City of West St. Paul
City Council Meeting Minutes
February 22, 2016 at 6:30 p.m.

1. Call to Order

Mayor David Meisinger called the meeting to order at 6:00 p.m.

2. Roll Call

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

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

3. Pledge of Allegiance

4. Adopt the Agenda

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

- Add 10.H. South Metro Fire Board appointment;

All members present voted aye. Motion carried.

5. OCWS Briefing

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

- I/I project
- YMCA

6. Robert Street Review

Director Beckwith gave an update:

- Signage along Robert Street has been done in compliance with state road designs. Some of the signs have been limited as well as size of signs being smaller. When you get to the do not enter and one-ways they recommended to only put in one sign. The agreement with MnDOT has been met.

7. Citizen Comments

John Margo, 190 East Thompson spoke in defense of Thompson Golf Course. Mr. Margo said he believes the golf course is parkland and will be totally paid for by 2022. The city bought the debt back, from the golf course, and bonds were issued and then the bonds were bought back by the city and the costs were distributed to various depts. He feels there is no reason to eliminate parkland under this situation.

8. Council Comments

Clpn. Armon reminded the public to contact their legislatures because it's important that additional funds are made available for the Robert Street project. Please show your support and contact:

Representative Tim Kelly at 651-296-8635 or tim.kelly@house.mn.us
Senator Scott Dibble at 612-293-7380 or senatordibble@gmail.com
Mark Dayton at 651-201-3400
Clpn. Pat Armon at parmon@wspmn.gov

Mayor Meisinger gave a "shout-out" to the South Robert Street Business Association for hosting the 1st Annual Winter Fun Fest at Marthaler Park last Saturday. The event was a huge success and the city is proud to have been a supporter of the event. The Mayor read a lengthy list of various community businesses that also supported the event. Thank you to all! The Mayor also said there was an inaccurate article in the St. Paul Pioneer Press "West St. Paul and National Guard in Talks for a New Joint Facility". We are not in discussion with the National Guard at this time. They need 10 acres and we do not have that land. We are not in discussions at this time.

Clpn. Iago reminded all of the March 1 Caucuses starting at 7:00 p.m. with additional information in the South West Review.

Republican Party
Heritage Middle School
121 Butler Ave W
West Saint Paul MN 55118-1308

Democratic-Farmer-Labor Party
Henry Sibley High School
1897 Delaware Ave
Mendota Heights MN 55118

9. Proclamations, Presentations and Recognitions

There were no items to present.

10. Consent Agenda

Motion was made by Clpn. Halverson and seconded by Clpn. Napier to approve the consent agenda as follows:

A. Council Regular Meeting Minutes and Work Session Minutes of February 8, 2015
B. List of Claims as presented
C. January 2016 General Fund Budget Report
D. January 2016 Investment Report
E. January 2016 Bank Reconciliation
F. Resolution No. 16- 17 Approval of the 2016 Temporary Seasonal Pay
G. Purchase of Public Works Capital Equipment
H. Resolution No. 16-24 Appointing Public Member (Dennis Wippermann) to the South Metro Fire Board.

All members present voted aye. Motion carried.

11. Public Hearing

A. Final Reading - Zoning Ordinance Amendment, Section 3.2 regarding the definition of Dwelling Unit – City of West St. Paul

Community Development Director Jim Hartshorn gave an overview. Per the first ordinance reading on January 25, 2016, staff has drafted the definition of Dwelling Unit. Since the current definition conflicts with the definition of "Family" in Section 435 of the City Code, Staff is proposing to remove the language "or a congregate residence of ten or less persons" from the definition.

Public hearing opened at 7:48 p.m.
No one wished to speak.
Public hearing closed at 7:48 p.m.

Motion was made by Clpn. Vitelli and seconded by Clpn. Halverson to adopt Ordinance No. 16-03 approving a Zoning Ordinance Amendment to Section 3.2 regarding the definition of a Dwelling Unit. All members present voted aye. Motion carried.

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

Community Development Director Jim Hartshorn gave an overview. Thomas Dodge is requesting approval of two applications for the subdivision of his properties at 1636 and 1708 Delaware Avenue: 1) Rezoning of 1636 Delaware from C, Conservancy to R-1C, Single Family, and 2) Plat to subdivide the existing two lots to four lots and one outlot. There are currently a total of three homes on the two properties, two homes located on the northern lot and one home located on the southern lot.

