(2) Prohibited materials include, but are not limited to, cloth, fabric, canvas, plastic sheets, tarps, tarpaper, insulation, sheet metal and corrugated metal.

§ 153.065 PERMITTED USES.

Within the R-1B One-Family Residential District, no land or structure shall be used except for one or more of the following uses: any permitted use regulated in the R-1A District, § 153.050.

§ 153.066 CONDITIONAL USES.

Within any R-1B One-Family Residential District, no structure or land shall be used for the following uses except by conditional use permit: any conditional use regulated in the R-1A District, § 153.051.

§ 153.067 PERMITTED ACCESSORY USES.

Within any R-1B One-Family Use District, the following uses shall be permitted accessory uses: any permitted accessory use regulated in the R-1A District, § 153.052.

§ 153.068 LOT AREA, HEIGHT, LOT WIDTH, YARD AND OTHER REQUIREMENTS.

(A) No structure or building shall exceed 30 feet in height as defined in § 153.004 "Building Height," except as provided in § 153.009.

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

Lot Area	
Corner lot	12,500 square feet
Interior lot	10,000 square feet

Lot Width	
Corner lot	90 feet
Interior lot	75 feet

Yard, Building Setback	
Front	30 feet
Rear	30 feet or 20% of average lot depth, whichever is greater
Side	9 feet one side/6 feet one side
	20 feet adjacent to street

(C) (1) Exterior walls of all principal structures must be covered only with siding (e.g., wood, vinyl, aluminum or metal horizontal lap), stucco, brick, glass or other comparable material as approved by the Zoning Administrator.

(2) Prohibited materials include, but are not limited to, cloth, fabric, canvas, plastic sheets, tarps, tarpaper, insulation, sheet metal and corrugated metal.

§ 153.080 PERMITTED USES.

Within the R-1C One-Family Residential District, no land or structure shall be used except for one or more of the following uses: any permitted use regulated in the R-1A District, § 153.050.

§ 153.081 CONDITIONAL USES.

Within any R-1C One-Family Residential District, no structure or land shall be used for the following uses except by conditional use permit: any conditional use regulated in the R-1A District, § 153.051.

§ 153.082 PERMITTED ACCESSORY USES.

Within any R-1C One-Family Residential District, the following uses shall be permitted accessory uses: any permitted accessory use regulated in the R-1A District, § 153.052.

§ 153.083 LOT AREA, HEIGHT, LOT WIDTH, YARD AND OTHER REQUIREMENTS.

(A) No structure or building shall exceed 30 feet in height as defined in § 153.004 "Building Height," except as provided in § 153.009 of this chapter.

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

Lot Area*	
Corner lot	15,000 square feet
Interior lot	15,000 square feet
*A 10% deviation in lot width and/or area may be permitted provided the average lot area for each plat or subdivision shall not be less than 15,000 square feet, and the average lot width not less than 100 feet	

Lot Width*	
Corner lot	100 feet
Interior lot	100 feet
*A 10% deviation in lot width and/or area may be permitted provided the average lot area for each plat or subdivision shall not be less than 15,000 square feet, and the average lot width not less than 100 feet	

Yard, Building Setback	
Front	30 feet
Rear	30 feet or 20% of average lot depth, whichever is greater
Side	10 feet adjacent to another lot
	30 feet adjacent to street

(C) Exterior walls of all principal structures must be covered only with siding (e.g., wood, vinyl, aluminum or metal horizontal lap), stucco, brick, glass or other comparable material as approved by the Zoning Administrator. Prohibited materials include, but are not limited to, cloth, fabric, canvas, plastic sheets, tarps, tarpaper, insulation, sheetmetal and corrugated metal.

§ 153.095 PERMITTED USES.

Within the R-2 Two-Family Residential District, no structure or land shall be used, except for one or more of the following uses:

(A) Any permitted use regulated in the R-1A District, § 153.050; and/or

(B) Two-family dwelling~~;~~.

~~(C) Transitional housing facility serving a total of four or fewer adults and children. The facility may not be located in a duplex unless it occupies the entire structure; and/or~~

~~(D) Overnight shelter facility serving a total of six or fewer persons, including adults and children. The facility may not be located in a duplex unless it occupies the entire structure.~~

§ 153.096 CONDITIONAL USES.

Within any R-2 Two-Family Residential District, no structure or land shall be used for the following uses except by conditional use permit: Any conditional use regulated in the R-1A District, § 153.051.

§ 153.097 PERMITTED ACCESSORY USES.

Within the R-2 Two-Family Residential District, the following uses shall be permitted accessory uses: any permitted accessory use regulated in the R-1A District, § 153.052.

§ 153.098 LOT AREA, HEIGHT, LOT WIDTH, YARD AND OTHER REQUIREMENTS.

(A) No structure or building shall exceed 30 feet in height as defined in § 153.004 "Building Height," except as provided in § 153.009 of this chapter.

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

(1) Lot area: 15,000 square feet;

(2) Lot width:

(a) Yard, building setback: 100 feet;

(b) Front: 30 feet;

(c) Side: ten feet adjacent to another lot, 20 feet adjacent to street; and

(d) Rear: 30 feet or 20% of average lot depth, whichever is greater.

(3) Lot area per dwelling unit: 7,500 square feet.

(C) Exterior walls of all principal structures must be covered only with siding (e.g., wood, vinyl, aluminum or metal horizontal lap), stucco, brick, glass or other comparable material as approved by the Zoning Administrator. Prohibited materials include, but are not limited to, cloth, fabric, canvas, plastic sheets, tarps, tarpaper, insulation, sheet metal and corrugated metal.

§ 153.110 PERMITTED USES.

Within any R-3 Townhouse Residential District, no structure or land shall be used except for of the following uses:

(A) Structures housing three to eight dwelling units; and

(B) Farmers market for the sale of agricultural and horticultural products.

§ 153.111 CONDITIONAL USES.

Within the R-3 Townhouse Residential District, no structure or land shall be used for the following uses except by conditional use permit:

(A) Any conditional use regulated in the R-1A District, § 153.051;

(B) Multiple dwelling structures containing more than eight dwelling units;

(C) Two-family dwellings subject to lot and yard requirements of the R-2 District, § 153.098; or

~~(D) A state licensed child day care facility;~~

~~(E)~~(D) State licensed residential care facility serving ~~up to~~ 7 through 16 persons or a licensed day care facility serving 13 through 16 persons~~;~~.

~~(F) A state licensed adult day care facility serving up to 16 adults;~~

~~(G) A state licensed adult foster care serving up to 16 adults;~~

~~(H) Shelter for battered persons serving a total of up to 16 persons, including adults and children;~~

~~(I) Overnight shelter facility serving a total of up to 16 persons, including adults and children. The facility may not be located in a duplex or multi-family dwelling unless it occupies the entire structure; or~~

~~(J) Transitional housing facility serving a total of up to 16 persons, including adults and children. The facility may not be located in a duplex or multi-family dwelling, unless it occupies the entire structure.~~

§ 153.112 PERMITTED ACCESSORY USES.

Within the R-3 Townhouse Residential District, the following uses shall be permitted accessory uses: any permitted accessory use regulated in the R-1A District, § 153.052.

§ 153.113 LOT AREA, HEIGHT, LOT WIDTH AND YARD REQUIREMENTS.

(A) No limit shall be placed on height of buildings in this R-3 Zone, except that buildings over 35 feet shall have front, side and rear yards not less than one-half of the height of the building.

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

(1) Lot area per dwelling unit: 5,500 square feet;

(2) Lot width: 100 feet;

(3) Yard, building setback:

(a) Front: 30 feet;

(b) Side: ten feet adjacent to another lot, 20 feet adjacent to street, except where the lot in question abuts any R-1 District where the side yard setback shall conform to the established setback or 30 feet, whichever is greater; and

(c) Rear: 30 feet or 20% of average lot depth, whichever is greater.

(4) Distance between principal structures: 30 feet.

(C) Exterior walls of all principal structures must be covered only with siding (e.g., wood, vinyl, aluminum or metal horizontal lap), stucco, brick, glass or other comparable material as approved by the Zoning Administrator. Prohibited materials include, but are not limited to, cloth, fabric, canvas, plastic sheets, tarps, tarpaper, insulation, sheet metal and corrugated metal.

§ 153.125 PERMITTED USES.

Within the R-4 Multiple-Family District, no structure or land shall be used except for the following use:

(A) Structures housing three to 16 multiple-family dwelling units; and

(B) Farmers market for the sale of agricultural and horticultural products.

§ 153.126 CONDITIONAL USES.

Within the R-4 Multiple-Family District, no structure or land shall be used for the following uses except by conditional use permit:

(A) Any conditional use regulated in the R-1A District by § 153.051;

(B) Structure or structures over three stories in height or where ceilings of any dwelling unit are more than 31 feet above average grade;

(C) Two-family dwellings;

(D) Structure or structures containing more than 16 dwelling units;

~~(E) A state licensed child day care facility;~~

~~(F)~~(E) A state licensed residential care facility serving ~~up to~~ 7 through 16 persons or licensed day care facility serving from 13 through 16 persons;

~~(G)~~(F) Private clubs and lodges provided buildings are not less than 30 feet from a lot line of an abutting lot in an R District;

~~(H)~~(G) Private swimming pools intended for and used solely by the occupants of the property in which it is located and their guests, provided the water surface of the pool is located not less than 15 feet from any lot line, that the pump and filter installed be not less than 25 feet from any lot line and that the pool area be so fenced as to prevent uncontrolled access from the street or from adjacent property;

~~(I)~~(H) Nursing homes, retirement homes;

~~(J)~~(I) Hospitals provided the site shall contain not less than 800 square feet of lot area for each person to be accommodated, and provided the lot line is 50 feet or more from a lot line of an R-1, R-2 or R-3 District; or

~~(K)~~(J) Community centers as part of a multiple-family complex, provided the community center is located within setbacks no less than any other structure permitted in the district; does not exceed the height or size of the principal buildings(s); and shall be subject to the parking standards as set forth in §§ 153.345 through 153.351. For purposes of this division (K), of the term ***COMMUNITY CENTERS*** shall include meeting space, offices, bathrooms, indoor pool, indoor recreational space, limited kitchen facilities and related storage~~;~~.

~~(L) A state licensed adult day care facility serving up to 16 adults;~~

~~(M) A state licensed adult foster care serving up to 16 adults;~~

~~(N) Shelter for battered persons serving a total of up to 16 persons, including adults and children;~~

~~(O) Chemical dependency treatment facility serving a total of up to 16 persons. The facility may not be located in a duplex or multi-family dwelling unless it occupies the entire structure. The facility shall be located at least 600 feet, when measured in a straight line from the property line in which the facility is located to the property line of the following:~~

~~(1) A licensed child day care facility;~~

~~(2) A public or private educational facility classified as an elementary, middle, junior high or senior high school; or~~

~~(3) Single-family or two-family use.~~

~~(P) Overnight shelter facility serving a total of up to 16 persons, including adults and children. The facility may not be located in a duplex or multi-family dwelling unless it occupies the entire structure; or~~

~~(Q) Transitional housing facility serving a total of up to 16 persons, including adults and children. The facility may not be located in a duplex or multi-family dwelling unless it occupies the entire structure.~~

§ 153.127 PERMITTED ACCESSORY USES.

Within the R-4 Multiple-Family District, the following uses shall be permitted accessory uses: any permitted accessory use regulated in the R-1A District, § 153.052.

§ 153.128 LOT AREA, HEIGHT, LOT WIDTH AND YARD REQUIREMENTS.

(A) The following minimum requirements shall be observed subject to additional requirements, exceptions and modifications as set forth elsewhere in this chapter. Minimum requirements for three or more dwelling units:

(1) Lot area per dwelling unit: 3,500. For dwelling units with more than two bedrooms, an additional 1,750 square feet is required;

(2) Lot width: 200 feet;

(3) Yard, building setback:

(a) Front: 50 feet, plus one foot per foot of building height over 50 feet;

(b) Side: 40 feet, plus one-half foot per foot of building height over 50 feet; and

(c) Rear: 40 feet, plus one-half foot per foot of building height over 50 feet.

(4) Distance between principal structures: 50 feet.

(B) Building height: no maximum height for buildings with three or more units.

(C) Storage space requirement: a minimum of 96 cubic feet of miscellaneous storage space shall be provided for each dwelling within the principal structure containing the unit. The space shall be in addition to normal storage space provided in wardrobes, cabinets and closets or linen closets.

(D) (1) Exterior walls of all principal structures must be covered only with siding (e.g., wood, vinyl, aluminum or metal horizontal lap), stucco, brick, glass or other comparable material as approved by the Zoning Administrator.

(2) Prohibited materials include, but are not limited to, cloth, fabric, canvas, plastic sheets, tarps, tarpaper, insulation, sheet metal and corrugated metal.

SECTION 4. <u>AMENDMENT.</u> Section 153.206 of the West St. Paul City Code regarding conditional uses in the B-5 is hereby amended as follows:

§ 153.206 CONDITIONAL USES.

Within the B-5 Gateway North Mixed Use District, no structure or land shall be used for the following uses, except by conditional use permit:

(A) Accessory structures;

(B) Private garages, provided:

(1) Principal use of the property is mixed-use;

(2) Property includes owner occupied residential unit;

(3) Structure meets the provisions of § 153.380. In addition metal framing and metal roofing is not allowed;

(4) Carport structures must be secured to a cement slab or footing.

(C) Funeral homes and mortuaries;

(D) Dental or medical office or clinic;

(E) Mixed-use residential/commercial;

(F) Museums, art galleries, theaters;

~~(G) Nursing homes, or retirement homes, provided the site shall contain not less than 600 square feet of lot area for each person to be accommodated and that no building shall be located less than 30 feet from the side lot line;~~

~~(H)~~(G) On-sale liquor establishments;

~~(I)~~(H) Outdoor seating, provided it complies with the requirements of § 153.156(G);

~~(J)~~(I) R-3 and R-4 residential dwelling units;

~~(K)~~(J) Veterinary establishments limited to domestic animals and conducted entirely within a building;

~~(L)~~(K) Offices of a general nature, other than medical or dental, where the employment within the building does not exceed 50 persons and the operations do not include retail sales or warehousing on the site;

~~(M)~~(L) Elderly community education center, provided that it is located in a building that contains a civic or community center or a multifamily elderly residential housing facility;

~~(N)~~(M) Retirement homes~~ or elderly housing with services establishment~~, provided that the site shall contain not less than 3,500 square feet of lot area per dwelling unit.

(1) Parking facilities shall be equal to one space for each dwelling unit and proof of the availability of one additional space per unit.

(2) All parking facilities in this section shall comply with §§ 153.345 through 153.351.

~~(O)~~(N) Off-street parking;

~~(P)~~(O) Drive-through lanes, provided they meet the conditions in § 153.156(D); or

~~(Q)~~(P) Discount stores.

SECTION 6. <u>AMENDMENT.</u> The following section is added to the West St. Paul City Code prohibiting certain uses in the R-3 zoning district:

§ 153.114 PROHIBITED USES

Within the R-3 Townhouse, 3-8 Unit Residential District, the following uses are prohibited:

(A) Housing with services establishments registered under Minn. Stat. Chapter 144D.

SECTION 7. <u>AMENDMENT.</u> The following section is added to the West St. Paul City Code prohibiting certain uses in the R-4 zoning district:

§ 153.129 PROHIBITED USES

Within the R-4 Multiple Family 3-16 Unit Residential District, the following uses are prohibited:

(A) Housing with services establishments registered under Minn. Stat. Chapter 144D.

SECTION 8. <u>AMENDMENT</u> The following section is added to the West St. Paul City Code prohibiting certain uses in the B-1 zoning district:

§ 153.145 PROHIBITED USES

Within the B-1 Limited Business District, the following uses are prohibited:

(A) State-licensed residential care facilities;

(B) Housing with services establishments registered under Minn. Stat. Chapter 144D.

SECTION 9. <u>AMENDMENT</u> The following section is added to the West St. Paul City Code prohibiting certain uses in the B-2 zoning district:

§ 153.160 PROHIBITED USES

Within the B-2 Neighborhood Business District, the following uses are prohibited:

(A) State-licensed residential care facilities;

(B) Housing with services establishments registered under Minn. Stat. Chapter 144D.

SECTION 10. <u>AMENDMENT</u> The following section is added to the West St. Paul City Code prohibiting certain uses in the B-3 zoning district:

§ 153.175 PROHIBITED USES

Within the B-3 General Business District, the following uses are prohibited:

(A) State-licensed residential care facilities;

(B) Housing with services establishments registered under Minn. Stat. Chapter 144D.

SECTION 11. <u>AMENDMENT</u> The following section is added to the West St. Paul City Code prohibiting certain uses in the B-4 zoning district:

§ 153.192 PROHIBITED USES

Within the B-4 Shopping Center District, the following uses are prohibited:

(A) State-licensed residential care facilities;

(B) Housing with services establishments registered under Minn. Stat. Chapter 144D.

SECTION 12. <u>AMENDMENT</u> The following section is added to the West St. Paul City Code prohibiting certain uses in the B-5 zoning district:

§ 153.210 PROHIBITED USES

Within the B-5 Gateway North Mixed Use District, the following uses are prohibited:

(B) Housing with services establishments registered under Minn. Stat. Chapter 144D.

SECTION 13. <u>AMENDMENT</u> The following section is added to the West St. Paul City Code prohibiting certain uses in the B-6 zoning district:

§ 153.225 PROHIBITED USES

Within the B-6 Town Center Mixed Use District, the following uses are prohibited:

(A) State-licensed residential care facilities;

(B) Housing with services establishments registered under Minn. Stat. Chapter 144D.

SECTION 14. <u>AMENDMENT</u> The following section is added to the West St. Paul City Code prohibiting certain uses in the I-1 zoning district:

§ 153.239 PROHIBITED USES

Within the I-1 Light Industrial District, the following uses are prohibited:

(A) State-licensed residential care facilities;

(B) Housing with services establishments registered under Minn. Stat. Chapter 144D.

SECTION 15. <u>AMENDMENT</u> The following section is added to the West St. Paul City Code prohibiting certain uses in the I-2 zoning district:

§ 153.254 PROHIBITED USES

Within the I-2 General Industrial District, the following uses are prohibited:

(A) State-licensed residential care facilities;

(B) Housing with services establishments registered under Minn. Stat. Chapter 144D.

SECTION 16. <u>SUMMARY PUBLICATION</u>. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

> The ordinance is intended to mirror state law regarding the permission of certain residential care facilities in residential zoning districts. Since these uses are now categorized as being either licensed or registered with the state, the individual types of uses no longer need to be identified. Facilities serving 6 or fewer people are permitted uses in single-family zoning districts, while facilities with 7-16 people require a conditional use permit in multi-family zoning districts. Since these uses would be inappropriate for commercial or industrial districts, language was added to prohibit them in most of these areas.

SECTION 17. <u>EFFECTIVE DATE</u>. This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed this _____ day of _____, 2016.

