

**City of West St. Paul
City Council Meeting Minutes
April 25, 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. Armon and seconded by Clpn. Bellows to adopt the agenda with the following change:

- Remove 12C under new business to be continued.

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:

- Trash storage and temporary storage containers
- Crosswalk at Livingston and Marie Avenues

6. Robert Street Review

Public Works Director Ross Beckwith gave an update:

- April has been a little wet so it's been a slow week;
- Two contractors on the north end are working on concrete work with drainage and the median;
- Lane closures move so stay aware; and
- To the south – watermain repairs at Wentworth; this week storm sewer and excavation in this area.

- Closure on May 2 at 5:00 a.m. at Thompson for watermain work - this was pushed back from this week. The detour route is Emerson to Oakdale and back to Wentworth. This is a little trickier of a closure. Local business access only.
- Striping at Livingston and Wentworth will commence and have dedicated left lanes.
- Thanks to the motorists for taking your time and maneuvering the detours. It's been noticed and appreciated by the workers in these areas.

7. Citizen Comments

- Karen Zumach, 934 Menoman Ave. is the Vice President and Director at Tree Trust. She spoke about issues with Emerald Ash Borer and about the budget set by Council. The budget is quite low for funding of these diseased trees. She asked Council to consider the number of trees on public and private properties, costs, and the financial burden to property owners. She also asked if the city will update the ordinance. The loss of trees could have a terrible impact. Mayor indicated we budgeted around \$20,000 for this year and \$30,000 for next year. There is a plan in affect. It's our intent to have this on our next OCWS. Karen asked that going forward staff and Council keep the information public so community members know we are doing something about this issue. Clpn. Napier thanked Karen for her work on this issue and also thanked Assistant Park Director Dave Schletty and the Environmental Committee.
- Michel Orange, 1211 Bidwell Street, has his own environmental company and works with Rainbow Tree. He said the Emerald Ash Borer infestation is no small thing and is very serious. The policy is a good start but is inadequate. Six months ago he offered to do the work he does for Rainbow Tree pro bono, for West St. Paul. The model he has developed offers various ways to suppress the pest and minimize costs. This is the third time he makes this offer to assist the city with tree inventory and other aspects of the infestation. He gave information on other cities he has worked with and their plans and minimization to this pest issue. Council is interested in the offer. What would you need to complete the work? Complete tree inventory information and general information. Mayor Meisinger asked Manager Fulton to work with Mr. Orange and Director Schletty on this proposal.

8. Council Comments

Clpn. Bellows said there is a lot of street work so please be careful and watch for pedestrians. The striping is not the same on side streets as it was on Robert Street.

Clpn. Halverson supports the 7th Annual Sexual Assault event. Please contact Clpn. Halverson if you are interested in supporting this cause jhalverson@wspmn.gov.

Clpn. Armon gave thanks for helping clean up on Saturday. Also Mother's Day is coming up and there is no reason to shop anywhere else but West St. Paul for floral needs. Also, call the Governor at 651-201-3400 and Tim Kelly at 651-296-8635 in support of the transportation bills.

Mayor Meisinger said the annual open house is May 18 and held in conjunction with WSP Days. He attended a past WSP Days kick-off dinner and announced the Grand Marshals - Michelle, Erin and Amy Patrick; Officer Scott Patrick's family. The Mayor appreciates everyone who

supported the event. The annual Shred event is this Saturday from 9:00 to 12:00 noon. Condolences to John Rhea Jr.'s family. John was a regular Council attendee and will be missed.

Clpn. Iago said a constituent mentioned that he had been hearing a lot more sirens recently, so Clpn. Iago did some checking and between police and fire there were 90 calls the first 90 days of this year. Our public safety people are very busy and they are out there doing a lot of things protecting us.

Clpn. Napier mentioned the Kiwanis breakfast on May 22 and all proceeds sponsor scholarships at the high school. He also asked everyone to dine and shop on Robert Street; please support these businesses despite the small inconvenience.

Clpn. Vitelli said thank you and complimented Henry Sibley High School who put on the play Grease. They did a great job. Here's a shout out for your hard work.