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

Public hearing opened at 7:54 p.m.
No one wished to speak.
Public hearing closed at 7:54 p.m.

Motion was made by Clpn. Iago and seconded by Clpn. Armon to approve of the first reading of an ordinance for the rezoning of 1636 Delaware Ave from C, Conservancy to R-1C, Single-Family Residential subject to the following condition:

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

And approval of the preliminary/final plat subject to the following conditions:

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

All members present voted aye. Motion carried.

12. New Business

A. City Advisory Committee & Public Agency Appointments

There are currently several vacancies on city advisory committees as well as current members whose terms are expiring. Pursuant to current City Code requirements, members of municipal advisory commissions are nominated by the Mayor and require confirmation by the Council. Mayor Meisinger has provided his recommended appointments and reappointments for the Environmental Committee, Park & Recreation Advisory Committee, and Planning Commission/Committee of Adjustments. It would be appropriate for the City Council to consider confirmation of his recommendations at this time, as shown on the attachment. Mayor Meisinger is also recommending that Tim Haubrich be appointed to the Charter Commission. This appointment will require confirmation by the Chief Judge of the Dakota County District Court. Finally, Mayor Meisinger is recommending that Scott Deyo be appointed to serve as the public member on the Lower Mississippi Watershed Management District.

Councilmembers Napier, Armon and Halverson would have liked to review the applications and had more input. Clpn. Bellows would like to be consistent when dealing with committee appointments. Attorney Land reminded Councilmembers that appointments were to be recommended by the Mayor and confirmed by Council.

Motion was made by Clpn. Vitelli and seconded by Clpn. Bellows to appoint and reappoint the following:

Environmental Committee – Kristy Otte and Sheila Williams-Ridge and Megan McGuire
Park & Recreation Advisory Committee – Brad Erickson
Planning Commission – Dan McPhillips and Morgan Kavanaugh
Charter Commission – Tim Haubrich and David Dyrhaug and Tim Valento with confirmation by the Chief Judge of Dakota County District Court
Lower Mississippi Watershed Management District – Scott Deyo

Clpns. Vitelli, Bellows, Iago and Napier voted aye. Clpn. Halverson voted nay. Clpn. Armon abstained. The motion carried.

B. Alcohol and Tobacco Compliance Check Failures, Hearings

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

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

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

Tobacco Compliance Check Failures

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

Alcohol Compliance Check Failures

- Booze Mart - 1673 Robert Street South

Motion was made by Clpn. Vitelli and seconded by Clpn. Napier to adopt Resolution No. 16-18 Imposing Sanctions upon retail Tobacco License holder Holiday Station Store on Robert Street. All members present voted aye. Motion carried.

Motion was made by Clpn. and seconded by Clpn. to adopt Resolution No. 16-19 Imposing Sanctions upon retail Tobacco License holder Smith Avenue Liquor. All members present voted aye. Motion carried.

Motion was made by Clpn. Napier and seconded by Clpn. Armon to adopt Resolution No. 16-20 Imposing Sanctions upon retail Tobacco License holder Inner City Oil (ICO) as presented. All members present voted aye. Motion carried.

Motion was made by Clpn. Iago and seconded by Clpn. Bellows to adopt Resolution No. 16-21 Imposing Sanctions upon retail Intoxicating Liquor License holder Booze Mart as presented. All members present voted aye. Motion carried.

C. Approve Land Swap at Sports Complex for Project #14-5

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

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

Comments:

- Clpn. Armon is uncomfortable with the location of the roundabout. He asked constituents to let him know if they have issues with the project.
- Mayor Meisinger asked what if the county didn't support this project. Director Beckwith said they may review the project in further detail.
- Clpn. Vitelli asked is it possible to shift the project due to house on northwest side? Director Beckwith said all options have been reviewed.
- Clpn. Armon said for now he will go along with the majority decision but if there is neighborhood reaction, please let him know.

Motion was made by Clpn. Napier and seconded by Clpn. Bellows to adopt Resolution No. 16-22 approving a land swap at the West St. Paul Sports Complex for a Roundabout Project at Wentworth and Oakdale Avenues. All members present voted aye. Motion carried.

Mayor Meisinger left the meeting at 7:25 p.m.

Mayor Pro Tem Ed Iago took over the meeting and introduced City Manager Matt Fulton to review the next item. The pay request item for Meisinger Construction is for a relative of the Mayor.