Ayes: Nays:

Attest:

_____ _____

David Meisinger, Mayor Chantal Doriott, City Clerk

City of West St. Paul

TO: Mayor and City Council

THROUGH: City Manager

FROM: Public Works & Parks Director/City Engineer

DATE: November 14, 2016

SUBJECT: Final Assessment Hearing for the 2015-2016 Robert St. Sidewalk Cleaning

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BACKGROUND INFORMATION:
As is required by Chapter 429 of state statute, the City Council is requested to hold the final assessment hearing for the 2015-2016 Robert St. Sidewalk Cleaning. Attached is the final assessment roll for the project. The final assessments have been completed in conformance with the City's past practice of assessing the entire cost of the sidewalk cleaning/plowing along Robert Street from Mendota Road to Butler Ave. The front-foot assessment rate used for the project was $1.58 per front foot. This assessment rate is calculated by taking the total contractor cost with interest and overhead divided by the total front footage of the properties.

In accordance with state statute, the assessment hearing was published in the October 23, 2106 edition of the *South West Review*. To date, staff has not received any questions from property owners since the final assessment notices went out.

FISCAL IMPACT:
The total assessments are dependent on the amount of snowfall the City receives each winter. All of the costs for this work are assessed to the benefitting property owners along Robert St.

		Amount
Fund:	**403**	
Department:	**30000**	
Account:	**36101**	**$29,059.36**

STAFF RECOMMENDATION:
Staff recommends that the City Council approve the attached final assessment roll for the 2015-2016 Robert St. Sidewalk Cleaning.

Attachment: 1. Final Assessment Roll for 2015-2016 Robert St. Sidewalk Cleaning

FINAL ASSESSMENT ROLL
2015-2016 ROBERT ST. SIDEWALK CLEANING
Date: 10/4/16

Assessed over 1 year @ 4.63%

The calculated assessment rate is = $1.58

Assessment Hearing Date is 11/14/16

Parcel No. on Map	PID	Site Address	Owner Name	Owner Address	City,State, Zip	Assessable Street Frontage (ft)	Assessment Amount
1	423390000305	1133 ROBERT ST	CHRIS & MIKE LLC	1000 PINELLAS ST	CLEARWATER FL 33756	160	$252.80
2	423390000260	1137 ROBERT ST S	SIGNAL HILLS COMPANY LLC	95 OWASSO BLVD S	LITTLE CANADA MN 55117	120	$189.60
3	423390000231	1155 ROBERT ST S	OREILLY AUTOMOTIVE INC	1542 RELO THOMSON REUTE	CHICAGO IL 60606-0116	160	$252.80
4	423390000130	1167 ROBERT ST	HEALTHY SPACES 5 LLC	7028 KELLOGG AVE	EDINA MN 55435	80	$126.40
5	423390000150	97 ORME ST E	JOHN P MCDONALD	22632 MICHAEL AVE	HASTINGS MN 55033	80	$126.40
6	420170055022	1219-1225 ROBERT ST S	RPSLEGACYDESOTO LLC	95 OWASSO BLVD S	LITTLE CANADA MN 55117	100	$158.00
7	420170055051	1201 ROBERT ST S	RPSLEGACYDESOTO LLC	95 OWASSO BLVD S	LITTLE CANADA MN 55117	314	$496.12
8	420170055032	1219-1225 ROBERT ST S	RPSLEGACYDESOTO LLC	95 OWASSO BLVD S	LITTLE CANADA MN 55117	144	$227.52
9	428381001022	1126 ROBERT ST S	VALVOLINE INSTANT OIL CHANGE INC	3499 BLAZER PKWY	LEXINGTON KY 40509	100	$158.00
10	428381001032	1134 ROBERT ST S	BUFFINGTON HOWARD L & SUSAN K	2670 MINNEHAHA AVE E	SAINT PAUL MN 55119	68	$107.44
11	420170061032	1140 ROBERT ST S	WAKOTA LIFE-CARE CENTER INC	1140 ROBERT ST S	WEST SAINT PAUL MN 55118-2301	50	$79.00
12	420170061022	1148 ROBERT ST S	WOCHNICK PROP. LLC	1148 S. ROBERT	WEST SAINT PAUL MN 55118	109	$172.22
13	420170061012	1152 ROBERT ST S	TWINS VENTURE LLC	1152 ROBERT ST S	WEST ST PAUL MN 55118	48	$75.84
14	420170060014	1166 ROBERT ST S	MICHELLE DIESTLER	2290 NEWCASTLE RD	MARION, IA 52302	108	$170.64
15	420170060016	1170 ROBERT ST S	BFS RETAIL & COMMERICAL OPERATIONS LLC	535 MARRIOT DR	NASHVILLE TN 37214	145	$229.10
16	428381006032	1200 ROBERT ST S	ROBERT STREET PARTNERS LLC	332 MINNESOTA ST STE W1070	SAINT PAUL MN 55101	125	$197.50
17	428381006061	1200 ROBERT ST S	ROBERT STREET PARTNERS LLC	332 MINNESOTA ST STE W1070	SAINT PAUL MN 55101	160	$252.80
18	428381006083	1214 ROBERT ST S	ACE BUILDING LLC	185 PLATO BLVD W	ST PAUL MN 55107	122	$192.76
19	428381006085	1224 ROBERT ST S	ACE BUILDING LLC	120 PLATO BLVD W	ST PAUL MN 55107	8	$12.64
20	428379000212	1224 ROBERT ST S	ACE BUILDING LLC	120 PLATO BLVD W	ST PAUL MN 55107	30	$47.40
21	428379000224	1228 ROBERT ST S	1230 BUILDING CO	6205 PARKWOOD RD	MINNEAPOLIS MN 55436-1140	120	$189.60
22	422190001012	1247 ROBERT ST S	PACE BUILDING LLC	1247 ROBERT ST	WEST SAINT PAUL MN 55118-2402	40	$63.20
23	422190001020	1247 ROBERT ST S	PACE BUILDING LLC	1247 ROBERT ST	WEST SAINT PAUL MN 55118-2402	40	$63.20
24	422190001030	1247 ROBERT ST S	PACE BUILDING LLC	1247 ROBERT ST	WEST SAINT PAUL MN 55118-2402	40	$63.20
25	422190001050	1253 ROBERT ST S	JOHNSON DAVID P	4820 WEST 77TH ST STE 117	EDINA MN 55435	50	$79.00
26	422190001060	1257 ROBERT ST S	JOHNSON DAVID P	4820 WEST 77TH ST STE 117	EDINA MN 55435	40	$63.20
27	422190001100	1273 ROBERT ST S	FRANCHISE RLTY INT CORP	1273 S ROBERT ST	WEST SAINT PAUL MN 55118	190	$300.20
28	422190001152	1285 ROBERT ST S	REALTY INCOME PROPERTIES 3	11995 EL CAMINO REAL	SAN DIEGO CA 92130	199	$314.42
29	423340002302	1244 ROBERT ST S	JOSEPH E COMMERS LTD PTNSHP	35 WATER ST W	SAINT PAUL MN 55107-2046	60	$94.80
30	423340002291	1246 ROBERT ST S	JOSEPH E COMMERS LTD PTNSHP	35 WATER ST W	SAINT PAUL MN 55107-2046	60	$94.80
31	423340002272	1254 ROBERT ST S	GOLDBERG WILLIAM E	1254 ROBERT ST S	WEST SAINT PAUL MN 55118-2401	49	$77.42
32	423340002264	1260 ROBERT ST S	GOLDBERG WILLIAM E	1254 ROBERT ST S	WEST SAINT PAUL MN 55118-2401	71	$112.18
33	423340002242	1264 ROBERT ST S	SHELAN SALIH KALUR	1264 SOUTH ROBERT ST	WEST SAINT PAUL MN 55118	40	$63.20
34	423340002232	1268 ROBERT ST S	LIND THOMAS J	347 LEWIS ST	MAPLEWOOD MN 55117	74	$116.92
35	423340002222	1276 ROBERT ST S	PATE JONATHAN H	7821 BABCOCK TRL	INVER GROVE HEIGHTS MN 55077-5807	86	$135.88
36	423340002192	1276 ROBERT ST S	PATE JONATHAN H	7821 BABCOCK TRL	INVER GROVE HEIGHTS MN 55077-5807	80	$126.40
37	423340002172	1288 ROBERT ST S	UDOVICH MICHAEL G	1288 ROBERT ST S	WEST SAINT PAUL MN 55118	79	$124.82
38	422190002010	1307 ROBERT ST S	ERIKSSON FAMILY PROPERTIES LLC	1225 ORONO OAKS DR	ORONO MN 55356	38	$60.04
39	422190002020	1307 ROBERT ST S	ERIKSSON FAMILY PROPERTIES LLC	1225 ORONO OAKS DR	ORONO MN 55356	40	$63.20
40	422190002030	1307 ROBERT ST S	ERIKSSON FAMILY PROPERTIES LLC	1225 ORONO OAKS DR	ORONO MN 55356	40	$63.20
41	422190002090		STATE OF MN - F TAX	1590 HIGHWAY 55	HASTINGS MN 55033	40	$63.20
42	422190002120	1339 ROBERT ST S	IMPERIAL VALLEY INVESTMENTS LLC	PO BOX 14179	SAINT PAUL MN 55114	120	$189.60
43	422190002152	1349 ROBERT ST S	BISANZ INV CO #1	1349 ROBERT ST S	WEST SAINT PAUL MN 55118-2424	118	$186.44
44	425140000012	1304 ROBERT ST S	DON PEDRO LLC	1304 S ROBERT ST	WEST SAINT PAUL MN 55118	68	$107.44
45	425140000021	1304 ROBERT ST S	DON PEDRO LLC	1304 S ROBERT ST	WEST SAINT PAUL MN 55118	68	$107.44
46	425140000042	1318 ROBERT ST S	MANBIR LLC	13233 GLENHAVEN AVE	APPLE VALLEY MN 55124	100	$158.00
47	425140000070	1332 ROBERT ST S	LIAO BENJAMIN & MARGARET	3645 FORESTVIEW LN	MINNEAPOLIS MN 55441-1336	180	$284.40
48	425140000132	1346 ROBERT ST S	THE STATE OF MINNESOTA, MILITARY AFFAIRS	20 WEST 12TH STREET	SAINT PAUL MN 55155-2002	180	$284.40
49	421405001010	1365 ROBERT ST S	1365 SOUTH ROBERT STREET LLC	2593 EAGLE VALLEY DR	WOODBURY MN 55129	125	$197.50
50	421405001030	1375 ROBERT ST S	SUN CHENG HAI	1375 ROBERT ST	WEST SAINT PAUL MN 55118-3141	100	$158.00
51	421405001041	1415 ROBERT ST S	MENARD INC	4777 MENARD DRIVE	EAU CLAIRE WI 54703	30	$47.40
52	421405001040	1385 ROBERT ST S	KHOURY JOSEPH A & RITA A	353 OAKDALE CT	WEST SAINT PAUL MN 55118-3218	80	$126.40
53	421405001042	1399 ROBERT ST S	MELEYCO PTRSHP NO 2	189 LONGMEADOW DR	LOS GATOS CA 95032-5655	90	$142.20
54	421405001073	1407 ROBERT ST	ROBERT STREET GROUP LLC	14152 TERRACE RD NE	HAM LAKE MN 55304	212	$334.96
55	424815001034	1415 ROBERT ST S	MENARD INC	4777 MENARD DRIVE	EAU CLAIRE WI 54703	132	$208.56
56	424815001041	1415 ROBERT ST S	MENARD INC	4777 MENARD DRIVE	EAU CLAIRE WI 54703	119	$188.02

Parcel No. on Map	PID	Site Address	Owner Name	Owner Address	City,State, Zip	Assessable Street Frontage (ft)	Assessment Amount
57	424815001021	1415 ROBERT ST S	MENARDS INC	4777 MENARD DRIVE	EAU CLAIRE WI 54703	20	$31.60
58	424815001053	1471 ROBERT ST S	% CVS 3313-01 STORE ACTG MC 2320,	1 CVS DR	WOONSOCKET RI 02895	360	$568.80
59	420200027012	1400 ROBERT ST S	SWEDISH EVANG LUTH AUGUSTANA CH	1400 ROBERT ST S	WEST SAINT PAUL MN 55118-3140	533	$842.14
60	420200027022	1422 ROBERT ST S	DANCO FOOD & ENT. CO.	850 DECATUR AVE N	MINNEAPOLIS MN 55427-4324	60	$94.80
61	420200027031	1422 ROBERT ST S	DANCO FOOD & ENT. CO.	850 DECATUR AVE N	MINNEAPOLIS MN 55427-4324	170	$268.60
62	421840001012	1434 ROBERT ST S	ESCOTO JOSE LUIS	55 SALEM CHURCH RD	SAINT PAUL MN 55118-4742	125	$197.50
63	421840001025	1450 ROBERT ST S	HOUSER PETER	940 E HENNEPIN AVE	MINNEAPOLIS MN 55414	62	$97.96
64	421840001024	1450 ROBERT ST S	HOUSER PETER	940 E HENNEPIN AVE	MINNEAPOLIS MN 55414	62	$97.96
65	421840001031	1458 ROBERT ST S	WSP BWW LLC	PO BOX 775876	STEAMBOAT SPRINGS CO 80477	125	$197.50
66	421840101010	1470 ROBERT ST S	WSP BWW LLC	PO BOX 775876	STEAMBOAT SPRINGS CO 80477	138	$218.04
67	420200038072	1493 ROBERT ST S	US BANK	2800 LAKE ST E	MINNEAPOLIS MN 55406	147	$232.26
68	420200038050	1503 ROBERT ST S	TCF NATIONAL BANK	801 MARQUETTE AVENUE	MINNEAPOLIS MN 55402-3475	175	$276.50
69	421780001011	1505 ROBERT ST S	MINNESOTA STATE COLLEGE STUDENT ASSO	505 COMO AVE	SAINT PAUL MN 55103	105	$165.90
70	421780001020	1531 ROBERT ST S	GP PORTFOLIO LANDLORD #1 LLC, GENUINE P	2999 WILDWOOD PKWY	ATLANTA GA 30339	145	$229.10
71	421780001030	1539 ROBERT ST S	WEST ST PAUL EDA	1616 HUMBOLDT AVE	WEST ST PAUL MN 55118	100	$158.00
72	421780001040	1539 ROBERT ST S	WEST ST PAUL EDA	1616 HUMBOLDT AVE	WEST ST PAUL MN 55118	85	$134.30
73	421780001052	1555 ROBERT ST S	TO XUAN	1819 JOURDAN CT	EAGAN MN 55122	100	$158.00
74	421780001071	1565 ROBERT ST	WSTP LLC	10 WHITE PINE RD	NORTH OAKS MN 55127	105	$165.90
75	421780001063	1571 ROBERT ST S	1571 ROBERT ST WFW LLC	13460 VAN BUREN ST NE	HAM LAKE MN 55304-6961	80	$126.40
76	422420001070	1589 ROBERT ST S	CITY OF WEST ST PAUL	1616 HUMBOLDT AVE	WEST SAINT PAUL MN 55118	177	$279.66
77	420200041042	110 THOMPSON AVE E	NATIONAL RETAIL PROPERTIES LP	450 SOUTH ORANGE AVENUE STE 900	ORLANDO FL 32801-3336	271	$428.18
78	421156001010	1510 ROBERT ST S	NAJARIAN BROTHERS LLC	4569 MCDONALD DRIVE OVERLOOK	STILLWATER MN 55082	100	$158.00
79	421156001020	1520 ROBERT ST S	AUTOZONE TEXAS LP	% STORE 3081 DEPT 8088, PO BOX 2198	MEMPHIS TN 38101-2198	197	$311.26
80	420200043014	1540 ROBERT ST S	HALLE PROPERTIES LLC	20225 N SCOTTSDALE RD	SCOTTSDALE AZ 85255	148	$233.84
81	420200043016	1560 ROBERT ST S	PALMEN RONALD & PATRICIA	29 ISLAND RD	NORTH OAKS MN 55127	148	$233.84
82	427100001020	1570 ROBERT ST S	LA PALMA PROPERTIES LLC	1570 ROBERT ST S	WEST SAINT PAUL MN 55118	122	$192.76
83	427100001011	1590 ROBERT ST S	TRIPLE S INVESTMENTS LLP	1916 LIVINGSTON AVE	WEST SAINT PAUL MN 55118	155	$244.90
84	428366001010	1615-1627 ROBERT ST E	AURORA INVESTMENTS LLC	5215 EDINA IND BLVD STE 100	EDINA MN 55439-2926	315	$497.70
85	420200067006	1633 ROBERT ST S	1633 ROBERT ST LLC	PO BOX 100	WATERTOWN MN 55388-0100	74	$116.92
86	420200067007	1633 ROBERT ST S	1633 ROBERT ST LLC	PO BOX 100	WATERTOWN MN 55388	47	$74.26
87	420200067008	1633 ROBERT ST S	1633 ROBERT ST LLC	PO BOX 100	WATERTOWN MN 55388-0100	59	$93.22
88	420200067009	1633 ROBERT ST S	1633 ROBERT ST LLC	PO BOX 100	WATERTOWN MN 55388	47	$74.26
89	421500001014	1657 ROBERT ST S	H & R PROP	7236 LEWIS RIDGE PARKWAY	EDINA MN 55439-1932	148	$233.84
90	424320301010	1675 ROBERT ST S	RILEY FAMILY INVESTMENT LMTD PTNSHP	2320 LEXINGTON AVE S	MENDOTA HEIGHTS MN 55120-1215	230	$363.40
91	426478001030	1685 ROBERT ST S	ROBERT STREET INVESTORS LLLP	2320 LEXINGTON AVE S	MENDOTA HEIGHTS MN 55120-1215	186	$293.88
92	426478001020	1685 ROBERT ST S	ROBERT STREET INVESTORS LLLP	2320 LEXINGTON AVE S	MENDOTA HEIGHTS MN 55120-1215	105	$165.90
93	426478001010	1685 ROBERT ST S	ROBERT STREET INVESTORS LLLP	2320 LEXINGTON AVE S	MENDOTA HEIGHTS MN 55120-1215	173	$273.34
94	421860401020	1731 ROBERT ST S	APOLLO LLC	10267 BLEEKER ST	WOODBURY MN 55129	120	$189.60
95	423750001010	1741 ROBERT ST S	J & J INC	900 AMERICAN BLVD E	BLOOMINGTON MN 55425	132	$208.56
96	425150001010	1753 ROBERT ST S	ROBERT STREET PROPERTIES LLC	6200 OAKTREE BLVD STE 250	INDEPENDENCE OHIO 44131	198	$312.84
97	424630001012	1795 ROBERT ST S	LOWES HOME CENTERS INC	1000 LOWES BLVD	MOORESVILLE NC 28117	687	$1,085.46
98	420200051032	1608 ROBERT ST S	R W PROPERTIES LLC	4 WEST BAY LANE	NORTH OAKS MN 55127	160	$252.80
99	420200051040	1630 ROBERT ST S	BFI REAL ESTATE HOLDINGS LLC	965 DECATUR AVE S	GOLDEN VALLEY MN 55427	200	$316.00
100	424100001012	1644 ROBERT ST S	WAL MART REAL EST BUS TRUST	PO BOX 8050	BENTONVILLE AR 72712	80	$126.40
101	424100001022	1650 ROBERT ST S	BURGER KING CORP 3519	PO BOX 020783	MIAMI FL 33102-0783	185	$292.30
102	424320401010	1660 ROBERT ST S	PEBB ST PAUL LLC	7900 GLADES RD STE 600	BOCA RATON FL 33434	290	$458.20
103	424320401020	1690 ROBERT ST S	SPIRIT MASTER FUNDING	16767 PERIMETER DR N STE 210	SCOTTSDALE AZ 85260-1042	160	$252.80
104	420200052040	1710 ROBERT ST S	HOME FED SV	PO BOX 2609	CARLSBAD CA 92018	175	$276.50
105	424160001022	1740 ROBERT ST S	RLW PROPERTIES LLC	4 BAY LANE W	NORTH OAKS MN 55127	362	$571.96
106	424160101010	1750 ROBERT ST S	TARGET CORP	PO BOX 9456	MINNEAPOLIS MN 55440-9456	206	$325.48
107	424160101020	1750 ROBERT ST S	CHICK-FIL-A INC	5200 BUFFINGTON RD	ATLANTA GA 30349	443	$699.94
108	420200062012	1820 ROBERT ST S	BSAW INVESTMENT LLC	8100 FLYING CLOUD DRIVE	EDEN PRAIRIE MN 55344	200	$316.00
109	421410000013	1845 ROBERT ST S	HOLIDAY STATION STORES INC	C/O STORE 157-2, PO BOX 1224	MINNEAPOLIS MN 55440-1224	150	$237.00
110	421410000020	1845 ROBERT ST S	HOLIDAY STATION STORES INC	C/O STORE 157-2, PO BOX 1224	MINNEAPOLIS MN 55440-1224	40	$63.20
111	421410000070	1907 ROBERT ST S	SASCO INVESTMENTS LLP	1916 LIVINGSTON AVE	WEST SAINT PAUL MN 55118	456	$720.48
112	421410101011	1907 ROBERT ST S	SASCO INVESTMENTS LLP	1916 LIVINGSTON AVE	WEST SAINT PAUL MN 55118	144	$227.52
113	421410101012	1907 ROBERT ST S	SASCO INVESTMENTS LLP	1916 LIVINGSTON AVE	WEST SAINT PAUL MN 55118	120	$189.60
114	420290027030	1913 ROBERT ST S	SASCO INVESTMENTS LLP	1916 LIVINGSTON AVE	WEST SAINT PAUL MN 55118	66	$104.28
115	420290027020	1907 ROBERT ST S	SASCO INVESTMENTS LLP	1916 LIVINGSTON AVE	WEST SAINT PAUL MN 55118	132	$208.56
116	421877501012	1949 ROBERT ST S	BASCH TSTE ALEXANDER	3038 SIDCO DR	NASHVILLE TN 37204	166	$262.28
117	424919500012	1963 ROBERT ST S	DIVISION 25 LLC	4350 BAKER RD STE 400	BLOOMINGTON MN 55343-8695	107	$169.06
118	424919500020	1973 ROBERT ST S	BRAUVIN NET INVESTMENTS	205 MICHIGAN AVE N STE 1900	CHICAGO IL 60601	120	$189.60