D. Approve Final Payments for Ice Arena Construction Projects

Manager Fulton gave an overview. With this action we will be done with the ice arena project and with your permission Manager Fulton will ask the financial partners for extra funds. Staff recommends that the City Council accept the work on the Bid Pack 1 project and that final payment in the amount of $62,986.45 be made to Commercial Refrigeration, and that the final $3500 in retainage be paid to Meisinger Construction since all matters with their contract have been resolved.

Comments:

- Clpn. Bellows said Council spent a good deal of time last time reviewing the contract and items that didn't go well with clean-up. Mr. Meisinger had no responsibility due to the contract and we owe them a bit of an apology since there was no responsibility on their part.
- Clpn. Vitelli's concern was the heating as the sub-contractor made a mistake. The refrigerator company had a bigger issue with clean-up. Clpn. Bellows said there is no criticism to other Councilmembers.

Motion was made by Clpn. vitelli and seconded by Clpn. Halverson to approve the final payment in the amount of $62,986.45 to Commercial Refrigeration and final payment in the amount of $3,500.00 to Meisinger Construction. All members present voted aye. Motion carried.

Mayor David Meisinger returned to the meeting at 7:28 p.m.

E. Ordinance Amendment to Chapter 50, Section 50.08 regarding discharge of prohibited clear water drainage; Sump Pumps and other modifications to I/I program

Mayor Meisinger gave additional information as the Council had discussed this at the work session held prior to this meeting. The attorney and staff are asking for a first reading on an ordinance amendment, as a preliminary consideration, and there is no second reading scheduled. The second reading will be scheduled when there is more clarification of the program. Manager Fulton added that staff is asking for authorization to hire a temporary employee to act as a liaison between the city and public for the I/I project. This is the position to work with homeowners on the program items.

The following modifications are being suggested to be implemented:

1. Hire a temporary employee to provide initial house preview to determine if the property is ready for inspection by SEH and assist property owners in understanding the overall steps required by this program to become compliant. The position description for this position is attached and the proposed rate is $20 to $25 per hour. The position would continue until the I/I program is completed. As part of this effort, the City would take more of a leadership role in helping property owners schedule and accomplish the necessary steps in becoming compliant.
2. Amend Chapter 50.08 of the City Code regarding the discharge of prohibited clear water drainage and sump pumps. The proposed changes simply are intended to clarify the responsibilities of homeowners to participate in the I/I program and ensuring that the sanitary sewer service line is available and accessible. The proposed language clarifies

penalties for not participating. The Council is being requested to have a first reading of the ordinance at its regular meeting on February 22. The proposed ordinance is attached.

3. In order to avoid street excavation, it is being recommended that any required sanitary sewer service line repairs be limited to no closer than two feet from the sanitary sewer main in the street. Any repair work that would necessitate excavation in the street would be noted in the City's records and corrected at the time of street reconstruction. This would shift the cost of these repairs to the City and would also preserve the integrity of the street which is a high community priority. Future costs for sanitary sewer main repairs would increase as a result of this approach and would need to be absorbed in municipal sewer rates.
4. A property would be considered compliant upon the submittal and review of a video and signed verification statement from the licensed plumbing company following all required repairs.
5. Fiscal impact: I/I Inspection Liaison is proposed at a $20 to $25 per hour. Hours will depend on need. Annualized, this position, working full-time, would be approximately $41,600 to $52,000 and funded through the Sanitary Sewer Fund. Additional city expenses relating to assuming reconstruction repairs to sanitary sewer service line/main repair is not possible to calculate at this time and would be incorporated within the capital budget for the Sanitary Sewer Fund. Eliminating a final inspection by SEH will save the City $200 per inspection.

Comments:

- Clpn. Halverson can't support the ordinance. She would like to review the I/I program. She does appreciate the work that staff has done.
- Clpn. Bellows agrees there are issues but he supports hiring an individual to work with the public on the program.

Motion was made by Clpn. Bellows and seconded by Clpn. Napier to approve the first reading of an Ordinance amendment as presented. Clpn. Bellows, Vitelli, Napier and Armon voted aye. Clpns. Iago and Halverson voted nay. Motion carried.

Mayor asked for a motion to hire the liaison position. The motion is entered after the comments. Clpns. Vitelli and Napier are in favor.

Comments:

- Clpn. Halverson supports a liaison but does not support a relationship with SEH. Manager Fulton said staff will be working with SEH.
- Clpns. Bellows and Napier support hiring an individual to work with the property owners on their specific I/I issues. This would be a staff person and not a consultant. Hopefully they can identify if there is a sump pump and if it's being illegally discharged.
- Clpn. Halverson thinks this would be a good first step but she is having trouble because it's undefined – what process is the liaison going to be doing and saying to the property owner. She supports the site inspections.
- Clpn. Iago hiring this person is a step in the right direction and staff will train them correctly to identify the issues. He is not in favor of the ordinance language but is in favor of a liaison. Manager Fulton said Clpn. Iago summarized that nicely. We have issues with

the Met Council and we need to deal with the I/I mandates. It is complicated and confusing and hopefully we will maximize this employee hire. We have four weeks to define the duties of the individual. This person will be a liaison to whatever our program moves into. We are mandated by the state to deal with our I/I issues.

- Mayor Meisinger said, if there are any suggestions as to what this person should be doing, please send an email to Manager Fulton. Let's make this simple and efficient.
- Clpn. Bellows asked for clarification and Manager Fulton further explained that this person is a liaison. This new city staff person (liaison) will look to see if there is sump pump. They will review if the property has a sump pump and proper access to the sewer lines. Manager Fulton said by the time we get this person on board, hopefully the Council will have provided additional direction for corrective action. Mayor Meisinger noted there needs to be a second reading for the ordinance to be in effect.

Motion was made by Clpn. Napier and seconded by Clpn. Vitelli to hire a liaison to work with city staff and address the I/I issues. All members present voted aye. Motion carried.

F. Resolution Supporting Pollinators and Pollinator Habitat

Public Works and Parks Director Ross Beckwith gave an overview. City Council directed staff to work with the Environmental Committee to develop a resolution to designate West St. Paul as a "Pollinator Friendly City". The West St. Paul Environmental Committee researched and developed the attached resolution at their January 6, 2016 meeting. Also, ISD 197 has recently become the first school district in Minnesota to pass a similar "Pollinator Friendly" resolution.

The highlights of the resolution include:

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

Motion was made by Clpn. Vitelli and seconded by Clpn. Bellows to adopt Resolution No. 16-23 Supporting Pollinators and Pollinator Habitat. All members present voted aye. Motion carried.

G. Temporary Rental License Application for 911 Cherokee Ave - St. James Evangelical Lutheran Church

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

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

Doug Grim spoke on behalf of the temporary license for the church. Thank you to mayor, council and staff especially Ben Boike. To his understanding, the church meets the requirements. Denying this application would likely result in the church owning a vacant property. Also consider the tax review from this property. In 2015 the tax revenue was $5448.00. Please grant this license.

Comments:

- Clpn. Bellows was under the impression there are other properties owned by the church. That is correct. There are three total rental properties. I think you went into this knowing you exceed the density. Mr. Grim said we were aware of the ordinance however we were working with this property owner since 2008. Clpn. Bellows added further comment about concerns and he is not in support.
- Clpn. Vitelli mentioned tax value. The church has not officially voted on what to do with the properties at this time but there is a committee working on a recommendation.
- Mayor Meisinger said he has a tie vote but he could not support this proposal.
- Clpn. Iago said council has pretty much stayed true to the ordinance in the past. The church pretty much bought this property with their eyes wide open and he is reluctant to approve this application.
- St. James is aware of the concern that there are many landlords in West St. Paul and unfortunately they are abusing their rental license. He wanted to make it clear that St. James tenants are not abusing the rental license. The church purchased properties for long term growth. He understands the ordinance and appreciates the time. Mayor Meisinger said if there is a shorter term basis it might be addressed again, in the future.

Motion was made by Clpn. Bellows and seconded by Clpn. Halverson to deny the request of St. James, 911 Cherokee Avenue for the temporary rental license as proposed. Motion amended by Clpn. Armon and seconded by Clpn. Bellows to include refunding reimbursement of the application fee. All members present voted aye. Motion carried.