Parcel No. on Map	PID	Site Address	Owner Name	Owner Address	City,State, Zip	Assessable Street Frontage (ft)	Assessment Amount
119	426475001010	2001 ROBERT ST S	ROBERT STREET 2008 LLC	4911 LEARNING LN	RED WING MN 55066	677	$1,069.66
120	426475001020		ROBERT STREET 2008 LLC	4911 LEARNING LN	RED WING MN 55066	198	$312.84
121	426475000010		CITY OF WEST ST PAUL	1616 HUMBOLDT AVE	WEST ST PAUL MN 55118	110	$173.80
122	420290025018	239 MENDOTA RD E	SOUTHVIEW COUNTRY CLUB	239 MENDOTA RD E	WEST SAINT PAUL MN 55118-4699	195	$308.10
123	427110001010	1980 ROBERT ST S	ROBERT STREET HOLDINGS LLC	4900 HWY 169 STE 100	NEW HOPE MN 55428	400	$632.00
124	427110001022	1994 ROBERT ST S	1994 SOUTH ROBERT LLC	7101 TRALEE DR	EDINA MN 55439	90	$142.20
125	427110001023	2000 ROBERT ST S	2000 ROBERT LLC	4350 BAKER RD STE 400	MINNETONKA MN 55343	455	$718.90
126	427110001024	2044 ROBERT ST S	TUXEDO DEVELOPMENT LLC	2044 ROBERT ST S	SAINT PAUL MN 55118-3923	90	$142.20
127	427110001030	2060 ROBERT ST S	ASSOCIATED BANK	433 MAIN ST	GREEN BAY MN 54301	250	$395.00
					TOTALS	18,392	$29,059.36

TO: Mayor and City Council

THROUGH: Matt Fulton, City Manager

FROM: Sherrie Le, Assistant City Manager

DATE: November 14, 2016

SUBJECT: Revision to Temporary/Seasonal Pay Plan

City of West St. Paul

BACKGROUND INFORMATION:

We typically look at our temporary and seasonal pay plan on an annual basis. We do not automatically increase the wages based on the COLA. Some years we have made few or no changes to the rates. This year is different.

This year, we had difficulty finding qualified employees to fill many of our seasonal positions in Public Works and Parks and Recreation. Some of the pressure on wages came from the increases over the past two years to the minimum wage in Minnesota. Some of the pressure came from private sector retailers who pay more than what we have been paying for their positions because of the difficulty they also have had finding employees willing to work for those pay rates. Other cities in the metro had the same problem filling their positions this past year. So we are making more changes this year than is typical.

FISCAL IMPACT: The Recreation and public works budget for 2017 has been increased to reflect the fact that we will likely have to pay more to get positions filled with qualified candidates. Since the number of hours and positions vary significantly each year depending on recreation programs, it is very difficult to estimate the fiscal impact these increases will have, other than there will be an increase.

		Amount
Funds:	**101, 613 and 615**	
Departments:	**49833, 45000 and 49853**	
Account:	**40104**	**Will vary depending on the number of employees hired and hours worked and experience of the applicants.**

2016 -2017 TEMPORARY/SEASONAL EMPLOYEES
HOURLY WAGES

PARKS & PUBLIC WORKS	Proposed	Current, if different
Park & Public Works Labor	$11.00 - $14.00	$9.50 - $12.00
Outdoor Rink Attendant	$10.00 - $12.00	$9.50 - $12.00
Engineer (E.I.T.)	$20.00 - $30.00	
Seasonal Street Maintenance II	$16.00 - $20.00	
RECREATION		
Recreation Leader	$10.00 - $12.00	
Recreation Coordinator/Intern	$12.50 - $15.00	$12.00 - $14.00
		Deleted Recreation Assistant
ICE ARENA		
Arena Zamboni Operator	$10.00 - $14.00	$10.00 - $13.00
Arena Guard	$10.00 - $12.00	$9.50 - $11.00
GOLF COURSE		
Clubhouse Manager	$16.25 - $18.00	
Clubhouse Attendant	$10.00 - $11.00	$9.50 - $10.50
Golf Pro Lessons	$15.00 - $20.00	
Grounds Maintenance Manager	$15.00 - $17.00	
Grounds Maintenance	$10.00 - $12.00	
THOMPSON PARK ACTIVITY CENTER (TPAC)		
Building Attendant	$10.00 - $12.00	$9.50 - $11.00
POLICE		
Data Entry Specialist	$18.00 - $25.00	
CSO	$15.00 - $18.00	
GENERAL		
Administrative Assistant	$15.00 - $25.00	
Receptionist	$11.00 - $16.00	
Scanner	$12.00 - $16.00	
Office Assistant	$12.00 - $20.00	
Building Maintenance Technician	$18.00 - $30.00	
Custodian	$10.00 - $12.00	$9.50 - $11.00
Code Enforcement Assistant	$15.00 - $18.00	
Election Judge	$9.50 - $11.50	
Head Election Judge	$11.00 - $12.50	
HR Assistant	$17.00 - $26.00	
Intern	$10.00 - $25.00	

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

Adopted by the City Council of the City of West Saint Paul this 14th day of November, 2016.

Ayes: Nays:

Attest:

_____	_____
David Meisinger, Mayor	Chantal Doriott, City Clerk

TO: Mayor and City Council

THROUGH: Matt Fulton, City Manager

FROM: Sherrie Le, Assistant City Manager

DATE: November 14, 2016

SUBJECT: 2017-2018 LELS Local #72 Labor Agreement

City of West St. Paul

BACKGROUND INFORMATION: We recently reached agreement on the 2017-2018 Labor Agreement between the City and LELS Local #72 representing the police officers. The employees have ratified the agreement and it is presented here for your approval.

Summary

1. Two Year Agreement, January 1, 2017- December 31, 2018

2. Wages – Increase by 2.5% on January 1, 2017 and a 2.75% increase on January 1, 2018. In the fall of 2017, we will compare our pay rates to the union contracts of other comparable cities to determine if any of the job titles under this agreement have fallen below the average of the market. We will re-open the contract to discuss market increases only.

3. Insurance – Our Insurance rates went up 4.2% for 2017.

   2017 - We agreed to freeze the City contributions for the higher cost (Common) Plan for 2017. The City agreed to pay 4.2% more than what we paid in 2016 at each tier for the lower cost (High Deductible-VEBA/H.S.A.) health plan.

   2018 – We agreed to re-open for 2018 health insurance only if we increase the deductibles in 2018.

   If there is no increase in deductibles in the High Deductible Plan, the City agreed to pick up all of the increase for single coverage, 83% of the dollar amount of the increase for single plus 1 coverage and 75% of the dollar amount of the increase for family coverage. This maintains the current ratio of City versus employee contributions.

   In addition, for 2018, employees with single coverage will pay $10 less per month toward the premium and those with single plus one and family coverage will pay $15 less per month toward the premium. The City will likewise decrease the monthly contribution to the VEBA/H.S.A. accounts by the same amount. The City will however, increase the annual contribution to the VEBA/H.S.A. accounts from $680 to $800 for those with single coverage and from $1,020 to $1200 for those in the other two tiers.

   Employees with single coverage will pay $10/month toward the premium in 2018. Employees with single plus one and family coverage will pay 17% and 25% of the cost, respectively, toward the premiums in 2018.

The Common plan rates will remain frozen in 2018 unless the rates for the High Deductible Health Plan (including the monthly VEBA/H.S.A. contributions) exceed the City contributions to the Common Plan. In that case, the City will increase the City contributions to the Common Plan by the difference.

4. Officers assigned as a Use of Force Instructor or Range Master, shall receive one and a half (1.5) hours pay per day of training or instruction at the officer's regular rate of pay. Range Masters and Use of Force Instructors must be instructing for a full shift to be eligible for the additional compensation.

5. Any other changes were housekeeping changes.

FISCAL IMPACT: The impact of the 2.5% wage increase on January 1, 2017 is estimated by the Finance Department to be just under $45,000 for this bargaining unit. The increased cost of medical insurance for this group is estimated at $7,470 for 2017. The wage and benefit increases are included in the 2017 budget.

		Amount
Fund:	**101**	
Department:	**Police**	
Account:	**40101 and 40131**	**Approximately $52,500**

STAFF RECOMMENDATION: Staff recommends Council approve the 2017-2018 LELS Local #72 labor agreement.

LABOR AGREEMENT

BETWEEN

CITY OF WEST ST. PAUL

AND

LAW ENFORCEMENT LABOR SERVICES, INC.

(LOCAL NO. 72)

EFFECTIVE JANUARY 1, 2017 THROUGH DECEMBER 31, 2018

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LABOR AGREEMENT
BETWEEN
CITY OF WEST ST. PAUL
AND
LAW ENFORCEMENT LABOR SERVICES, INC.

ARTICLE 1. PURPOSE OF AGREEMENT

This AGREEMENT is entered into between the City of West St. Paul hereinafter called the EMPLOYER, and LAW ENFORCEMENT LABOR SERVICES, INC., hereinafter called the UNION. It is the intent and purpose of this AGREEMENT to:

1.1 Establish procedures for the resolution of disputes concerning this AGREEMENT's interpretation and/or application; and

1.2 Place in written form the parties' agreement upon terms and conditions of employment for the duration of this AGREEMENT.

ARTICLE 2. RECOGNITION

2.1 The EMPLOYER recognizes the UNION as the exclusive representative, under Minnesota Statutes, Section 179A.12 et al, for all police personnel in the following job classification:

POLICE OFFICER

2.2 In the event the EMPLOYER and the UNION are unable to agree as to the inclusion or exclusion of a new or modified job class, the issue shall be submitted to the Bureau of Mediation Services for determination.

ARTICLE 3. DEFINITIONS

3.1 UNION: Law Enforcement Labor Services, Inc.

3.2 UNION MEMBER: A member of Law Enforcement Labor Services, Inc., (Local No. 72).

3.3 EMPLOYEE: A member of the exclusively recognized bargaining unit.

3.4 DEPARTMENT: The City of West St. Paul Police Department.

3.5 EMPLOYER: The City of West St. Paul.

3.6 CHIEF/DIRECTOR OF PUBLIC SAFETY: The Chief of the West St. Paul Police Department.

3.7 UNION OFFICER: Officer elected or appointed by Law Enforcement Labor Services, Inc., (Local No. 72).

3.8 INVESTIGATOR/DETECTIVE: An employee specifically assigned or classified by the EMPLOYER to the job classification and/or job position of INVESTIGATOR/DETECTIVE.

3.9 OVERTIME: Work performed at the express authorization of the EMPLOYER in excess of the employee's scheduled shift.

3.10 SCHEDULED SHIFT: A consecutive work period including rest breaks and a lunch break.

3.11 REST BREAKS: Periods during the SCHEDULED SHIFT during which the employee remains on continual duty and is responsible for assigned duties.

3.12 LUNCH BREAK: A period during the SCHEDULED SHIFT during which the employee remains on continual duty and is responsible for assigned duties.

3.13 STRIKE: Concerted action in failing to report for duty, the willful absence from one's position, the stoppage of work, slow-down, or abstinence in whole or in part from the full, faithful and proper performance of the duties of employment for the purposes of inducing, influencing or coercing a change in the conditions or compensation or the rights, privileges or obligations of employment.

ARTICLE 4. EMPLOYER SECURITY

The UNION agrees that during the life of this AGREEMENT that the UNION will not cause, encourage, participate in or support any strike, slow-down or other interruption of or interference with the normal functions of the EMPLOYER.

ARTICLE 5. EMPLOYER AUTHORITY

5.1 The EMPLOYER retains the full and unrestricted right to operate and manage all manpower, facilities, and equipment; to establish functions and programs; to set and amend budgets; to determine the utilization of technology; to establish and modify the organizational structure; to select, direct, and determine the number of personnel; to establish work schedules, and to perform any inherent managerial function not specifically limited by this AGREEMENT.

5.2 Any term and condition of employment not specifically established or modified by this AGREEMENT shall remain solely within the discretion of the EMPLOYER to modify, establish, or eliminate.

ARTICLE 6. UNION SECURITY

6.1 The EMPLOYER shall deduct from the wages of employees who authorize such deduction in writing an amount necessary to cover monthly UNION dues. Such monies shall be remitted as directed by the UNION.

6.2 The UNION may designate employees from the bargaining unit to act as a steward and an alternate and shall inform the EMPLOYER in writing of such choice and changes in the position of steward and/or alternate.

6.3 The EMPLOYER shall make space available on the employee bulletin board for posting UNION notice(s) and announcement(s).

6.4 The UNION agrees to indemnify and hold the EMPLOYER harmless against any and all claims, suits, orders, or judgments brought or issued against the EMPLOYER as a result of any action taken or not taken by the EMPLOYER under the provisions of this Article.

ARTICLE 7. EMPLOYEE RIGHTS - GRIEVANCE PROCEDURE

7.1 DEFINITION OF A GRIEVANCE

A grievance is defined as a dispute or disagreement as to the interpretation or application of the specific terms and conditions of this AGREEMENT.

7.2 UNION REPRESENTATIVES

The EMPLOYER will recognize REPRESENTATIVES designated by the UNION as the grievance representatives of the bargaining unit having the duties and responsibilities established by this Article. The UNION shall notify the EMPLOYER in writing of the names of such UNION REPRESENTATIVES and of their successors when so designated as provided by 6.2 of this AGREEMENT.

7.3 PROCESSING OF A GRIEVANCE

It is recognized and accepted by the UNION and the EMPLOYER that the processing of grievances as hereinafter provided is limited by the job duties and responsibilities of the EMPLOYEES and shall therefore be accomplished during normal working hours only when consistent with such EMPLOYEE duties and responsibilities.

The aggrieved EMPLOYEE and a UNION REPRESENTATIVE shall be allowed a reasonable amount of time without loss in pay when a grievance is investigated and presented to the EMPLOYER during normal working hours provided that the EMPLOYEE and the UNION REPRESENTATIVE have notified and received the approval of the designated supervisor who has determined that such absence is reasonable and would not be detrimental to the work programs of the EMPLOYER.

7.4 PROCEDURE

Grievances, as defined by Section 7.1, shall be resolved in conformance with the following procedure:

Step 1. An EMPLOYEE claiming a violation concerning the interpretation or application of this AGREEMENT shall, within twenty-one (21) calendar days after such alleged violation has occurred, present such grievance to the EMPLOYEE's supervisor as designated by the EMPLOYER. The EMPLOYER-designated representative will discuss and give an answer to such Step 1 grievance within ten (10) calendar days after receipt. A grievance not resolved in Step 1 and appealed to Step 2 shall be placed in writing setting forth the nature of the grievance, the facts on which it is based, the provision or provisions of the AGREEMENT allegedly violated, the remedy requested, and shall be appealed to Step 2 within ten (10) calendar days after the EMPLOYER-designated representative's final answer in Step 1. Any grievance not appealed in writing to Step 2 by the UNION within ten (10) calendar days shall be considered waived.

Step 2. If appealed, the written grievance shall be presented by the UNION and discussed with the EMPLOYER-designated Step 2 representative, the Department Head. The Department Head shall give the UNION the EMPLOYER's Step 2 answer in writing within ten (10) calendar days after receipt of such Step 2 grievance. A grievance not resolved in Step 2 may be appealed to Step 3 within ten (10) calendar days following the Department Head’s final Step 2 answer. Any grievance not appealed in writing to Step 3 by the UNION within ten (10) calendar days shall be considered waived.

Step 3. If appealed, the written grievance shall be presented by the UNION and discussed with the EMPLOYER-designated Step 3 representative, the City Manager. The City Manager shall give the UNION the EMPLOYER's answer in writing within ten (10) calendar days after receipt of such Step 3 grievance. A grievance not resolved in Step 3 may be appealed to Step 4 within ten (10) calendar days following the City Manager's final answer in Step 3. Any grievance not appealed in writing to Step 4 by the UNION within ten (10) calendar days shall be considered waived.

Step 3A. If the grievance is not resolved at Step 3 of the grievance procedure, the parties, by mutual agreement, may submit the matter to mediation with the Bureau of Mediation Services. Submitting the grievance to mediation preserves timelines for Step 4 of the grievance procedure. Any grievance not appealed in writing to Step 4 by the Union within ten (10) calendar days of mediation shall be considered waived.

Step 4. A grievance unresolved in Step 3 or 3A and appealed to Step 4 by the UNION shall be submitted to arbitration subject to the provisions of the Public Employment Labor Relations Act of 1971 as amended. The selection of an arbitrator shall be made in accordance with the "Rules Governing the Arbitration of Grievances" as established by the Bureau of Mediation Services.

7.5 ARBITRATOR'S AUTHORITY

A. The arbitrator shall have no right to amend, modify, nullify, ignore, add to, or subtract from the terms and conditions of this AGREEMENT. The arbitrator shall consider and decide only the specific issue(s) submitted in writing by the EMPLOYER and the UNION, and shall have no authority to make a decision on any other issue not so submitted.

B. The arbitrator shall be without power to make decisions contrary to, or inconsistent with, or modifying or varying in any way the application of laws, rules or regulations having the force and effect of law. The arbitrator's decision shall be submitted in writing within thirty (30) days following close of the hearing or the submission of briefs by the parties, whichever be later, unless the parties agree to an extension. The decision shall be binding on both the EMPLOYER and the UNION and shall be based solely on the arbitrator's interpretation or application of the express terms of this AGREEMENT and to the facts of the grievance presented.

C. The fees and expenses for the arbitrator's services and proceedings shall be borne equally by the EMPLOYER and the UNION provided that each party shall be responsible for compensating its own representatives and witnesses. If either party desires a verbatim record of the proceedings, it may cause such a record to be made, providing it pays for the record. If both parties desire a verbatim record of the proceedings the cost shall be shared equally.

7.6 WAIVER

If a grievance is not presented within the time limits set forth above, it shall be considered "waived". If a grievance is not appealed to the next step within the specified time limit or any agreed extension thereof, it shall be considered settled on the basis of the EMPLOYER's last answer. If the EMPLOYER does not answer a grievance or an appeal thereof within the specified time limits, the UNION may elect to treat the grievance as denied at that step and immediately appeal the grievance to the next step. The time limit in each step may be extended by mutual written agreement of the EMPLOYER and the UNION in each step.

ARTICLE 8. SAVINGS CLAUSE

This AGREEMENT is subject to the laws of the United States, the State of Minnesota and the City of West St. Paul. In the event any provision of this AGREEMENT shall be held to be contrary to law by a court of competent jurisdiction from whose final judgment or decree no appeal has been taken within the time provided, such provisions shall be voided. All other provisions of this AGREEMENT shall continue in full force and effect. The voided provision may be renegotiated at the written request of either party.

ARTICLE 9. SENIORITY

9.1 Seniority shall be determined by the employee's length of continuous employment with the Police Department and posted in an appropriate location. Seniority rosters may be maintained by the Chief on the basis of time in grade and time within specific classifications.

9.2 During the probationary period a newly hired or rehired employee may be discharged at the sole discretion of the EMPLOYER. During the probationary period a promoted or reassigned employee may be replaced in his previous position at the sole discretion of the EMPLOYER.

9.3 A reduction of work force will be accomplished on the basis of seniority. Employees shall be recalled from layoff on the basis of seniority. An employee on layoff shall have an opportunity to return to work within two years of the time of their layoff before any new employee is hired.

9.4 Senior employees will be given preference with regard to transfer, job classification assignments and promotions when the job relevant qualifications of employees are equal.

9.5 Senior qualified employees shall be given shift assignment preferences after eighteen (18) months of continuous full-time employment in the bargaining unit.

9.6 Vacation periods to a maximum of two (2) weeks shall be selected on the basis of seniority until January 31 of each calendar year.

ARTICLE 10. DISCIPLINE

10.1 The EMPLOYER will discipline employees for just cause only. Discipline will be in one or more of the following forms:

A) Oral reprimand;
B) written reprimand;
C) involuntary transfer;
D) suspension;
E) demotion; or

F) discharge.

10.2 Suspensions, demotions and discharges will be in written form.

10.3 Written reprimands, notices of suspension, and notices of discharge which are to become part of an employee's personnel file shall be read and acknowledged by signature of the employee. Employees and the UNION will receive a copy of such reprimands and/or notices.

10.4 Employees may examine their own individual personnel files at reasonable times under the direct supervision of the EMPLOYER.

10.5 Employees will not be questioned concerning an investigation of disciplinary action unless the employee has been given an opportunity to have a UNION representative present at such questioning.

10.6 Grievances relating to this Article may be initiated by the UNION in Step 3 of the grievance procedure under Article VII.

ARTICLE 11. CONSTITUTIONAL PROTECTION

Employees shall have the rights granted to all citizens by the United States and Minnesota State Constitutions.

ARTICLE 12. WORK SCHEDULE

12.1 The normal work year is 2080, 2088 or 2096 hours, depending on the calendar year as determined by the number of Monday through Friday workdays, to be accounted for by each employee through:

A) hours worked on assigned shifts;
B) holidays;
C) assigned training;
D) authorized leave time.

12.2 Nothing contained in this or any other article shall be interpreted to be a guarantee of a minimum or maximum number of hours the EMPLOYER may assign employees.

12.3 No advance notice or additional compensation is required when an employee's work schedule is changed due to an emergency. In non-emergencies, the EMPLOYER must provide reasonable notice of changes in work schedules or compensation.

This section, however, is subject to the limitations of Minnesota Statutes, Section 179A.07, Subd. 1.

12.4 In the Fall, officers having to work one extra hour due to Daylight Savings time, would be compensated for one hour of overtime or comp time. In the Spring, officers having to work one hour less due to Daylight Savings Time, would work an extra hour to account for a full shift or use one hour of time off (vacation, holiday or comp time).

ARTICLE 13. OVERTIME

13.1 Employees will be compensated at one and one-half (1½) times the employee's regular base pay rate for hours worked in excess of the employee's regularly scheduled shift. Changes of shifts do not qualify an employee for overtime under this Article.

13.2 Overtime will be distributed as equally as practical.

13.3 Overtime refused by employees will, for record purposes under Article 13.2, be considered as unpaid overtime worked.

13.4 For the purposes of computing overtime compensation, overtime hours worked shall not be pyramided, compounded or paid twice for the same hours worked.

13.5 Overtime will be calculated to the nearest fifteen (15) minutes.

13.6 Employees have the obligation to work overtime or call backs if requested by the EMPLOYER unless unusual circumstances prevent the employee from so working.

ARTICLE 14. COURT TIME

An employee who is required to appear in Court during his or her scheduled off-duty time, shall receive a minimum of two and one-half (2 ½) hours' pay at one and one-half (1 ½) times the employee's base pay rate. An employee shall receive the minimum two and one-half (2 ½) hours' pay at one and one-half (1 ½) times for cancellation of a court appearance if cancelled by the City less than 2 hours before the required, scheduled appearance. An extension or early report to a regularly scheduled shift for Court appearance does not qualify the employee for the two and one-half hours minimum.

ARTICLE 15. CALL BACK TIME

An employee who is called to duty during his/her scheduled off-duty time shall receive a minimum of two (2) hours' pay at one and one-half (1½) times the employee's base pay rate. An extension or early report to a regularly scheduled shift for duty does not qualify the employee for the two (2) hour minimum.

ARTICLE 16. WORKING OUT OF CLASSIFICATION

Employees assigned by the EMPLOYER to assume the full responsibilities and authority of a higher job classification shall receive the salary schedule of the higher classification for the duration of the assignment.

ARTICLE 17. INSURANCE

The Employer agrees to provide City-paid life insurance coverage for each FT employee in the amount of $25,000.

The Employer agrees to pay an amount equal to the amount of the premium for long-term disability insurance coverage to the employee and the employee agrees to have that amount automatically deducted through payroll to pay the LTD premium.

Effective January 1, 2017, the Employer agrees to contribute the following monthly premiums toward health insurance:

$500/$1,000 Deductible (Common) Plan

Premium

Single	$749.50
Single + 1	$960.18
Family	$1,306.31

$2,000/$4,000 Deductible Plan (HDHP)

The Employer will contribute the following to the $2,000/$4,000 deductible (HDHP) Plan in 2017:

	Monthly Premium	Monthly VEBA/H.S.A.	Annual VEBA/ H.S.A.	Total Annual City Contribution
Single	$606.05	$110	$680	$8,924
Single +1	$960.18	$215	$1,020	$11,756.16
Family	$1,306.31	$215	$1,020	$15,396.72

The annual VEBA/H.S.A. contribution will be deposited as follows: One half of the total in the first week of January and the remaining half on July 1.

If deductibles are increased for 2018, the Parties agree to re-open the contract for 2018 health insurance only.

If deductibles remain the same as in 2017, then for 2018, the Employer agrees to pay for all of the increase in premium for single coverage, 83% of the dollar amount of the increase for S + 1

coverage and 75% of the dollar amount of the increase for family coverage. Any decrease in premium cost would be split in the same manner.

Of the total City contribution, $100 will be deposited into each employee's VEBA and/or H.S.A. account for those with single coverage and $200 for those with S + 1 and family coverage. The employee's contribution toward the premium will decrease by $10 per month for those with single coverage and $15 per month for those with S + 1 and family coverage from the 2017 amount. This will be offset by an equal increase to the Employer's H.S.A./VEBA supplement. The $680 will increase to $800. The $1,020 will increase to $1,200 per year for 2018.

Employees with S + 1 and family coverage agree to pay 17% and 25%, respectively, of the dollar amount of the increase in premiums in 2018.

2018 – Common Plan
If the combination of the 2018 monthly premium and monthly VEBA/H.S.A. contribution for the HDHP is higher than the 2017 City contributions to the Common plan, the Common plan contributions will increase by the difference.

Employees may choose to purchase dental or vision coverage through an Employer-sponsored voluntary Employee-paid plan. The Employer reserves the right to discontinue vision coverage at the end of any calendar year.

ARTICLE 18. STANDBY PAY

Employees required by the EMPLOYER to standby shall be paid for such standby time at the rate of one hour's pay for each hour of standby.

ARTICLE 19. UNIFORMS

Officers shall be paid a uniform allowance during January of each year. The maximum amount for 2017 will be $844.29. Thereafter, this amount will be increased each year on January 1st by the amount of the Minneapolis-St. Paul Consumer Price Index of the Department of Labor, Bureau of Labor Statistics, for the previous June 30th.

The City will pay a vendor of its choosing directly for qualifying uniform expenses of members of the bargaining unit, up to a maximum annual amount. Officers assigned full-time as a plainclothes investigator, and others on special assignment (MAAG, Drug Task Force, School Liaison, etc.) may, with approval of the Chief, be reimbursed for approved purchases from other vendors up to the maximum annual amount. Investigators and officers on special assignment are still required to maintain a regulation uniform.

New employees will be provided with a standard uniform issue as determined by the employer in lieu of a uniform allowance for the first 12 months of employment. If there is an unsuccessful completion of the probationary period or if the employee terminates employment within 67 days, before the employee becomes a member of the Union, the cost of the standard uniform issue will be deducted from the employee's wages.

The uniform allowance for the second year of employment shall be pro-rated to account for the number of months over the first twelve. The uniform allowance for the final year of employment shall be pro-rated to account for less than a full calendar year if the last date of employment is June 30 or before. In all other years of employment the full uniform allowance is due.

ARTICLE 20. VACATIONS

	Monthly Accrual	Total Annual Amount Credited
Monthly Accrual during 1st Year	6.67	80.04
Monthly Accrual during 2nd Year	6.67	80.04
Monthly Accrual during 3rd Year	6.67	80.04
Monthly Accrual during 4th Year	6.67	80.04
Monthly Accrual during 5th Year	10.00	120.00
Monthly Accrual during 6th Year	10.00	120.00
Monthly Accrual during 7th Year	10.00	120.00
Monthly Accrual during 8th Year	10.00	120.00
Monthly Accrual during 9th Year	10.00	120.00
Monthly Accrual during 10th Year	10.67	128.04
Monthly Accrual during 11th Year	11.33	135.96
Monthly Accrual during 12th Year	12.00	144.00
Monthly Accrual during 13th Year	12.67	152.04
Monthly Accrual during 14th Year	12.67	152.04
Monthly Accrual during 15th Year	13.33	159.96
Monthly Accrual during 16th Year	13.33	159.96
Monthly Accrual during 17th Year	13.33	159.96
Monthly Accrual during 18th Year	13.33	159.96
Monthly Accrual during 19th Year	13.33	159.96
Monthly Accrual during 20th Year	16.67	200.04

ARTICLE 21. SICK LEAVE

Employees shall accrue sick leave at the rate of eight (8) hours per month to a maximum of 960 hours.

Sick leave may be granted when the employee is unable to perform work duties due to illness, disability, medical, dental or chiropractic care, childbirth, pregnancy disability, or injury of the employee, employee's spouse, parent or child.

Employees absent for three (3) days shall submit a medical certificate for the absence. Employees who have a sick leave balance of 768 or more hours at the beginning of a calendar year shall have the option at the end of that year to request that the City convert current year accrued, unused sick leave up to a maximum of 96 hours, on a one (1) hour for every two (2) hours of unused sick leave, into a city offered deferred compensation plan of the Employee's choice.

Funeral leave (including leave to be a pallbearer) will be the same as for general services employees as described in the City Personnel Policies.

ARTICLE 22. SEVERANCE PAY

Upon normal or disability retirement of a regular full-time or regular part-time employee, the City shall pay the employee for one-third (1/3) of their unused sick leave. If a regular full-time or regular part-time employee dies while a permanent employee of good standing with the City of West St. Paul, their beneficiary shall receive one-third (1/3) of the unused sick leave credited to the employee at the time of their death. If an employee resigns in good standing, short of retirement but with at least ten (10) years of service to the City, the City shall pay the employee one-sixth (1/6) of their unused sick leave. See Article XXIII Retiree Health Savings Plan, which describes how eligible severance pay will be appropriated for employees.

ARTICLE 23. HOLIDAYS

The EMPLOYER shall grant 96 hours of paid holidays to the employees. Employees required to work on a holiday, as listed below, shall be paid time and one-half for all hours worked on the named holiday.

New Years Day	January 1
Martin Luther King Day	3rd Monday in January
President's Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1st Monday in September
Veteran's Day	November 11
Thanksgiving Day	4th Thursday in November
Friday after Thanksgiving	Day after Thanksgiving
Christmas Eve	December 24
Christmas Day	December 25

In addition to the above, the Employer will provide one floating holiday.

ARTICLE 24. WAIVER

24.1 Any and all prior agreements, resolutions, practices, policies, rules and regulations regarding terms and conditions of employment, to the extent inconsistent with the provision of this AGREEMENT, are hereby superseded.

24.2 The parties mutually acknowledge that during the negotiations which resulted in this AGREEMENT, each had the unlimited right and opportunity to make demands and proposals with respect to any term or condition of employment not removed by law from bargaining. All agreements and understandings arrived at by the parties are set forth in writing in this AGREEMENT for the

stipulated duration of this AGREEMENT. The EMPLOYER and the UNION each voluntarily and unqualifiedly waives the right to meet and negotiate regarding any and all terms and conditions of employment referred to or covered in this AGREEMENT or with respect to any term or condition of employment not specifically referred to or covered by this AGREEMENT, even though such terms or conditions may not have been within the knowledge or contemplation of either or both of the parties at the time this contract was negotiated or executed.

ARTICLE 25. INJURY IN LINE OF DUTY

Employees injured while on duty through no fault of the employee shall be paid the difference between the employee's regular rate of pay and any Worker's Compensation benefits for a period not to exceed sixty (60) working days beginning with the sixth (6th) day of such injury. Such time shall not be charged against the employee's sick leave, vacation or other accumulated benefits.

ARTICLE 26. FALSE ARREST INSURANCE

The EMPLOYER shall pay the premium for the False Arrest Insurance for employees while acting within the scope of their duties.

ARTICLE 27. EDUCATION

The Tuition Reimbursement Program will be granted in accordance with the most current West St. Paul personnel policy in effect upon execution of the contract.

ARTICLE 28. FLEXIBLE BENEFIT PLAN

Employees will be able to participate in the Flexible Benefit Plan approved by the City Council for as long as the plan remains in effect. Participation is subject to the specific provisions of the Plan, as it may be modified from time to time.

Specific benefits include:

- Premium Conversion
- Health Care Reimbursement Account
- Dependent Care Reimbursement Account

ARTICLE 29. RETIREE HEALTH SAVINGS PLAN

The parties hereby agree to the following: Upon separation of service with the City,

1. Any eligible accrued, unused vacation will be paid into the RHS plan for the participant.

2. Any accrued, unused sick leave that is eligible as severance as defined by the Labor Agreement will be paid into the Retiree Health Savings Plan for the participant unless otherwise prohibited by the City Personnel Policies.

3. Termination pay deposited into the plan will be increased by the amount of social security the City would have paid had the employee received severance pay as taxable compensation.

4. Employees who have a sick leave balance of 768 or more hours at the beginning of a calendar year shall at the end of that year, have the City convert current year accrued, unused sick leave up to a maximum of 96 hours, on the basis of one (1) hour for every two (2) hours of unused sick leave, into a City-sponsored Retiree Health Savings Plan.

ARTICLE 30. DURATION

This AGREEMENT shall be effective as of the first day of January, 2017, and shall remain in full force and effect until the thirty-first day of December, 2018.

IN WITNESS WHEREOF, THE PARTIES HERETO HAVE EXECUTED THIS AGREEMENT ON THIS _____ DAY OF _____ , 2016.

FOR THE CITY OF WEST ST. PAUL

_____
Mayor

_____
City Manager

FOR LAW ENFORCEMENT LABOR SERVICES, LOCAL NO. 72

_____
Union Representative

_____
Union Steward

_____
Union Steward

APPENDIX A

1. WAGES

Service level		2017 Hourly Wage	2018* Hourly Wage	
			2.75%	increase after possible market adjustment
Start	80%	$27.98		
After 1 year	90%	$31.48		
After 2 years	95%	$33.23		
After 3 years	100%	$34.98		
After 4 years	103%	$36.02		
After 6 years	105%	$36.72		
After 8 years	107%	$37.42		
After 10 years	109%	$38.12		
After 15 years	111%	$38.82		

* Re-opener to negotiate details of market adjustment if below average.

1.A Total years of service with the City of West St. Paul shall count towards the salary progression.

1.B Full-time employees who were hired by the City after January 15, 1992 are eligible to participate in a voluntary Education/Training Program, provided they have completed one year in the bargaining unit. Since the program is voluntary, employees will not be compensated for off-duty time in which they are involved in, or preparing for, components of the program, or compensated for tuition, books, or similar expenses. Employees who demonstrate a commitment to continued education/training are eligible to receive a specified sum per month for the entire calendar year in which they qualify, payable in lump sum in the month of December. This can be accomplished by taking and successfully completing one college course (three credits) in a job-related field from an accredited institution of higher learning; or receiving a minimum of seven Peace Officer Standards and Training (POST) credits per year above the normal licensing requirements. College courses and training sessions must be attended on off-duty time and be pre-approved by the Chief of Police.

1.C Lateral entry - The employer may, at its sole discretion, pay an employee having prior Police Officer comparable experience a base salary that exceeds the "starting rate" salary specified above up to and including the "after 2 year rate". Thereafter, progression to the "after 3 year rate" shall be in 12 month increments until the "after 3 year rate" has been reached.