13. Old Business

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

Ross Beckwith gave an overview of minor work order (MWO) revisions. Below is a brief description of each minor work order change:

1. $8,712.78 – MWO 1 is payment for piling purchased, but not needed. There is a net savings of $50,488 since the watermain did not need to be installed on piling. This cost will be attributed to St. Paul Regional Water as a watermain expense.
2. $1,063.01 – MWO 2 is for a change to storm sewer manholes once they were delivered to fit an existing storm sewer line.
3. $1,497.47 – MWO 3 is for changes to three storm sewer structures once they were delivered to fit existing public underground utilities.
4. $10,935.87 – MWO 4 is for a revision to the storm sewer at the Menard's driveway.
5. $2,580.09 – MWO 5 is for larger fittings and pipe at an existing water service line at O'Reilly's Auto Parts store.
6. $1,552.29 – MWO 6 is the modification of a storm sewer structure due to a private utility conflict.
7. $4,070.00 – MWO 7 is the application of an anti-graffiti coating for the retaining walls south of Butler Avenue.
8. $17,495.00 – MWO 8 is the addition of stair railings at five properties where stairs were replaced with the construction of new retaining walls.
9. $2,973.57 – MWO 9 is for re-grading five residential yards to better match the top of the new wall elevations.
10. $1,888.47 – MWO 10 is for tying in a storm sewer line from an apartment parking lot just south of Plaza TV.
11. $1,010.51 – MWO 11 is for disposal of miscellaneous waste such as railroad ties which were found in the subgrade.
12. $6,107.50 – MWO 12 is for miscellaneous watermain service and valve repairs at five locations. This cost will be attributed to St. Paul Regional Water as a watermain expense.
13. $1,134.37 – MWO 13 is the repair of a sanitary sewer service line.
14. $22,374.39 – MWO 14 is for temporary pavement markings at the end of 2015. Due to the temperatures last fall, epoxy paint could not be put down at that time. Temporary latex striping allowed the roadway to open to traffic.

Council offered comments and clarification of what minor work change orders means. Director Beckwith said these changes are consistent with projects and should not be a concern.

Motion was made by Clpn. Vitelli and seconded by Clpn. Napier to approve the minor work change orders as presented. Clpns. Vitelli, Napier, Armon, Bellows and Halverson voted aye. Clpn. Iago voted nay. Motion carried.

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

Public Works and Parks Director Ross Beckwith gave an overview.

Comments:

- Mayor Meisinger believes $37,000 for site supervision is an excess in the contract amount. We lost numerous work days due to rain and we have seen no credit. We have no documentation that this was spent by Bolton and Menk and now we have to pay them. He is concerned. Manager Fulton said staff should have brought this back sooner and

made a mistake in not notifying Council when the extension was approved and there would be additional costs. We did look at the week Clpn. Napier was concerned about and there was work done during that week. We were not billed for Friday as there was no work done that day.

- Mayor Meisinger added further comments. There is no risk for the contractor and we need a little more protection for these additional costs that can be added to a contract.
- Clpn. Napier said if there is not work being done on a single day; we should call them up and find out why, on that day. In the future we need to pay attention to this. Unfortunately, city staff was thin last year. Reminder that contractors could have other projects they are working on. There is more to this story.
- Director Beckwith said that part of the problem is that contractors sometimes work on more than one project at a time. Giving a contractor a time line is sometimes more effective. Council added additional comments.

Motion was made by Clpn. Vitelli and seconded by Clpn. Napier to approve payment to Bolton & Menk for engineering on the 2015 Improvements project #15-1 as presented. All members present voted aye. Motion carried.

14. Adjourn

Motion was made by Clpn. Vitelli and seconded by Clpn. Armon to adjourn the meeting at 8:18 p.m. All members present voted aye. Motion carried.

David Meisinger
Mayor
City of West St. Paul

Resolution No. 16-17

2016 TEMPORARY/SEASONAL EMPLOYEES HOURLY WAGES

PARKS & PUBLIC WORKS

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

RECREATION

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

ICE ARENA

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

GOLF COURSE

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

THOMPSON PARK ACTIVITY CENTER (TPAC)

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

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 MaintenanceTechnician	$18.00 - $30.00
Custodian	$9.00 - $11.00 (Starting wage $9.50 effective 8-1-16)
Code Enforcement Assistant	$15.00 - $18.00
Election Judge	$9.50 - $11.50
Head Election Judge	$11.00 - $12.50
HR Assistant	$17.00 - $26.00
Intern	$10.00 - $25.00

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

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

Ayes: 6 Nays: 0

David Meisinger, Mayor

Attest:

Chantal Doriott, City Clerk

City of West St. Paul
Dakota County, Minnesota

RESOLUTION NO. 16-18

RESOLUTION IMPOSING SANCTIONS UPON RETAIL TOBACCO LICENSE HOLDER HOLIDAY STATION STORES

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

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

FINDINGS

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

1.01 The hearing was held on Monday, February 22, 2016, in the Council Chambers in City Hall, located at 1616 Humboldt Avenue, West St. Paul, MN.

1.02 At the hearing all persons who appeared and desired to be heard, were heard.

CONCLUSION

2.01 Based upon the evidence presented at the hearing, the City Council concludes that the retail license holder for the premises at 1845 Robert Street South (Holiday Station Store) failed to comply with an applicable statute in that tobacco was sold to a minor on November 12, 2015 in the licensed establishment.

2.02 The following sanctions are imposed for the violation:

a) A $75 civil penalty is imposed against license holder;

b) The individual who sold the tobacco will pay a $100 civil penalty;

c) The civil penalties must be paid within 45 days of being invoiced by the City;

d) No employees may sell regulated products (i.e. alcohol or tobacco) without first receiving training on the store's age verification policy and subsequent penalties for violating these requirements; and

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

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

Ayes: 6 Nays: 0

Attest:

David Meisinger, Mayor

Chantel Doriott, City Clerk

City of West St. Paul
Dakota County, Minnesota

RESOLUTION NO. 16-19

RESOLUTION IMPOSING SANCTIONS UPON RETAIL TOBACCO LICENSE HOLDER SMITH AVENUE LIQUORS

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

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

FINDINGS

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

1.01 The hearing was held on Monday, February 22, 2016, in the Council Chambers in City Hall, located at 1616 Humboldt Avenue, West St. Paul, MN.

1.02 At the hearing all persons who appeared and desired to be heard, were heard.

CONCLUSION

2.01 Based upon the evidence presented at the hearing, the City Council concludes that the retail license holder for the premises at 977 Smith Avenue South (Smith Avenue Liquors) failed to comply with an applicable statute in that tobacco was sold to a minor on November 12, 2015 in the licensed establishment.

2.02 The following sanctions are imposed for the violation:

a) A $75 civil penalty is imposed against license holder;

b) The individual who sold the tobacco will pay a $50 civil penalty;

c) The civil penalties must be paid within 45 days of notice of payment;

d) The license holder will work with the police department to develop a written age verification policy for the store and an articulated procedure for all clerks to conduct sales on potentially underage persons; and

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

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

Ayes: 6 Nays: 0

Attest:

David Meisinger, Mayor

Chantel Doriott, City Clerk

City of West St. Paul
Dakota County, Minnesota

RESOLUTION NO. 16-20

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

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

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

FINDINGS

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

1.01 The hearing was held on Monday, February 22, 2016, in the Council Chambers in City Hall, located at 1616 Humboldt Avenue, West St. Paul, MN.

1.02 At the hearing all persons who appeared and desired to be heard, were heard.

CONCLUSION

2.01 Based upon the evidence presented at the hearing, the City Council concludes that the retail license holder for the premises at 247 Wentworth Avenue West (Inner City Oil) failed to comply with an applicable statute in that tobacco was sold to a minor on November 12, 2015 in the licensed establishment.

2.02 The following sanctions are imposed for the violation:

a) A $75 civil penalty is imposed against license holder;

b) The individual who sold the tobacco will pay a $75 civil penalty;

c) The civil penalties must be paid within 45 days of being invoiced by the City;

d) No employees may sell regulated products (i.e. alcohol or tobacco) without first receiving training on the store's age verification policy and subsequent penalties for violating these requirements; and

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

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

Ayes: 6 Nays: 0

Attest:

David Meisinger, Mayor

Chantel Doriott, City Clerk

City of West St. Paul
Dakota County, Minnesota

RESOLUTION NO. 16-21

RESOLUTION IMPOSING SANCTIONS UPON RETAIL INTOXICATING LIQUOR LICENSE HOLDER BOOZE MART

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

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

FINDINGS

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

1.01 The hearing was held on Monday, February 22, 2016, in the Council Chambers in City Hall, located at 1616 Humboldt Avenue, West St. Paul, MN.

1.02 At the hearing all persons who appeared and desired to be heard, were heard.

CONCLUSION

2.01 Based upon the evidence presented at the hearing, the City Council concludes that the retail license holder for the premises at 1673 South Robert Street (Booze Mart) failed to comply with an applicable statute in that an alcoholic beverage was sold to an underage person on November 18, 2015, in the licensed establishment.