2. Officers assigned to perform Field Training Officer duties, or assigned as a Use of Force Instructor or Range Master, shall receive one and a half (1.5) hours pay per day of training or instruction at the officer's regular rate of pay. Field Training Officers must be training an officer for greater than 50% of their shift and Range Masters and Use of Force Instructors must be instructing for a full shift to be eligible for the additional compensation.

3. Employees assigned by the Employer to the positions of Canine Handler, Drug Task Force Officer, Gang Strike Force Officer, Investigator (Detective), and School Liaison Officer shall receive additional hourly compensation equal to 5.0% of the "after 3 years" rate established in Section 1 above. Employees must assume the full responsibilities and authority of the assignment to be eligible for the additional compensation. Additional compensation shall be paid only once for the same hours worked.

4. **Bulletproof Vest**

In implementing a bullet proof vest program, the City shall abide by applicable sections of Minnesota Statute 299A.38. In purchasing replacement vests, officers are responsible for paying any costs that exceed what the City can recover through their current participation in bullet proof vest reimbursement programs.

5. **Compensatory Time**

When they qualify for overtime pay, Police Officers can voluntarily decide, on a case by case basis, whether they wish to receive the overtime as pay, or as compensatory time off, subject to the following limitations.

Compensatory time shall be allowed to accumulate to a maximum of thirty (30) straight-time hours (20 hours at the time and one half rate). Once an employee has accumulated and maintains the maximum amount of allowable compensatory time, any additional overtime worked shall be paid at the appropriate overtime rate. If an employee uses a portion of the accumulated compensatory time, the employee may then re-accumulate to the maximum of thirty (30) hours (straight time rate). Employees will use compensatory time in increments of no less than one hour, or maximum available balance, whichever is less. Any compensatory time accumulated, but unused, on the last day of the first pay period ending in December of any given year will be paid off at the appropriate rate with the payroll check for that pay period. Any overtime earned after the last day of the first pay period ending in December, through December 31, shall be paid as overtime per contract. Compensatory time off shall be subject to the same guidelines used for vacation and holiday time off.

APPENDIX B

1. COMPENSATION FOR CANINE OFFICER CARE AND MAINTENANCE OF THE POLICE CANINE

A Police Officer assigned by the Employer as Canine Officer, shall receive one-half (1/2) hour straight time pay at their regular hourly base wage rate for days the employee is scheduled for duty. For those days the employee is not scheduled for duty, the employee shall receive one-half (1/2) hour of compensation at one and one-half (1-1/2x) their regular hourly base wage rate. No extra compensation shall be provided for days the employee does not have the dog at home or for days they do not personally care for the dog when the dog is kenneled at the City's expense.

§ 111.04 MASSAGE THERAPY.

(A) *Purpose.* The purpose of this article of the city code is to prohibit massage businesses and services to the public except those licensed as therapeutic massage businesses and massage therapists pursuant to this section. The licensing regulations prescribed herein are necessary in order to protect businesses that are operating legitimate businesses, to prevent criminal activity and to protect the health and welfare of the community. The purpose of this section is not to impose restrictions or limitations on the freedom of protected speech or expression.

(B) *Findings of the City Council.* The City Council makes the following findings regarding the need to license therapeutic massage businesses and therapists and to prohibit all other types of massage businesses and services to the public:

(1) Persons who have bona fide and standardized training in therapeutic massage, health, and hygiene can provide a legitimate and necessary service to the general public.

(2) Health and sanitation regulations governing therapeutic massage businesses and therapists can minimize the risk of the spread of communicable diseases and can promote overall health and sanitation.

(3) Limiting the number of therapeutic massage business licenses and license qualifications for the restrictions on therapeutic massage businesses and therapists can minimize the risk that such businesses and persons will facilitate prostitution and other criminal activity in the community.

(4) Massage services provided by persons with no specialized and standardized training in massage can endanger citizens by facilitating the spread of communicable diseases, by exposing citizens to unhealthy and unsanitary conditions, and by increasing the risk of personal injury.

(5) Massage businesses which employ persons with no specialized and standardized training can tax law enforcement services because such businesses are more likely to be operated as fronts for prostitution and other criminal activity than operations established by persons with standardized training.

(6) The training of professional massage therapists at accredited institutions is an important means of ensuring the fullest measure of protecting the public health, safety, and welfare.

(C) *Definitions.* The following words and terms when used in this section shall have the following meanings unless the context clearly indicates otherwise:

ACCREDITED INSTITUTION. An educational institution holding accredited status with the United States Department of Education or Minnesota Office of Higher Education.

ACCREDITED PROGRAM. A professional massage program accredited by the Commission on Massage Therapy Accreditation (COMTA).

CLEAN. The absence of dirt, grease, rubbish, garbage, and other offensive, unsightly, or extraneous matter.

GOOD REPAIR. Free of corrosion, breaks, cracks, chips, pitting, excessive wear and tear, leaks, obstructions, and similar defects so as to constitute a good and sound condition.

ISSUING AUTHORITY. The City Council.

MASSAGE. Any method of pressure on, or friction against, or the rubbing, stroking, kneading, tapping, pounding, vibrating, stimulating, or rolling of the external parts of the human body with the hands or with the aid of any mechanical or electrical apparatus, or other appliances or devices, with or without such supplementary aids as rubbing alcohol, liniment, antiseptic, oil, powder, cream, lotion, ointment, or other similar preparations.

MASSAGE THERAPIST. An individual who practices or administers massage to the public who can demonstrate to the issuing authority that he or she:

(a) Has current insurance coverage of $1,000,000.00 for professional liability in the practice of massage;

(b) Is affiliated with, employed by, or owns a therapeutic massage business licensed by the city; and

(c) Provides proof that the applicant has met the academic requirements of the issuing authority by providing both of the following:

1. A certified copy of a transcript of academic record from an accredited program or accredited institution that has been approved by the issuing authority, sent directly from the program or institution to the issuing authority; and

2. A copy of the diploma or certificate of graduation from an accredited program or accredited institution that has been approved by the issuing authority, sent directly from the accredited program or institution to the issuing authority. The accredited program or accredited institution must confirm that the applicant has successfully completed at least 500 hours of certified therapeutic massage training with content that includes the subjects of anatomy, physiology, hygiene, ethics, massage theory and research, and massage practice from the same accredited program or accredited institution.

(d) In lieu of the academic requirement in division (c) above, the applicant may substitute providing proof of passing the National Certification Exam offered by the National Certification Board for Therapeutic Massage and Bodywork and a minimum of seven years of full-time work experience as a massage therapist within the United States. The applicant is still required to provide proof of divisions (a) and (b) above.

OPERATE. To own, manage, or conduct, or to have control, charge, or custody over.

PERSON. Any individual, firm, association, partnership, corporation, joint venture, or combination of individuals.

THERAPEUTIC MASSAGE BUSINESS. An entity which operates a business which hires only therapeutic massage therapists licensed by the city to provide therapeutic massage to the public. The owner/operator of a therapeutic massage business need not be licensed as a therapeutic massage therapist if he or she does not at any time practice or administer massage to the public. A *THERAPEUTIC MASSAGE BUSINESS* may employ other individuals such as cosmetologists and estheticians, and these individuals are not required to have a massage therapist license as long as they are not providing therapeutic massage to the public.

WITHIN THE CITY. Includes physical presence as well as telephone referrals such as phone-a-massage operations in which the business premises, although not physically located within the city, serves as a point of assignment of employees who respond to requests for services from within the city.

(D) *License required; number of licenses.*

(1) *Therapeutic massage business license.* It shall be unlawful for any person or entity to own, operate, engage in, or carry on, within the city, any type of massage services to the public for consideration without first having obtained a therapeutic massage business license from the city pursuant

to Chapter 110 and this section. The maximum number of business licenses issued by the city at any one time shall be three.

(2) *Massage therapist license*. It shall be unlawful for any individual to practice, administer, or provide massage services to the public for consideration within the city without first having obtained a personal massage therapist license from the city pursuant to this section. The maximum number of personal massage therapist licenses issued by the city at any one time shall be 20.

(3) If the number of massage business licenses or personal licenses meets or exceeds the permitted number of licenses on the effective date of this section, no additional licenses shall be approved. Existing licenses may be renewed; however, should a license not be renewed, or if the license is revoked or lapses, the license shall not be reinstated.

(E) *Exceptions*. A therapeutic massage business or massage therapist license is not required for the following persons and places:

(1) Persons duly licensed by this state to practice medicine, surgery, osteopathy, chiropractic, physical therapy, or podiatry, provided the massage is administered in the regular course of the medical business and not provided as part of a separate and distinct massage business.

(2) Persons duly licensed by this state as beauty culturists or barbers, provided such persons do not hold themselves out as giving massage treatments and provided the massage by beauty culturists is limited to the head, hand, neck, and feet and the massage by barbers is limited to the head and neck.

(3) Persons working solely under the direction and control of a person duly licensed by this state to practice medicine, surgery, osteopathy, chiropractic, physical therapy, or podiatry. Such persons shall only be authorized to practice on the business premises of the employer.

(4) Places duly licensed or operating as a hospital, nursing home, hospice, sanitarium, or group home established for the hospitalization or care of human beings.

(5) Students of an accredited institution who are performing massage services in the course of a clinical component of an accredited program of study, provided that the students are performing the massage services at the location of the accredited institution and provided the students are identified to the public as students of massage therapy. Students of an accredited institution who are performing massage services at clinics or other facilities located outside of the accredited institution must have at least 150 hours of certified therapeutic massage training at the accredited institution prior to performing the therapy outside of the institution, must have proof of liability insurance, and must be identified to the public as a student of massage therapy.

(F) *License application.* In addition to the application information required by Chapter 110, all applicants shall comply with providing the following information:

(1) *Therapeutic massage business license application.* An application for a therapeutic massage business license shall be made on a form supplied by the City Clerk and shall request the following information:

(a) *All applicants.* For all applicants:

1. The legal description of the premises to be licensed together with a plan of the area showing dimensions, location of buildings, street access, and parking facilities.

2. The floor number, street number, suite number(s) and rooms where the massage services are to be conducted.

3. Whenever the application is for premises either planned or under construction or undergoing substantial alteration, the application shall be accompanied by a set of preliminary plans showing the design of the proposed premises to be licensed. If the plans for design are on file with the city's building and inspection department, no plans need be submitted to the issuing authority.

4. The amount of the investment that the applicant has in the business, buildings, premises, fixtures, furniture, and equipment, and proof of the source of such investment. The identity of all other persons investing in the business, building, premises, fixture, furniture and equipment, the amount of their investment and proof of the source of such investment.

5. All applications for licenses, whether business or individual applications, shall be signed and notarized. If the application is that of a natural person, it shall be signed and notarized by such person; if by a corporation, by an officer thereof; if by an incorporated association, by the manager or officer thereof; if by a limited liability company (LLC), by a member thereof. Any falsification of information on the license application shall result in the denial, suspension or revocation of the license.

6. Whether the applicant has had an interest in, as an individual or as part of a corporation, partnership, association, enterprise, business or firm, a massage license that was revoked or suspended within the last five years of the date the license application is submitted to the issuing authority.

7. Such other information as the City Council shall require.

(b) *Individuals.* For applicants who are individuals:

1. Proof of whether the applicant is a citizen of the United States or a resident alien or has the legal authority to work in the United States.

2. Whether the applicant is currently licensed in other communities to perform massage therapy, and if so, where.

3. Names and addresses and contact information including phone numbers and email addresses of the applicant's employers for the preceding five years and dates for such employment.

4. Whether the applicant has ever been convicted of any felony, crime, or violation of any ordinance other than a minor traffic offense. If so, the applicant shall furnish information as to the time, place and offense for each conviction.

5. Whether the applicant has ever been engaged in the operation of massage services. If so, applicant shall furnish information as to the name, place and length of time of the involvement in such an establishment.

(c) *Partnerships*. For the applicants that are partnerships: the names and addresses of all general and limited partners and all information concerning each general partner as is required in division (F)(1)(b) above. The managing partners shall be designated and the interest of each general and limited partner in the business shall be disclosed. A true copy of the partnership agreement shall be submitted with the application, and if the partnership is required to file a certificate as to a trade name under Minn. Stat. § 333.02, as it may be amended from time to time, a certified copy of such certificate shall be submitted. The license shall be issued in the name of the partnership.

(d) *Corporations and other organizations*. For applicants that are corporations or other types of organizations:

1. The name of the organization, and if incorporated, the state of incorporation.

2. A true copy of the certificate of incorporation, and, if a foreign corporation, a certificate of authority as described in Minn. Stat. § 303.02, as it may be amended from time to time.

3. The name of the general manager, corporate officers, proprietor, and other person in charge of the premises to be licensed, and all the information about said persons as is required in division (F)(1)(b) above.

4. A list of all persons who own or control an interest in the corporation or organization or who are officers of said corporation or organization, together with their addresses and all the information regarding such persons as is required in division (F)(1)(b) above.

(2) *Massage therapist license application.* An application for a massage therapist license shall be made on a form supplied by the City Clerk and shall request the following information:

(a) The applicant's home telephone and cell phone number.

(b) The applicant's physical description, including weight, height, color of eyes, and color of hair. The applicant shall provide a color photocopy of the applicant's driver's license or state-issued I.D. front and back, or any other government-issued I.D.

(c) Whether the applicant has ever been convicted of any felony, crime, or violation of any ordinance other than a minor traffic offense and, if so, the time, place, and offense for each conviction.

(d) Whether the applicant has had an interest in, as an individual or as part of a corporation, partnership, association, enterprise, business or firm, a massage license that was revoked or suspended within the last five years of the date the license application is submitted to the issuing authority.

(e) Three names, resident and business addresses, and current contact information, including a phone number of those residents within the metropolitan area, of good moral character, not related to the applicant or financially interested in the premises of the business, who may be referred to attest to the applicant's character.

(f) Proof of whether the applicant is a U.S. citizen or resident alien or has the legal authority to work in the United States.

(g) Proof that the applicant has met the definition of a massage therapist in division (C) above.

(h) Whether the applicant is currently licensed in other communities to perform massage therapy, and if so, where.

(i) Whether the applicant has ever been engaged in the operation of massage services, and if so, furnish information as to the name, place, dates and length of time of the involvement in such an establishment.

(j) Such other information as the City Council shall require.

(G) *License fee.* The fees for a therapeutic massage business and therapist licenses shall be as set forth by City Council resolution. An investigation fee shall be charged for therapeutic massage business licenses and an individual therapeutic massage license. Each application for a license shall be accompanied by payment in full of the required license and investigation fees.

(H) *License application investigation.* An investigation is required pursuant to § 110.03(C)(5). No investigation fee shall be refunded. Out of state investigations shall require the applicant to pay actual out-of-pocket expenses. A deposit for an out-of-state investigation shall be required in advance, pursuant to City Council resolution and the applicant shall be refunded any unused deposit upon completion of the investigation. The City Council may order and conduct such additional investigation as it deems necessary. Upon completion of its investigation, the Council shall approve or deny the license.

(I) *Inspections.*

(1) *Pre license inspection.* In the case of applications for massage therapy business licenses, the Police Department and Building Official must investigate the premises where the massage therapy business is to be carried on, for the purpose of ensuring that the premises comply with all the sanitation requirements in the section and with the regulations of public health, safety and welfare, pursuant to § 110.11. Licenses shall only be recommended for approval if they meet the safety and sanitary requirements of the city and of the Building Code regulations of the city and state.

(2) *Subsequent inspections.* In light of the high risk of involvement with illegal conduct an establishment providing massage therapy poses to the general public, the issuing authority, environmental health department or designee, and/or the Police Department shall have the right to enter, inspect, and search the licensed premises during the hours in which the licensed premises is open for business to ensure compliance with all provisions of this section. Any search of the licensed premises is subject to reasonableness standards as recognized by the courts; search warrants will be secured when applicable. Any entry into a private residence will require consent, exigent circumstances, or a search warrant. With reasonable notice, the business records of the licensee, including income tax returns, shall be available for inspection during the hours in which the licensed premises is open for business.

(J) *Denial, suspension or revocation.* In addition to the grounds enumerated in § 110.12, the following reasons may be grounds for individual license or business license denial, suspension or revocation:

(1) The applicant has been convicted of criminal prostitution or similar sex offenses or to a partnership or corporation who has in its employ or is owned by any persons convicted of a similar criminal act; or

(2) The owner, manager, lessee or any of the employees are found to be in control or possession of any alcoholic beverages, narcotic drugs or controlled substances, as defined by state statutes, on the premises.

(3) If the holder of a business license fails to maintain with the issuing authority a current list of all employees of such licensed premises. The list shall include all massage therapists licensed under this section.

(4) A material variance in the actual plan and design of the premises from the plans submitted.

(K) *License restrictions.*

(1) *Posting of license.*

(a) *Business license.* A therapeutic massage business license issued must be posted in a conspicuous place on the premises for which it is used.

(b) *Personal massage therapist license.* An annual photo shall be required for a massage therapist license. A person licensed as a massage therapist shall post the massage therapist license, with color photo, in a conspicuous place on the premises at which the therapist is associated. A massage therapist shall have readily available at all times that therapeutic massage services are rendered, the photo identification card issued by the issuing authority. The photo identification card issued by the issuing authority must be presented to each client when providing massage therapy services off-site.

(2) *Licensed premises.*

(a) *Business license.* A therapeutic massage business license is only effective for the compact and contiguous space specified in the approved license application. If the licensed premises is enlarged, altered, or extended, the licensee shall inform the City Clerk within ten business days.

(b) *Personal massage therapist license.* A massage therapist license shall entitle the licensed therapist to perform on-site massage at a business, public gathering, private home, or other site not on the therapeutic massage business premises. It shall be the continuing duty of each licensee to properly notify the City Clerk, within ten business days, of any change in the information or facts required to be furnished on the application for license and failure to comply with this section shall constitute cause for revocation or suspension of such license.

(3) *Affiliation with business required.* A massage therapist shall be employed by, affiliated with, or own a massage business licensed by the city, unless a person or place is specifically exempted from obtaining a therapeutic massage business license in division (E) above.

(4) *Employment of unlicensed massage therapists prohibited.* No therapeutic massage business shall employ or use any person to perform massage who is not licensed as a therapeutic massage therapist under this section, unless the person is specifically exempted from obtaining a therapist license in division (E) above.

(5) *Coverage of genitals during massage.* The licensee shall require that the person who is receiving the massage shall at all times have his or her genitals covered with non-transparent material or clothing.

(6) *Therapist dress/uniform requirements.* Any therapist performing massage shall at all times be dressed professionally, including short sleeved shirts, skirts no shorter than three inches above the knees, no cleavage showing, nails trimmed and neat, hair pulled back and closed-toed shoes.

(7) *Massage of certain body parts prohibited.* At no time shall the massage therapist intentionally massage or offer to massage the penis, scrotum, mons veneris, vulva, or vaginal area of a person.

(8) *Restrictions regarding hours of operation.* No therapeutic massage business shall be open for business, nor will any therapeutic massage therapist offer massage services, before 8:00 a.m. or after 9:00 p.m. any day of the week. No customers or patrons shall be allowed to remain upon the licensed premises after 9:30 p.m. and before 8:00 a.m. daily. Support activities such as cleaning, maintenance and bookkeeping are allowed outside of business hours.

(9) *Proof of local residency required.* In the case of a therapeutic massage business, the licensee, managing partner, or manager of the licensed premise must show proof of residency in one of the following counties: Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington and Wright in Minnesota, and St. Croix or Pierce in Wisconsin. In the case of therapeutic massage therapists, the licensee must show proof of residing in one of the following counties: Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington and Wright in Minnesota, and St. Croix or Pierce in Wisconsin.

(10) *Posting of rates.* All massage businesses must post their rates for service in a prominent place in the entrance or lobby of the business.

(11) *Illegal activities.* In addition to the license restrictions set forth in this section, any advertising by a licensee of any potential unlawful or erotic conduct at the licensed establishment shall be prohibited. A licensee under this chapter shall be strictly responsible for the conduct of the business being operated in compliance with all applicable laws and ordinances, including the actions of any employee or agent of the licensee on the licensed premises.

(12) *Restrictions involving minors.* No person under the age of 18 shall be permitted at any time to be in or on the licensed premises as a customer, guest, or employee, unless accompanied by his or her parent or guardian.

(L) *Restrictions regarding sanitation, health and safety.*

(1) *Toilet room requirements.* A licensed therapeutic massage business shall be equipped with adequate and conveniently located toilet rooms for the accommodation of its employees and patrons. The toilet room shall be well ventilated by natural or mechanical methods and be enclosed with a door. The toilet room shall be kept clean and in good repair and shall be adequately lighted.

(2) *Paper/linen requirements.* A licensed therapeutic massage business shall provide single-service disposal paper or clean linens to cover the table, chair, furniture, or area on which the patron receives the massage; or in the alternative, if the table, chair, or furniture on which the patron receives the massage is made of material impervious to moisture, such table, chair, or furniture shall be properly sanitized after each massage.

(3) *Washing of hands required.* The approved licensed business premises for the compact and contiguous space described and submitted in division (K)(2) above shall contain an on-site sink. The massage therapist shall wash his or her hands and arms with water and soap, anti-bacterial scrubs, alcohol, or other disinfectants prior to and following each massage service performed.

(4) *Door latches and locks.* Doors on massage therapy rooms shall not be locked or capable of being locked. Locks, latches or other devices intended to secure a door so as to prevent it from being opened by any person from either side of the door with or without a key cannot be present on any doors of rooms intended for massage therapy.

Statewide Massage Therapist Registration Bill Heard in House Committee

Under the bill, therapists who join the new voluntary registry would be exempt from massage therapist occupational licensing in the city where they practice.
(Published Mar 9, 2015)

HF 644 (Rep. Nick Zerwas, R-Elk River) would create a voluntary registry of massage therapists known as Registered Massage and Bodywork Therapists, or RMBTs. The bill was heard on March 3 in the House Health and Human Services Reform Committee and re-referred to the Government Operations and Elections Policy Committee.

Under the bill, those seeking RMBT credentials would need to pass a competency exam, have current malpractice insurance, and have a criminal history background check. Existing practitioners would be "grandfathered in," and those who have not taken one of the national exams or completed the standard 500 hours of curriculum would be put on an alternative path toward registration.

Therapists who join the registry would be exempt from massage therapist licensing in the city where they practice, but not from acquiring a business license from the city. This would allow businesses with multiple locations to shift employees to other franchise locations without their employees having individualized occupational licenses for each city. Cities would retain the authority to require occupational licenses from those who do not register with the state.

The Senate companion is SF 1310 and is authored by Sen. Chris Eaton (DFL-Brooklyn Center).

The League of Minnesota Cities has a policy in support of statewide registration of massage therapists and will continue to work with the author as the bill progresses (see SD-50 in the LMC *2015 City Policies* [pdf]).

TO: Mayor and City Council

THROUGH: Matt Fulton, City Manager

FROM: Manila Shaver, Chief of Police

DATE: November 14, 2016

SUBJECT: Possible Massage Ordinance Changes, Number of Licenses

City of West St. Paul

BACKGROUND INFORMATION:

Recently a West St. Paul business person inquired about obtaining a business massage license but could not due to the ordinance cap. Mayor Meisinger requested a review as to how the caps came to be and in preparation for possible Council consideration in changing the number of business and/or personal massage licenses allowed.

It should be noted there are two types of massage licenses, (1) a business massage license and (2) a personal massage license. In order for a person to operate a massage business within the City a person needs to obtain a business massage license. In order to provide massage services, a person must hold a valid personal massage license. On another note, because of the inconsistency in massage license requirements throughout the state, there has been a push for adopting a state regulation (see Statewide Massage Therapist Bill). This bill failed in 2015, but may resurface in 2016 as the issue still remains.

Because of changes in the City's licensing software exact numbers are hard to determine, however, historically the City has issued three or four business massage licenses and just over a dozen personal massage licenses annually. The number of issued licenses was consistent until late 2014, early 2015, when the City started experiencing an increase in business massage licenses. At the same time there were an increasing amount of citizen complaints of possible illicit activities at a few of these establishments. Moreover, in processing these license requests, the police department had concerns over questionable applicants and minimal code requirements. See the attached "Massage Memo 12-4-2015" for additional details.

The aforementioned concerns were discussed with the Council and with Council approval, improvements were made to the City's Massage Therapy code (111.04) during the recodification process. Two of the more significant changes were requiring applicants to have completed an accredited program and a cap on the number of business massage and personal massage licenses, three and twenty respectively.

Currently the City has issued five 2016 business massage licenses and about sixteen personal massage licenses. In 2015, when the cap was placed on the number of licenses, there were four business massage licenses. The initial intention was to reissue the original four business massage licenses and allow attrition to get the number down to the imposed cap of three licenses. However, in June of 2016 after forgetting about the newly imposed cap, staff mistakenly issued a fifth business massage license. Again, these five licenses will be reissued until attrition reduces the number of licenses.

FISCAL IMPACT:

Action	Fund	Department	Account	Amount
Business Massage License Renewal	101	30000		$195
Personal Massage License Renewal	101	3000		$195

STAFF RECOMMENDATION:

Since the recodification process the accredited educational requirement has helped legitimize those beneficial massage businesses and massage therapists. Furthermore, the police department has developed improved background techniques to identify fraudulent applicants. However, the issue of prostitution and human trafficking still exists in the massage industry. Once licensed and operational, it is very difficult for the police department to determine and document illegal acts performed at a massage location.

The number of business and personal massage licenses made available is strictly a Council preference. Should the Council wish to consider modifying or removing the cap on these types of licenses, the Council will need to request staff to initiate this process as there are public notification requirements to consider.

TO: Matt Fulton, City Manager

FROM: Manila Shaver, Chief of Police

DATE: February 4, 2015

SUBJECT: Massage Parlors

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

During the past year the City has begun to experience a slight increase in business massage license applications. While this in itself seemed a little unusual, some of the applicants were from out of state which caused additional suspicion. The applications were processed according to established procedural guidelines along with additional scrutiny due to the added suspicion. Despite the extra scrutiny, concerns were uncorroborated and no reasons for denial could be identified, thus the applications were processed for approval.

Not dismissing my suspicions, I initiated a discussion with a couple of my colleagues who have noted similar concerns in their jurisdictions. Two communities, Maplewood and Burnsville, have active investigations into possible criminal activities at their massage establishments. Our department has reached out to these agencies and others, exploring the various methods that are and can be deployed to combat any suspected illicit undertakings at these establishments, which primarily include prostitution and human trafficking.

While there is a belief that illicit activities may be occurring at some of our massage parlors, the police department has not yet been able to develop reasonable suspicion or probable cause in which to base criminal charges or license violations on. We have conducted compliance checks, similar to an alcohol or tobacco compliance check, without success. Moreover, intermixed with these questionable operations are several tenured licensed masseurs in the City who have been operating and providing a valuable and legitimate service to a number of clients. Trying to identify a reliable license review process, a criminal investigatory procedure and a supporting detailed ordinance to differentiate between these legitimate and illegitimate establishments can be challenging.

Prostitution and human trafficking incidents are both a regional and a national issue, and have been increasing in significance. Within the past few years the police department has noted several Craig's lists ads for apparent sex for hire that appear to be within the City. I attended a Human Trafficking conference last year to gain further insight into this scourge and to establish contacts in creating a network of resources as we move forward dealing with these types of crimes. One of the more interesting items discussed at the conference was the movement of prostitutes from state to state, almost on a rotational basis. A prostitute ring could be working in the Minneapolis/St. Paul area one month, the Chicago area the following month and in Florida the month after that, only to return to the Minneapolis area once again.

Without question technology has changed crimes, including prostitution. In the past prostitutes would hang around red-light districts and were visually apparent to passing patrol officers. Today, through the use of the internet and smart phones, prostitutes operate in a relatively anonymous electronic environment. "Johns" can discretely choose from an almost endless variety of sex for sale options as simply as the rest of us make an online Amazon purchase. Often sex is delivered to a location of a John's choosing or they meet at a nearby hotel; as such the criminal act may cross numerous jurisdictional boundaries. All of these factors favor the criminal by increasing the likelihood the crime will go undiscovered.

Because criminals have integrated technology into their crimes, the police department researched a 2015 capital purchase in which to analyze electronic equipment such as computers and cellphones.

Instead of the capital purchase the police department chose to join a countywide Electronic Crime Unit (ECU), which just started in January of this year. It is anticipated the ECU will greatly add to our investigatory capabilities.

However having the skill and abilities to analyze electronic devices is just one hurdle for investigators. Adding to the investigatory difficulties which technology creates, are legislators, who under the noble cause of protecting individual privacy, create laws making it increasingly difficult for police investigators to search, track and monitor electronic communications.

When prostitution crimes are detected no one wants the police there. It is true many of the women are forced into prostitution, are mistreated and abused, but they also aggressively protect their abusers. I have had several such encounters during my career. Imagine as a police officer responding to a robbery or a theft incident, with the robber or thief still present, only to have the victim tell you there is no problem, to go away and then not cooperate any further with the officer.

So how did we get her? Federal agents have noted these organizations started out on the west coast and have spread to the Midwest from there. On the west coast many of these establishments employed illegal immigrants, but since then most have obtained citizenship. Having been in the country for only a short period of time almost virtually insures a lack of searchable records, criminal or civil, in which to judge a license approval on. Moreover, these operators quickly learn methods to avoid detection with regards to local licensing and inspection processes and do what they can to avoid undue attention. An example of their creativity is the creation of fictitious webpages that seemingly verify an applicant's massage accreditation when checked. Another ordinance language diversion is by providing "shower massages" thereby eliminating the hand-to-body contact of prohibited massage areas.

Identifying and investigating prostitution and human trafficking is much more difficult and involved than conducting a tobacco or alcohol compliance check. Investigating these types of illicit activities requires dedicated resources who have received specialized training. Even if a compliance check determines sex for sale at a massage establishment and the Council revokes the license, it is almost a certainty a different applicant, most likely associated with the same criminal enterprise, will apply in the following months.

As stated above, while these establishments may be located in a specific community, their criminal ties and influence are often regional. As such it is important to have the involvement of state and federal agencies for their advanced resources and multi-jurisdictional criminal enterprise (RICO) investigations in order to break the cycle of repeat license applicants. Currently I am in the process of trying to develop a regional task force comprised of local and federal agencies in order to exchange information, provide training, and amass sufficient investigatory resources to identify and hold accountable those committing criminal activities associated with massage parlors. The Apple Valley, Burnsville and Maplewood police departments have all expressed interest. However, I'm hearing federal agencies view massage parlor problems as local matters and encourage the enforcement of local codes and ordinances as an enforcement tactic. We'll see how this pans out.

I have also spoken to the City Attorney about reviewing the City massage ordinance and the possibility of limiting the number of massage licenses as a temporary stopgap. Listed in the two tables below are the numbers of personal and business massage licenses for the past few years. While no proof has been obtained, I'll risk saying the two new business massage licenses in 2014 started our issues. I am a little surprised at not seeing a larger increase in personal massage licenses based on the increase in business licenses.

BUSINESS – MASSAGE

YEAR	NEW	RENEWAL	Total
2013	0	2	2
2014	2	2	4
2015	1	4	5

PERSONAL – MASSAGE

YEAR	NEW	RENEWAL	Total
2013	1	13	14
2014	4	13	17
2015	3	13	16

As for some background information, in order to operate a spa or a massage parlor within the City a person must have a massage business license. In order to practice as a masseuse in that massage business, an individual must have a personal massage license. A person may also provide massage services under a personal massage license if the person is working out of an established business such as a chiropractic office, and as long as the massage services do not comprise the majority of the business activity.

It would be my recommendation to the Council to limit the number of massage business licenses to three and the number of personal massage licenses to twelve. While we have more than that now, as licenses are not renewed or as licenses get revoked, the City will eventually get down to the mandated limit.

In sum, there are no easy answers or quick fixes to these issues, but the police department is utilizing a multi-faceted approach to include:

1. Creating a stopgap by establishing a limit on massage licenses;
2. Identifying ordinance and regulatory loopholes;
3. Revisiting the City's massage ordinance;
4. Conducting vigorous compliance checks; and
5. Enhancing criminal investigatory capabilities.

TO: Mayor and City Council

THROUGH: Matt Fulton, City Manager

FROM: Manila Shaver, Chief of Police

DATE: November 14, 2016

SUBJECT: Acceptance of a 2017 COPS Grant

City of West St. Paul

BACKGROUND INFORMATION:

The US Department of Justice has long since provided a variety of grant opportunities through the COPS office (Community Orientated Policing Services). During my tenure as chief I have and continue to apply for these grants in order to secure personnel, equipment and specialized software. These grants are very competitive and receiving an award is not likely. As with most grants, funding is not provided for on-going operational costs, rather each grant has a specific focus and objective. The 2017 COPS grant has an emphasis on building community trust.

When I considered applying for this grant, I thought about two primary reasons for doing so. First, the increase in the workload our police officers are being asked to perform has long since outpaced the number of officers the police department has to perform it. Thus, this grant would be a method to help fulfill the need for additional officers.

Secondly, there is a need to build and establish better relationships with our residents and diverse community groups. Recently this has become more of a priority for police chiefs than it has been in years past. Police agencies often have the goal miss focus of solely trying to reduce the incidents of crime, and not considering the feeling of "safety" residents wish to have. Thus, in addition to receiving funds for added personnel, the grant would help our police department concentrate on building relationships and trust. It should be noted that this is in alignment with one of our City's Strategic goals, developing a sense of safety with our community.

> *<u>City Goal #2</u>: Safe and Vibrant Community -*
>
> > *West St Paul is focused on ensuring the safety, personal well-being, and overall quality of life of its residents, businesses, and visitors in order to maximize the return on their investment in the community (….to include citizens' perception of safety).*

A few years back our patrol sergeants suggested developing a Multi-Cultural Advisory Committee (MAC) to build community bridges and gather input from our residents. A MAC is a committee of community members who periodically assemble to provide input and comments on police objectives, operational polices and the overall satisfaction of police services provided to residents. In the attached grant narratives, you can read about the importance of establishing a MAC.

In addition to the grant narratives, the second attachment to this memo is the 2017 COPS Grant Award. This document outlines the "rules and requirements" of the grant; which are standard conditions and language. The listed grant executors/signers are the City Manager and the police chief.

FISCAL IMPACT:

This is a three-year grant to help pay for the salary expense of hiring two additional police officers. The total salary expense for the two officers for the three years is estimated at $518,000, thus the grant pays for about 50% of the salary expense. These grants are usually set up to pay a diminishing portion each year; for example, 90% in year one, 60% in year two and 30% in year three, with the agency being responsible for all costs after year three. Payments are not automatic and are based on compliance with the grant/agency goals. The City is required to retain these two positions for 12 months after the three-year grant has expired.

Action	Fund	Department	Account	Amount
Grant, Personnel	101	30000	40101	$250,000

STAFF RECOMMENDATION:

I have had experience with COPS grants before and know the reporting requirements can sometimes be burdensome. However, in this case the value to the community in off-setting almost 50% of the salary expense for two much needed police officers will be well-worth this effort. Moreover, the grant will help the police department maintain focus on building beneficial community relationships, a City strategic goal. To implement this grant, the Council will need to adopt the attached draft resolution, allowing the City Manager and the police chief to fulfill the grant requirements.

On Motion of Clpn. Seconded by Clpn.

RESOLUTION NO. -

RESOLUTION ACCEPTING A GRANT
FROM THE DEPARTMENT OF JUSTICE, COPS OFFICE

WHEREAS, the Department of Justice, through the its Community Orientated Policing Services (COPS) program, has awarded a grant to the City for $ 250,000;

WHEREAS, this grant is to help pay for the personnel costs in hiring two additional police officers;

WHEREAS, this grant requires the police department to focus on building police-community relationships (i.e. trust);

WHEREAS, this is a three-year grant program and contains the requirement that the City employ the two officers for an additional 12 months beyond the grant period;

WHEREAS, the City Manager and the Police Chief are listed as the executioners and signers for the grant; and

WHEREAS, Minnesota Statutes 465.03 requires that all grants be accepted by the City Council via the adoption of an appropriate resolution,

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council accepts the grant of $ 250,000 on behalf of the City of West St. Paul and hereby authorize the City Manager and the police chief to sign and execute the grant according to conditions and requirements set forth in the grant award.

Adopted by the City Council of the City of West St. Paul this 14th day of November, 2016.

Ayes: Nays:

_____ Attest:_____

David Meisinger, Mayor Chantal Doriott, City Clerk

U.S. DEPARTMENT OF JUSTICE
OFFICE OF COMMUNITY ORIENTED POLICING SERVICES
145 N Street, N.E., Washington, DC 20530

COPS

Award Document
COPS Hiring Program

CFDA - 16.710 – Public Safety Partnership and Community Policing Grants
Treasury Account Symbol (TAS) 15X0406

Review Copy

Award Number: 2016UMWX0173
ORI Number: MN01907
OJP Vendor Number: 416005639
Applicant Organization's Legal Name: West St. Paul Police Department
DUNS Number: 0823766580000

Law Enforcement Executive: Chief of Police Manila Shaver

Government Executive: City Manager Matthew Fulton

Award Start Date: 09/01/2016 **Award End Date:** 08/31/2019
Full-Time Officers Funded: 2
New Hires: 2 **Rehires - Scheduled for Lay-Off:** 0
Rehires - Previously Laid Off: 0
Award Amount: $250,000.00

The FY 2016 COPS Hiring Program (CHP) provides funding directly to law enforcement agencies to hire and/or rehire career law enforcement officers in an effort to increase their community policing capacity and crime prevention efforts. CHP awards provide up to 75 percent of the approved entry-level salaries and fringe benefits of full-time officers for a 36-month award period, with a minimum 25 percent local cash match requirement and a maximum federal share of $125,000 per officer position.

The Financial Clearance Memorandum (FCM), included in your award package, is incorporated by reference into this Award Document and shall become part of this Award Document. By signing this Award Document, the recipient agrees to abide by all FY 2016 COPS Hiring Program Award Terms and Conditions, the approved budget in the FCM, and if applicable, the Special Award Conditions and/or High Risk Conditions in the Award Document.