2.02 The following sanctions are imposed for the violation:

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

b) If the value of the alternative to the penalty does not meet or exceed the penalty amount of $500, the license holder must pay the difference as a civil penalty;

c) The licensee must pay any civil penalty due within 30 days of being invoiced by the City;

d) While holding a City-issued alcohol license, a representative from this establishment will attend any future City-sponsored alcohol compliance training when notified or a similar program approved by the police chief. Employees should receive annual training; and

e) While holding a City-issued alcohol license, the license holder must document and maintain the signatures and dates of any alcohol training their employee's receive. This list must be up kept to date and made available to the police department upon a reasonable request.

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

Attest:

David Meisinger, Mayor

Chantel Doriott, City Clerk

CITY OF WEST ST. PAUL
DAKOTA COUNTY, MINNESOTA

RESOLUTION NO. 16-22

A Resolution Approving a Land Swamp at the West St. Paul Sports Complex for a Roundabout Project at Wentworth Avenue and Oakdale Avenue

WHEREAS, the City of West St. Paul recognizes the importance of collaborative projects and the significant role in the County-lead roundabout project #14-5 at Wentworth Avenue (CSAH 8) and Oakdale Avenue (CSAH 73); and

WHEREAS, the project will entail right-of-way acquisition from the northwest corner of the West St. Paul Sports Complex; and

WHEREAS, due to Minnesota Department of Natural Resources (DNR) funding requirements for the West St. Paul Sports Complex the DNR has temporarily approved a land swap pending the appraisal for the property to be acquired through the project and the property proposed as replaced parkland; and

WHEREAS, the appraised value of the acquired portion is $12,000.00 and the appraised parkland value is $20,000.00; and

WHEREAS, the West St. Paul City Council has reviewed the appraised values and approved the land swap at the West St. Paul Sports Complex for construction of a roundabout.

NOW, THEREFORE, BE IT RESOLVED, that the City of West St. Paul recognizes and supports a land swap at the Sports Complex for the Wentworth and Oakdale Avenues Roundabout Project #14-5.

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

David Meisinger, Mayor

Chantal M. Doriott, City Clerk

CITY OF WEST ST. PAUL
RESOLUTION NO. 16-23

RESOLUTION SUPPORTING POLLINATORS AND POLLINATOR HABITAT

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

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

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

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

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

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

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

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

1. The City shall undertake its best efforts to become a Bee-Safe City by implementing best management practices in the use of plantings and pesticides in all public spaces within the city.

2. The City shall refrain from the use of systemic pesticides known to be harmful to pollinators, specifically but not limited to those that contain neonicotinoid.

3. The City shall undertake its best efforts to plant flowers favorable to bees and other pollinators in the City's public spaces.

4. The City shall designate Bee-Safe areas in which future City plantings are free from systemic pesticides including neonicotinoids.

5. The City shall undertake best efforts to communicate to West St. Paul residents the importance of creating and maintaining a pollinator-friendly habitat.

6. The City shall publish a Bee-Safe City Progress Report on an annual basis.

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

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

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

Ayes: 6 Nays: 0

David Meisinger, Mayor

Attest:

Chantal Doriott, City Clerk

RESOLUTION NO. 16-24

WEST ST. PAUL
DAKOTA COUNTY, MINNESOTA

RESOLUTION APPOINTING PUBLIC MEMBER
TO THE SOUTH METRO FIRE BOARD

WHEREAS, the governing body of the South Metro Fire Department is made up of two members of each City Council and one public member; and

WHEREAS, the South Metro Fire Board ("Board") received one application for the public member; and

WHEREAS, pursuant to the Joint Powers Agreement, the Board approved the following name for consideration as the public member:

1. Dennis Wippermann

WHEREAS, the West St. Paul and South St. Paul City Councils must rank the nominees in order of preference, with one (1) being the highest. If a nominee receives the same ranking on each list, then that nominee shall be appointed.

NOW THEREFORE BE IT RESOLVED that the West St. Paul City Council ranks the nominee in the following order:

1. Dennis Wippermann

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

Ayes: 6 Nays: 0

David Meisinger, Mayor

Attest:

Chantal Doriott, City Clerk

Ord. No. 16-02

CITY OF WEST ST. PAUL
DAKOTA COUNTY, MINNESOTA

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

The City Council of West St. Paul does ordain:

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

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

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

Passed this 22nd day of February, 2016.

Ayes: 6 Nays: 0

David Meisinger, Mayor

Attest:

Chantal Doriott, City Clerk