Ronald L. Davis
Director

Date: 09/19/2016

False statements or claims made in connection with COPS awards may result in fines, imprisonment, debarment from participating in federal awards or contracts, and/or any remedy available by law to the Federal Government.

U.S. Department of Justice

Office of Community Oriented Policing Services

2016 COPS Hiring Program Award Terms and Conditions

By signing the Award Document to accept this COPS Hiring Program (CHP) award, the recipient agrees to abide by the following award terms and conditions:

1. **Award Owner's Manual.** The recipient agrees to comply with the terms and conditions in the 2016 CHP Award Owner's Manual; COPS Office statute (42 U.S.C. §. 3796dd, et seq.); the requirements of 2 C.F.R. Part 200 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards) as adopted by the U.S. Department of Justice in 2 C.F.R. § 2800.101; 48 C.F.R. Part 31 (FAR Part 31) as applicable (Contract Cost Principles and Procedures); representations made in the CHP award application; and all other applicable program requirements, laws, orders, regulations, or circulars.

2. **Assurances and Certifications.** The recipient acknowledges its agreement to comply with the Assurances and Certifications forms that were signed as part of its CHP application.

3. **Allowable Costs.** The funding under this project is for the payment of approved full-time entry-level salaries and fringe benefits over three years (for a total of 36 months of funding) up to a maximum federal share of $125,000 per officer position for career law enforcement officer positions hired and/or rehired on or after the official award start date. Any salary and fringe benefit costs higher than entry-level that your agency pays a CHP-funded officer must be paid with local funds.

   Your agency is required to use CHP award funds for the specific hiring categories awarded. Funding under this program may be used for the following categories:

   - Hiring new officers, which includes filling existing officer vacancies that are no longer funded in your agency's budget;
   - Rehiring officers laid off by any jurisdiction as a result of state, local, or Bureau of Indian Affairs (BIA) budget reductions; and/or
   - Rehiring officers who were, at the time of award application, scheduled to be laid off (by your jurisdiction) on a specific future date as a result of state, local, or BIA budget reductions

   If your agency's local fiscal conditions have changed and your agency needs to change one or more of the funded hiring categories, your agency should request a post-award award modification and receive prior approval before spending CHP funding under the new category.

   The Financial Clearance Memorandum (FCM), included in your award package, specifies the amount of CHP funds awarded to your agency. You should carefully review your FCM, which contains the final officer salary and fringe benefit categories and amounts for which your agency was approved. Please note that the salary and fringe benefit costs requested in your CHP application may have been adjusted or removed. Your agency may only be reimbursed for the approved cost categories that are documented within the FCM, up to the amounts specified in the FCM. Your agency may not use CHP funds for any costs that are not identified as allowable in the Financial Clearance Memorandum.

   Only actual allowable costs incurred during the award period will be eligible for reimbursement and drawdown. If your agency experiences any cost savings over the course of the award (for example, your award application overestimated the total entry-level officer salary and fringe benefits package), your agency may not use that excess funding to extend the length of the award beyond 36 months. Any funds remaining after your agency has drawn down for the costs of approved salaries and fringe benefits incurred for each awarded position during the 36-month funding period will be deobligated during the closeout process and should not be spent by your agency.

4. **Supplementing, not Supplanting.** State , local, and tribal government recipients must use CHP funds to supplement, and not supplant, state, local, or Bureau of Indian Affairs (BIA) funds that are already committed or otherwise would have been committed for award purposes (officer hiring) during the award period. In other words, state, local, and tribal government recipients may not use COPS Office funds to supplant (replace) state, local, or BIA funds that would have been dedicated to the COPS Office-funded item(s) in the absence of the COPS Office award.

5. **Extensions.** Your agency may request an extension of the award period to receive additional time to implement your award program. Such extensions do not provide additional funding. Awards may be extended a maximum of 36 months beyond the initial award expiration date. Any request for an extension beyond 36 months will be evaluated on a case-by-case basis. Only those recipients that can provide a reasonable justification for delays will be granted no-cost extensions. Reasonable justifications may include difficulties in filling COPS Office-funded positions, officer turnover, or other circumstances that interrupt the 36 month award funding period. An extension allows your agency to compensate for such delays by providing additional time to complete the full 36 months of funding for each position awarded. **Extension requests must be received prior to the end date of the award.**

6. **Modifications.** During the CHP award period, it may become necessary for an agency to modify its CHP award due to changes in an agency's fiscal or law enforcement situation. Modification requests should be submitted to the COPS Office when an agency determines that it will need to shift officer positions awarded in one hiring category into a different hiring category, reduce the total number of positions awarded, shift funds among benefit categories, and/or reduce the entry-level salary and fringe benefit amounts. For example, an agency may have been awarded CHP funding for 10 new, additional full-time sworn officer positions, but due to severe fiscal distress/constraints, the agency determines it is unable to sustain all 10 positions and must reduce its request to five full-time positions; or an agency may have been awarded CHP funding for two new, additional sworn officer positions, but due to fiscal distress/constraints the agency needs to change the hiring category from the new hire category to the rehire category for officers laid off or scheduled for layoff on a specific future date post-application. Award modifications under CHP are evaluated on a case-by-case basis. The COPS Office will only consider a modification request after an agency makes final, approved budget and/or personnel decisions. An agency may implement the modified award following written approval from the COPS Office. Please be aware that the COPS Office will not approve any modification request that results in an increase of federal funds.

7. **Evaluations.** The COPS Office may conduct monitoring or sponsor national evaluations of the CHP award. The recipient agrees to cooperate with the monitors and evaluators.

8. **Reports/Performance Goals.** To assist the COPS Office in monitoring and tracking the performance of your award, your agency will be responsible for submitting quarterly programmatic progress reports that describe project activities during the reporting period and quarterly Federal Financial Reports using Standard Form 425 (SF-425). The progress report is used to track your agency's progress toward implementing community policing strategies and to collect data to gauge the effectiveness of increasing your agency's community policing capacity through COPS Office funding.

9. **Award Monitoring Activities.** Federal law requires that law enforcement agencies receiving federal funding from the COPS Office must be monitored to ensure compliance with their award conditions and other applicable statutory regulations. The COPS Office is also interested in tracking the progress of our programs and the advancement of community policing. Both aspects of award implementation—compliance and programmatic benefits—are part of the monitoring process coordinated by the U.S. Department of Justice. Award monitoring activities conducted by the COPS Office include site visits, office-based grant reviews, alleged noncompliance reviews, financial and programmatic reporting, and audit resolution. As a CHP award recipient, you agree to cooperate with and respond to any requests for information pertaining to your award.

10. **Federal Civil Rights.** As a condition of receipt of federal financial assistance, you acknowledge and agree that you will not (and will require any subrecipients, contractors, successors, transferees, and assignees not to), on the grounds of race, color, religion, national origin (which includes providing limited English proficient persons meaningful access to your programs), sex, disability, or age, unlawfully exclude any person from participation in, deny the benefits of or employment to any person, or subject any person to discrimination in connection with any programs or activities funded in whole or in part with federal funds. These civil rights requirements are found in the nondiscrimination provisions of Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. § 2000d); the Omnibus Crime Control and Safe Streets Act of 1968, as amended (42 U.S.C. § 3789d); Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794); the Age Discrimination Act of 1975 (42 U.S.C. §6101, et seq.); Title IX of the Education Amendments of 1972, as amended (20 U.S.C. § 1681, et seq.); and the corresponding DOJ regulations implementing those statutes at 28 C.F.R. Part 42 (subparts C, D, E, G, and I). You also agree to comply with Executive Order 13279, as amended by Executive Order 13559, and the implementing regulations at 28 C.F.R Part 38 Partnerships With Faith-Based and Other Neighborhood Organizations, which requires equal treatment of religious organizations in the funding process and nondiscrimination of beneficiaries by faith-based organizations on the basis of belief or nonbelief.

11. **Equal Employment Opportunity Plan.** All recipients of funding from the COPS Office must comply with the federal regulations pertaining to the development and implementation of an Equal Employment Opportunity Plan (28 C.F.R. Part 42 subpart E).

12. **False Statements.** False statements or claims made in connection with COPS Office awards may result in fines, imprisonment, or debarment from participating in federal awards or contracts, and/or any other remedy available by law.

13. **Duplicative Funding.** The recipient understands and agrees to notify the COPS Office if it receives, from any other source, funding for the same item or service also funded under this award.

14. **Additional High-Risk Recipient Requirements.** The recipient agrees to comply with any additional requirements that may be imposed during the award performance period if the awarding agency determines that the recipient is a high-risk recipient (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. § 200.207 as adopted by the U.S. Department of Justice in 2 C.F.R. § 2800.101).

15. **System for Award Management (SAM) and Universal Identifier Requirements.** The Office of Management and Budget requires federal agencies to include the following standard award term in all awards and cooperative agreements made on or after October 1, 2010:
    A. Requirement for System for Award Management (SAM)
    Unless you are exempted from this requirement under 2 C.F.R. Part 25.110, you as the recipient must maintain the currency of your information in the SAM until you submit the final financial report required under this award or receive the final payment, whichever is later. This requires that you review and update the information at least annually after the initial registration, and more frequently if required by changes in your information or another award term.
    B. Requirement for Data Universal Numbering System (DUNS) Numbers
    If you are authorized to make subawards under this award, you:
        1. Must notify potential subrecipients that no entity (see definition in paragraph C. of this award term) may receive a subaward from you unless the entity has provided its DUNS number to you.
        2. May not make a subaward to an entity unless the entity has provided its DUNS number to you.
    C. Definitions
    For purposes of this award term:
        1. System for Award Management (SAM) means the federal repository into which an entity must provide information required for the conduct of business as a recipient. Additional information about registration procedures may be found at the SAM Internet site at www.sam.gov.
        2. Data Universal Numbering System (DUNS) number means the nine- or thirteen-digit number established and assigned by Dun and Bradstreet, Inc. (D&B) to uniquely identify business entities. A DUNS number may be obtained from D&B by telephone (currently 866-705-5711) or the Internet at www.fedgov.dnb.com/webform.
        3. Entity, as it is used in this award term, means all of the following, as defined at 2 C.F.R. Part 25, subpart C:
            a. A governmental organization, which is a state, local government, or Indian Tribe;
            b. A foreign public entity;
            c. A domestic or foreign non-profit organization;
            d. A domestic or foreign for-profit organization; and
            e. A federal agency, but only as a subrecipient under an award or subaward to a non-federal entity.
        4. Subaward:
            a. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
            b. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. ___.210 of the attachment to OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations").
            c. A subaward may be provided through any legal agreement, including an agreement that you consider a contract.
        5. Subrecipient means an entity that:
            a. Receives a subaward from you under this award; and
            b. Is accountable to you for the use of the federal funds provided by the subaward.

16. **Reporting Subawards and Executive Compensation.** The Office of Management and Budget requires federal agencies to include the following standard award term in all awards and cooperative agreements made on or after October 1, 2010:
    A. Reporting of first-tier subawards.
        1. Applicability. Unless you are exempt as provided in paragraph D. of this award term, you must report each action that obligates $25,000 or more in federal funds that does not include Recovery funds (as defined in section 1512(a)(2) of the American Recovery and Reinvestment Act of 2009, Pub. L. 111–5) for a subaward to an entity (see definitions in paragraph E. of this award term).
        2. Where and when to report.
            a. You must report each obligating action described in paragraph A.1. of this award term to www.fsrs.gov.
            b. For subaward information, report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)
        3. What to report. You must report the information about each obligating action that the submission instructions posted at www.fsrs.gov specify.

B. Reporting Total Compensation of Recipient Executives.
   1. Applicability and what to report. You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if—
      a. the total federal funding authorized to date under this award is $25,000 or more;
      b. in the preceding fiscal year, you received—
         I. 80 percent or more of your annual gross revenues from federal procurement contracts (and subcontracts) and federal financial assistance subject to the Transparency Act, as defined at 2 C.F.R. Part 170.320 (and subawards); and
         II. $25,000,000 or more in annual gross revenues from federal procurement contracts (and subcontracts) and federal financial assistance subject to the Transparency Act, as defined at 2 C.F.R. Part 170.320 (and subawards); and
      c. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at www.sec.gov/answers/execomp.htm.
   2. Where and when to report. You must report executive total compensation described in paragraph B.1. of this award term:
      a. As part of your registration profile at www.sam.gov.
      b. By the end of the month following the month in which this award is made, and annually thereafter.

C. Reporting of Total Compensation of Subrecipient Executives.
   1. Applicability and what to report. Unless you are exempt as provided in paragraph D. of this award term, for each first-tier subrecipient under this award, you shall report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if—
      a. in the subrecipient's preceding fiscal year, the subrecipient received—
         I. 80 percent or more of its annual gross revenues from federal procurement contracts (and subcontracts) and federal financial assistance subject to the Transparency Act, as defined at 2 C.F.R. 170.320 (and subawards); and
         II. $25,000,000 or more in annual gross revenues from federal procurement contracts (and subcontracts), and federal financial assistance subject to the Transparency Act (and subawards); and
      b. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at www.sec.gov/answers/execomp.htm.
   2. Where and when to report. You must report subrecipient executive total compensation described in paragraph C.1. of this award term:
      a. To the recipient.
      b. By the end of the month following the month during which you make the subaward.
         For example, if a subaward is obligated on any date during the month of October of a given year (i.e., between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.

D. Exemptions
   1. If, in the previous tax year, you had gross income, from all sources, under $300,000, you are exempt from the requirements to report:
      a. Subawards, and
      b. The total compensation of the five most highly compensated executives of any subrecipient.

E. Definitions. For purposes of this award term:
   1. Entity means all of the following, as defined in 2 C.F.R. Part 25:
      a. A governmental organization, which is a state, local government, or Indian Tribe;
      b. A foreign public entity;
      c. A domestic or foreign non-profit organization;
      d. A domestic or foreign for-profit organization;
      e. A federal agency, but only as a subrecipient under an award or subaward to a non-federal entity.
   2. Executive means officers, managing partners, or any other employees in management positions.
   3. Subaward:

a. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
b. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. ___.210 of the attachment to OMB Circular A–133, "Audits of States, Local Governments, and Non-Profit Organizations").
c. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.

4. Subrecipient means an entity that:
   a. Receives a subaward from you (the recipient) under this award; and
   b. Is accountable to you for the use of the federal funds provided by the subaward.
5. Total compensation means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 C.F.R. 229.402(c)(2)):
   a. Salary and bonus.
   b. Awards of stock, stock options, and stock appreciation rights. Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.
   c. Earnings for services under non-equity incentive plans. This does not include group life, health, hospitalization, or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.
   d. Change in pension value. This is the change in present value of defined benefit and actuarial pension plans.
   e. Above-market earnings on deferred compensation which is not tax-qualified.
   f. Other compensation, if the aggregate value of all such other compensation (e.g., severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds $10,000.

17. **Debarment and Suspension.** The recipient agrees not to award federal funds under this program to any party which is debarred or suspended from participation in Federal assistance programs.

18. **Employment Eligibility.** The recipient agrees to complete and keep on file, as appropriate, a Bureau of Citizenship and Immigration Services Employment Eligibility Verification Form (I-9). This form is to be used by recipients of federal funds to verify that persons are eligible to work in the United States.

19. **Whistleblower Protection.** The recipient agrees not to discharge, demote, or otherwise discriminate against an employee as reprisal for the employee disclosing information that he or she reasonably believes is evidence of gross mismanagement of a federal contract or award, a gross waste of federal funds, an abuse of authority relating to a federal contract or award, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a Federal contract (including the competition for or negotiation of a contract) or award. The recipient also agrees to provide to their employees in writing (in the predominant native language of the workforce) of the rights and remedies provided in 41 U.S.C. § 4712. Please see appendix F in the Award Owner's Manual for a full text of the statute.

20. **Mandatory Disclosure.** Recipients and subrecipients must timely disclose in writing to the COPS Office or pass-through entity, as applicable, all federal criminal law violations involving fraud, bribery, or gratuity that may potentially affect the awarded federal funding. Failure to make required disclosures can result in any of the remedies, including suspension and debarment, described in the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. § 200.338 as adopted by the U.S. Department of Justice in 2 C.F.R. § 2800.101.

21. **Conflict of Interest.** Recipients and subrecipients must disclose in writing to the COPS Office or pass-through entity, as applicable, any potential conflict of interest affecting the awarded federal funding in accordance with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. § 200.112 as adopted by the U.S. Department of Justice in 2 C.F.R. § 2800.101.

22. **Contract Provision.** All contracts made by the award recipients under the federal award must contain the provisions required under 2 C.F.R. Part 200, (Appendix II to Part 200—Contract Provisions for Non-Federal Entity Contracts Under Federal Awards), as adopted by the U.S. Department of Justice in 2 C.F.R. § 2800.101. Please see appendix G in the Award Owner's Manual for a full text of the contract provisions.

23. **Restrictions on Internal Confidentiality Agreements.** No recipient or subrecipient under this award, or entity that receives a contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts the lawful reporting of waste, fraud, or abuse to an investigative or law enforcement representative of a

federal department or agency authorized to receive such information.

24. **Recipient Integrity and Performance Matters.** The Office of Management and Budget requires federal awarding agencies to include the following standard award term in all awards over $500,000 made on or after January 1, 2016:
    A. Reporting of Matters Related to Recipient Integrity and Performance
        1. General Reporting Requirement
        If the total value of your currently active awards, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds $10,000,000 for any period of time during the period of performance of this Federal award, then you as the recipient during that period of time must maintain the currency of information reported to the System for Award Management (SAM) that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)) about civil, criminal, or administrative proceedings described in paragraph 2. of this award term and condition. This is a statutory requirement under section 872 of Public Law 110-417, as amended (41 U.S.C. 2313). As required by section 3010 of Public Law 111-212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.
        2. Proceedings About Which You Must Report
        Submit the information required about each proceeding that:
            a. Is in connection with the award or performance of an award, cooperative agreement, or procurement contract from the Federal Government;
            b. Reached its final disposition during the most recent five year period; and
            c. Is one of the following:
                (1) A criminal proceeding that resulted in a conviction, as defined in paragraph 5. of this award term and condition;
                (2) A civil proceeding that resulted in a finding of fault and liability and payment of a monetary fine, penalty, reimbursement, restitution, or damages of $5,000 or more;
                (3) An administrative proceeding, as defined in paragraph 5. Of this award term and condition, that resulted in a finding of fault and liability and your payment of either a monetary fine or penalty of $5,000 or more or reimbursement, restitution, or damages in excess of $100,000; or
                (4) Any other criminal, civil, or administrative proceeding if:
                    i. It could have led to an outcome described in paragraphs 2.c.(1), (2), or (3) of this award term and condition;
                    ii. It had a different disposition arrived at by consent or compromise with an acknowledgment of fault on your part; and
                    iii. The requirement in this award term and condition to disclose information about the proceeding does not conflict with applicable laws and regulations.
        3. Reporting Procedures
        Enter in the SAM Entity Management area the information that SAM requires about each proceeding described in paragraph 2. of this award term and condition. You do not need to submit the information a second time under assistance awards that you received if you already provided the information through SAM because you were required to do so under Federal procurement contracts that you were awarded.
        4. Reporting Frequency
        During any period of time when you are subject to the requirement in paragraph 1. of this award term and condition, you must report proceedings information through SAM for the most recent five year period, either to report new information about any proceeding(s) that you have not reported previously or affirm that there is no new information to report. Recipients that have Federal contract, award, and cooperative agreement awards with a cumulative total value greater than $10,000,000 must disclose semiannually any information about the criminal, civil, and administrative proceedings.
        5. Definitions
        For purposes of this award term and condition:
            a. Administrative proceeding means a non-judicial process that is adjudicatory in nature in order to make a determination of fault or liability (e.g., Securities and Exchange Commission Administrative proceedings, Civilian Board of Contract Appeals proceedings, and Armed Services Board of Contract Appeals proceedings). This includes proceedings at the Federal and State level but only in connection with performance of a Federal contract or award. It does not include audits, site visits, corrective plans, or inspection of deliverables.
            b. Conviction, for purposes of this award term and condition, means a judgment or conviction of a criminal offense by any court of

competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere.

c. Total value of currently active awards, cooperative agreements, and procurement contracts includes—
   (1) Only the Federal share of the funding under any Federal award with a recipient cost share or match; and
   (2) The value of all expected funding increments under a Federal award and options, even if not yet exercised.

25. **Contracts and/or MOUs with other Jurisdictions.** Sworn law enforcement officer positions awarded must be used for law enforcement activities or services that benefit your agency and the population that it serves. The items funded under the CHP award cannot be utilized by other agencies unless the items benefit the population that your agency serves. Your agency may use items funded under the CHP award to assist other law enforcement agencies under a resource sharing, mutual aid, or other agreement to address multi-jurisdictional issues as described in the agreement.

26. **Retention.** At the time of award application, your agency committed to retaining all sworn officer positions awarded under the CHP award with state and/or local funds for a minimum of 12 months following the conclusion of 36 months of federal funding for each position, over and above the number of locally-funded sworn officer positions that would have existed in the absence of the award. Your agency cannot satisfy the retention requirement by using CHP funded positions to fill locally-funded vacancies resulting from attrition.

27. **Community Policing.** Community policing activities to be initiated or enhanced by your agency and the officers funded by this award program were identified and described in your CHP award application. In sections VI(A) and (B), your agency developed a community policing plan for the CHP award with specific reference to a crime or disorder problem and the following elements of community policing: (a) problem solving—your agency's plan to assess and respond to the problem identified; (b) community partnerships and support, including related governmental and community initiatives that complement your agency's proposed use of CHP funding; and (c) organizational transformation—how your agency will use the funds to reorient its mission to community policing or enhance its involvement in and commitment to community policing. Throughout the CHP award period, your agency is required to implement the community policing plan it set forth in the CHP award application.

    The COPS Office defines community policing as a philosophy that promotes organizational strategies that support the systematic use of partnerships and problem-solving techniques to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime. CHP awards through the specific officers funded (or an equal number of redeployed veteran officers) must be used to initiate or enhance community policing activities. All newly hired additional or rehired officers (or an equal number of redeployed veteran officers) funded under CHP must implement your agency's approved community policing plan, which you described in your award application.

28. **Local Match.** Recipients are required to contribute a local match of at least 25 percent toward the total cost of the approved award project, unless waived in writing by the COPS Office. The local match must be a cash match from funds not previously budgeted for law enforcement purposes and must be paid during the award period. The local match contribution must be made on an increasing basis during each year of the three-year award period, with the federal share decreasing accordingly.

29. **School Resource Officer (SRO) Training Requirement.** COPS-funded SRO(s) are required to complete a National Association of School Resource Officers (NASRO) basic training course no later than nine months after the date shown on the award congratulatory letter. If a COPS-funded SRO leaves the recipient agency after completing the NASRO training, the recipient agrees to pay for the new SRO, who is assigned to backfill this position, to attend a NASRO basic training course. The new SRO must complete the training no later than nine months after being placed in the school.

Award Document Supplement

2016 COPS Hiring Program (CHP)

By signing the Award Document to accept this COPS Hiring Program (CHP) award, the recipient agrees to abide by the following Special Award Conditions and/or High Risk Conditions:

Special Award Conditions

Advancing Department of Justice Priority Crime Problem Awards

Your agency has been selected for a COPS Hiring Program (CHP) award to address a particular Department of Justice priority crime problem/focus area, based specifically on your CHP award application's community policing plan to improve your agency's public safety response to the critical issues of School Based Policing through School Resource Officers (SRO), Gun Violence, Homeland Security, Building Trust or Homicide Reduction.

Please be advised that, in accepting this award, your agency is agreeing to this Special Condition to its CHP award that requires your agency's COPS-funded officers (or an equivalent number of locally-funded officers) to initiate or enhance your agency's community policing plan to address one of the priority crime problems identified above. By signing the 2016 CHP award, your agency understands and agrees to the following:

- Your agency will implement the one specific community policing plan identified in your CHP award application;
- Your agency will address its specific priority crime problem throughout the entire CHP award period;
- Your agency will implement any organizational changes identified in its CHP award application in Section 6B, Questions 12 and 13;
- Your agency will cooperate with any award monitoring by the COPS Office to ensure that it is initiating or enhancing its community policing efforts to address its priority crime problem, which may include your agency having to respond to additional or modified reporting requirements.

Memorandum of Understanding Requirement

(School-based Policing through School Resource Officers Focus Area Only)

By signing the 2016 CHP award, recipients using CHP funding to hire and/or deploy School Resource Officers into schools understand and agree to the following:

- Your agency must submit a signed Memorandum of Understanding (MOU) between the law enforcement agency and the school partner(s) to the COPS Office before obligating or drawing down funds under this award. The MOU must be submitted to the COPS Office within 90 days of the date shown on the award congratulatory letter.
- Your agency's MOU must contain the following information;

- The purpose of the MOU
- Clearly defined roles and responsibilities of the school district and the law enforcement agency, focusing officers' roles on safety
- Information sharing
- Supervision responsibility and chain of command for the SRO
- Signatures

Note: Please refer to the MOU Fact Sheet for a detailed explanation of the requirements under each of the bullets

- Your agency's implementation of the CHP award without submission and acceptance of the required MOU may result in expenditures not being reimbursed by the COPS Office and/or award de-obligation.

2016 COPS Grant Narratives

Briefly describe the problem/focus area that you will address with these grant funds and your approach to the problem:

West St. Paul is a first ring city in the St. Paul/Minneapolis metro area. We share a physical border with St. Paul along with numerous criminals and other crime issues. Our neighborhoods are lower blue collar, concentrated and becoming extremely diverse in ethnicity and age. Most are either living on assistance or living on minimum wage jobs, some are illegal immigrants. More than 50% of our students are on free and reduced lunch programs. The city's housing stock is comprised of almost 50% rental units, with several of these being converted to group homes for individuals with numerous mental health and life challenges.

These demographics result in an excessive number of police calls. The City's Part 1 Crimes has always outpaced the less serious Part 2 Crimes. In the past few years there have been three homicides and one attempted homicide, including the homicide of a police officer. This level of violence is extremely unusual for a community of our size. As the police chief I am increasingly concerned these incidents are involving our communities of color and we do not have a relationship with them.

Our elderly population, along with our assisted living residents, means fixed incomes. As such, these community members have an inability to pay increased taxes. The City's financial concerns are further exasperated by a reduction in state provided local government aid and the elimination of the market value homestead credit program. In sum, as a developed metropolitan area with diminishing property values, our ability to tax to support needed services and resources is very challenging.

As mentioned above, our crime issues and demand for police services continue to grow. By any measure (per resident, per officer, etc.), West St Paul officers respond to more incidents than any police department in Dakota County, even those two and three times our size. This growing demand for police services has all but gutted our ability to conduct outreach efforts, spend time with citizens, staff community programs, and establish relationships with our growing diverse community groups. Our officers have become reactionary and can barely finish their incident reports at the end of their shifts.

This comes at a time when we need to reach out to our community members and establish those relationships. Moreover, I am concerned our police department does not mirror the make-up of our community. We need to be more proactive in our recruitment efforts; to do so requires a relationship and an involvement with those community members we wish to hire.

Our main issue is we simply do not have the resources to open the door to establishing trust through developing and maintaining relationships. One program we plan to initiate is a Multi-Cultural Advisory Committee (MAC). A MAC is a community committee that works with the police department to foster understanding of needs and wants of the community so the police department can better tailor its mission and focus on meeting specific community's needs. It also helps foster understanding of police procedure and tactics. Understanding that would hopefully avoid another Ferguson.

The community groups we wish to reach out to will be our Latino, Somali and African-American members, who are underrepresented both in the police department and in our elected official ranks. We will utilize nearby community centers, local churches, schools and various other local community groups to initiate our relationship building efforts. Once started and MAC members identified, the MAC will help guide the future development of our police-community relationship and how we provide police services. The officers hired under this program will help create much needed additional resources to implement these programs. Meeting with diverse members is just a start, following through on commitments and creating consistency with these various community groups is essential in building trust.

Please provide a narrative for each internal change to personnel management identified:

a) **Assignment of officers to specific neighborhoods or areas for longer periods of time to enhance customer service and facilitate more contact between police and citizens**

Several years ago our police department started a neighborhood officer project whereby specific officers are assigned to specific neighborhoods in the city to better understand the issues and concerns of that neighborhood. It was our first real effort to establish community-police relationships. Officers have done outreach projects to include picnics, coffee with a cop, safety programs and the like. However, the increasing workload of responding to crime calls has diminished this program to a mere shell. Moreover, upon analysis this program appears to be one way in that the police decide what and when the interaction will be.

The development of a Multi-Cultural Advisory Committee (MAC) is a much needed (and missing) part of our neighborhood outreach projects. Having various community members being a part of the MAC allows a mechanism for an exchange of ideas, concerns and needs, directly from those receiving police services. All too often police departments fail to recognize they are providing a

“service.” If our customers (i.e. community members) had a choice in the type of services they receive, how they receive it and who they get that service from, would they still chose our police department? Private for profit companies go to great lengths to understand and serve the wants and needs of their customer base; police departments must do the same.

The main change for our department will be the creation of a MAC. Allowing civilians to work directly with officers in the development of police services, the creation of programs and the conduct of officers is new to many police departments, including ours. Creating consensus of what constitutes success of the police mission and what actions will foster a greater sense of safety and trust between the police and the community can only be achieved through a dialog. Our MAC will be that platform in which community trust will be enhanced.

b) Recruitment and hiring practices that reflect an orientation towards problem solving and community engagement

Throughout this application I have referred to a Multi-Cultural Advisory Committee (MAC) as an essential element in our police department building trust with our diverse community groups. All too often these groups have experienced only negative police interaction. Many times this starts in their country of origin, whereby police agencies are just as corrupt as the criminals they are there to hold accountable.

I have noticed an uneasiness when dealing with certain minority members, even though the interaction was more social than official. From their experience it must be difficult for them to trust a police department that looks very differently than that of their family and friends. I have seen first-hand how familiarity of race within the police department fosters a relationship and trust. We had hired a Hispanic officer who immediately was able to establish relationships based on his looks and language skills. Latino’s and immigrants from all over Minnesota were calling his squad phone at all hours to ask questions and seek advice. Unfortunately, these types of officers are in high demand and he was wooed away by another police department.

We are hopeful our increased interaction though the MAC and bolstered outreach efforts will help those underrepresented groups to consider becoming a police officer. Larger police departments are able to have recruitment programs, we cannot. Our recruitment must come from our community efforts. While we cannot afford to pay for a possible police recruit’s education, we can create a desire to be a part of the police profession of that person’s own community.

c) Agency strategic plan that outlines the goals and objectives around community policing and other departmental priorities

Like most police agencies our focus has been on the reduction and/or the displacement of crime. After 30+ years in law enforcement I no longer believe that is an achievable goal and our focus misplaced. People need to feel safe and secure in where they live. What creates that feeling of safety can be unique to the individual and not necessarily in alignment with what police officers view as a priority. Police departments sometimes unknowingly encourage a miss focus by providing stats on crime and arrests, when community satisfaction and feelings of safety should be measured.

With the added personnel from this grant we are hopeful to create a dialog with our community on what their needs are, what factors increase their sense of safety and what metrics must be developed to measure progress and success towards these new goals.

Fighting crime and holding offenders accountable will always remain a primary focus of all police departments, but we will ensure our strategic goals and metrics encapsulate the needs and wants of our community members as well.

City of West St. Paul

TO: Mayor and City Council

THROUGH: City Manager

FROM: Public Works & Parks Director/City Engineer

DATE: November 14, 2016

SUBJECT: Approve Final Payment for 2015 Street Improvements – Project #15-1

BACKGROUND INFORMATION:
All work on the 2015 Street Improvement Project has been completed in accordance with the plans and specifications. This project involved improvements to Marie Avenue from Charlton Street to Livingston Avenue. The contractor, Danner, Inc., has submitted all necessary paperwork and a request for final payment. Staff is in favor of closing this project out and beginning the one-year warranty period.

FISCAL IMPACT:
The original contract for this project with Danner, Inc. was $1,828,908.41. The final amount of the contract for work completed is $1,711,744.01 which is 6.5% below the original contract amount. Final payment will be in the amount of $85,587.20.

		Amount
Fund:	**402**	
Department:	**43121**	
Account:	**41151**	**$85,587.20**

STAFF RECOMMENDATION:
Staff recommends that the City Council accept the work on the 2015 Street Improvements Project #15-1 and that final payment in the amount of $85,587.20 be made to Danner, Inc.

CITY OF WEST ST. PAUL
DAKOTA COUNTY, MINNESOTA

RESOLUTION NO. 16-__

A RESOLUTION IN SUPPORT OF DAKOTA COUNTY'S 2017-2021 CAPITAL IPMOREVMENT PROGRAM FOR TRANSPORTATION, PARKS AND BUILDINGS

WHEREAS, the West St. Paul City Council reviewed the 5-year Capital Improvement Program (CIP) at its regular Council meeting on November, 14, 2016; and

WHEREAS, the West St. Paul projects identified in the CIP plan are supported by the Council; and

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby supports the West St. Paul projects identified in the Dakota County 2017-2021 Capital Improvement Program for Transportation, Parks and Buildings.

Adopted by the City Council of the City of West St. Paul this 14th day of November, 2016.

_____	_____
David Meisinger, Mayor	Chantal Doriott, City Clerk

Dakota County Transportation CIP Process 2017-2021 – Requests from cities/townships

City of South St Paul	e-mail: June30, 2016
Request: CSAH 14 from Marie to 20th Ave. <u>Trails</u>: Sidewalk/trail CR 8 from TH 52 to 15th Ave Mississippi River Regional Trail requests County support – (no financial contribution) 2017-2018	County Response: CP 14-28 Construction 2017 <u>Trails:</u> Please include in Trail Set Aside solicitation. Request for support forwarded to Parks Dept.

City of West St Paul	Letter: June 28, 2016
Request: CSAH 8 (Wentworth) at CSAH 73 (Oakdale) construction of Roundabout 2017 CR 6 (Thompson) at CSAH 73 (Oakdale) intersection CSAH 8 (Wentworth) from CSAH 63 to Livingston 2019 <u>Bituminous Mill & Overlay:</u> CSAH 63 (Delaware Ave) from Marie Ave north to TH 149 (Dodd Rd) 2017 CSAH 73 (Oakdale Ave) form CSAH 8 (Wentworth) to Annapolis St 2017 CR 4 (Butler Ave) from CSAH 63 (Delaware) to Robert St 2018-2019 <u>Trails:</u> CSAH 73 (Oakdale Ave) from Mendota Rd to CSAH 8 (Wentworth Ave) subject to obtaining Federal Funds CR 6 (Thompson Ave) from TH 952 (Robert St) to CSAH 73 (Oakdale Ave) subject to golf course development 2018 River to River crossing of Robert Street in conjunction with redevelopment of golf course property & trail along CR 6 (Thompson Avenue)	County Response: CP 8-20 Programmed in 2016 CIP (starts after Robert Street construction completed) CP 6-06 Design Roundabout (Single Lane) 2018 ROW Acquisition 2019 Construction 2020 CP 8-21 Design 2017 ROW Acquisition 2018 Construction 2019 Will be assessed this spring for inclusion in 2017 Overlays. Draft 10.05.2016 <u>Trails:</u> Noted Noted . Study is underway to assess crossing needs and scope of work. Project programmed in previous Parks CIP.

TO: Mayor and City Council

THROUGH: City Manager

FROM: Public Works & Parks Director/City Engineer

DATE: November 14, 2016

SUBJECT: Approve Resolution of Support for Dakota County's 2017-2021 CIP

City of West St. Paul

BACKGROUND INFORMATION:
On June 27, 2016 City Council approved transportation project requests for Dakota County to include in their 2017-2021 Capital Improvement Program (CIP). Dakota County recently completed their 5-year draft CIP and has included the City's recommended projects. Dakota County requests that each city in the County formally adopt a resolution supporting their respective projects for inclusion in the 2017-2021 CIP.

The County has the following transportation projects within West St. Paul included in their CIP:

1. Mill and Overlay of Oakdale Ave. (County Rd. 73) from Wentworth Ave. (County Rd. 8) to Annapolis St. (2017). This will include repair/replacement of sanitary and storm sewer structures/castings as necessary.
2. Mill and Overlay of Delaware Ave. (County Rd. 63) from Marie Ave. to Dodd Road (this was previously thought to be in 2017, but was just pushed back to 2018.) This will include repair/replacement of sanitary and storm sewer structures/castings as necessary.
3. Mill and Overlay of Butler Ave. (County Rd. 4) from Delaware Ave. (County Rd. 63) to Robert Street. This will include repair/replacement of sanitary and storm sewer structures/castings as necessary (2018 or 2019)
4. Roundabout construction at Wentworth Ave. (County Rd. 8) and Oakdale Ave. (County Rd. 73) (2017).
5. Reconstruction of Wentworth Ave. (County Rd. 8) from Delaware Ave. (County Rd. 63) to Livingston Ave. (2019).
6. Roundabout construction at Oakdale Ave. (County Rd. 73) and Thompson Ave. (County Road 6) (2020)
7. Trails along Oakdale Ave. (County Rd. 73) from Mendota Rd. to Wentworth Ave. (County Rd. 8) subject to obtaining federal funding (Year TBD).
8. Trails along Thompson Ave. (County Rd. 6) from Robert St. to Oakdale Ave. (County Rd. 73). Timeline and placement will be dependent on the redevelopment of the golf course (2018).
9. River to River Greenway crossing of Robert Street. Dakota County is currently leading a study to look at grade separation versus at-grade crossing of Robert Street. Crossing would be influenced by the redevelopment of the golf course property and in conjunction with the trail along Thompson Ave. (2018).

FISCAL IMPACT:
The City's own draft 2017-2021 CIP (Capital Improvement Plan) includes funds to cover the estimated City share of the above-mentioned projects.

STAFF RECOMMENDATION:
Staff recommends that the City Council approve a resolution in support of Dakota County's 2017-2021 CIP.

Attachment: 1. Dakota County Draft CIP 2017-2021