Public comment: We do have a circulator bus perusing Robert Street and the drive times are listed on the website.

9. Proclamations, Presentations and Recognitions

There were no items to present at this meeting.

10. Consent Agenda

- A. City Council Meeting Minutes – OCWS and regular meeting from March 28 and OCWS and regular meeting from April 11;
- B. List of Claims through today;
- C. March 2016 General Fund Budget Report;
- D. City Licensing – produce sales and off site gambling on May 21, application for Kowalski on May 15
- E. Interim Use Permit to allow Outdoor Display/Sale of Plants and a Food Stand - 2001 Robert St. (Cub Foods)
- F. Local Government Resolution No. 16-38 in Support of a MIF Program Application

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

11. Public Hearing

A. Public Hearing and consideration of Ordinance granting Cable Communication franchise to Century

Northern Dakota County Cable Commission (NDC4) includes the Cities of Inver Grove Heights, Lilydale, Mendota, Mendota Heights, Sunfish Lake, South St. Paul, and West St Paul. NDC4 administers and enforces cable communication franchises on behalf of its member cities. Qwest Broadband Services, Inc. d/b/a CenturyLink, Inc (CenturyLink) approached NDC4 and each of

the member cities seeking a cable communications franchise. On behalf of the member cities, NDC4 followed the franchise procedure required by Minnesota Statutes as it responded to that request. The City Council held the first reading of the proposed Ordinance granting a Cable Communication Franchise to Qwest, DBA CenturyLink at its March 28 meeting.

After considerable discussion with CenturyLink representatives, NDC4 staff and legal counsel have negotiated recommended terms and conditions for a competitive cable franchise. Granting of a cable franchise to CenturyLink requires the enactment of an Ordinance by each of the member Cities. The Council is being requested this evening to hold the public hearing on this issue and consider its approval.

Comments:

- If franchise is adopted CenturyLink will begin advertising and allow residents to review companies and needs. It's a competitive choice for the people of West St. Paul.
- Ms. Miller assures the Council that we had the best representation during this process. Mr. Grogan is an attorney who represented NDC4 through the entire process. He has experience nationwide and this gives our community members other cable options.
- Something that we might see is some door to door solicitation. They would need a license. NDC4 Director Jodie Miller is also Director of the cable commission and she could assist a community person if there are issues.
- How is CenturyLink going to deliver their product? There are two separate wires – Century Link is using wires and fiber through IP and will deliver to one channel to your home at one time. Functionally the subscriber will notice little difference. The construction in the city – we hope they continue to invest in fiber and we hope they leverage existing assets.

The public hearing opened at 7:11 p.m.

No one wished to speak.

The public hearing closed at 7:11 p.m.

Motion was made by Clpn. Bellows to approve the findings of fact and adopt the Ordinance granting a Cable Communications Franchise to CenturyLink as proposed. All members present voted aye. Motion carried.

12. New Business

A. Consider amendments to City Code Chapter 50 Section 50.08 regarding discharge of prohibited clear water drainage; Sump Pumps

Manager Fulton gave an overview of the I/I program and first reading of an ordinance to amend Chapter 50 addressing our I/I issues. The intent is that a second reading will be held on May 9. Staff is recommending, and has Met Council staff support, changes to the I/I the program as follows:

- Effective July 1, 2016, change the I/I program to be something that is required to be dealt with at the time of selling a owner-occupied residential property. An I/I compliance inspection would need to occur prior to the sale of the property. This inspection would be conducted at no expense; provided an access point is made available and service line roots do not impede the ability to inspect the sanitary sewer service line. Any areas of non-compliance would need to be corrected within 12 months of the sale of the property. The owner/buyer would need to negotiate whose responsibility it is to correct any non-compliance areas.
- During the City's annual street repair program, inspections would be conducted on properties adjacent to the construction work so that any problems at the sanitary sewer main can be identified and planned for. Impacted property owners will be encouraged, but not required, to address I/I issues during the street improvement project and to work collaboratively as a neighborhood, to take advantage of the road being opened which possibly could save property owners money.
- Effective July 1, 2016, bringing rental properties into compliance would become a requirement for receiving a rental license to operate in the City. Rental properties would be required to bring the licensed facility into compliance within 24 months of receiving their next annual rental license. I/I compliance would need to be verified every 12 years. Rental properties would be responsible for identifying and correcting all internal I/I issues. The City would only inspect the service line(s) connecting to the sanitary main.
- Effective July 1, 2016, Commercial properties and Homeowner Associations would be required to become compliant within 24 months of the ordinance being approved. I/I compliance would need to be verified every 12 years after receiving first notice of compliance. The City would only inspect the service line(s) connecting to the sanitary main.
- Street excavation for correcting I/I non-compliance issues would be prohibited, except under unique circumstances as approved by the City Engineer. Any required I/I repairs within the right of way area would need to be done from outside of the right of way and not come any closer than two feet from the Sanitary Sewer main.
- The City would address any needed sanitary service line connection repairs at the time of undertaking sanitary sewermain improvements. Any repairs to the service line connection during such a project would be the financial responsibility of the City.
- Monthly surcharges for not correcting I/I non-compliance areas within the allowed timeframes would be implemented and enforced.
- Staff would recommend the I/I program be brought in house and managed through the City's Public Works Department. The City Council has already approved the hiring of an I/I liaison, who would now also be the person undertaking the inspections as well. This approach will save the City significant resources and help ensure accountability, customer friendliness, and quality of the program, including helping residents and businesses get through the process. Inspections would be scheduled through the City.
- The City would continue its current process of reimbursing 15% of all I/I repair costs for an individual property up to \$5,000 as well as provide the opportunity to have remaining I/I repair costs special assessed to the property and paid for over a ten year period at a very low interest rate. Given the "point of sale" nature of the program, the number of special assessments used for correcting I/I should be fewer as property equity is used to

cover repair costs. Deferred assessments for income qualifying seniors would also continue to be provided.

- Staff would also propose a significant community educational campaign to help property owners understand the changes to the program and importance of correcting I/I issues.

The program, as proposed, would result in around 400 to 500 annual inspections. The Met Council is aware, and is comfortable with a longer time frame for eliminating I/I, provided the City continues to make concerted progress. Should the City Council endorse this suggested approach, the following steps would be immediately taken:

- Introduce the amended I/I ordinance and set the public hearing date and final passage for May 9, 2016.
- A letter would be sent out immediately notifying all property owners currently in the process of dealing with I/I compliance repairs of the City Council's intent to modify the program as described above. Property owners will be told it will be their option whether to proceed at this time or hold off until the sale of their property to address the I/I compliance issue. The proposed letter is attached.
- Staff will work with the Met Council staff to develop a Memorandum of Understanding ensuring the acceptability of this approach without worry of subsequent surcharges until the City is substantively completed with I/I repairs.
- Staff will arrange opportunities, including the upcoming City Open House, West St. Paul Days, and ROMA meetings, and utilize social media for informing and educating the community about the program changes and I/I generally.
- A communication strategy will be developed for informing the real estate community about this additional requirement as well as the County so that this new requirement is included with property transactions. The new regulation will be placed on the St Paul Area Association of Realtors (SPAAR) website.
- Staff will work out a transition plan with SEH, allowing for current inspections to be completed and work transitioned to the City, as the new I/I Liaison joins the City organization and gets comfortable in his/her new role.
- Staff would proceed in acquiring the capital equipment necessary for undertaking the inspections. The most significant component of this will be the purchase of two cameras, which cost generally \$10,000 each.
- Staff would continue in its recruitment efforts for a qualified individual for performing the inspection, liaison, and administrative activities involved with the program.

SEH was paid \$211,467 in 2015 for its work on conducting I/I inspections. The expected cost for an in-house inspection program would be approximately \$68,800 including salary/benefits and initial office setup expenses. Capital expenses relating to the purchase of two cameras would be approximately \$20,000. First year annual savings would be approximately \$123,000.

Comments:

- Clarification – if someone wanted to do repairs now they can deal with the issue now. Every property will have to deal with the issue – it's either now or when they ultimately sell their property. Council reviewed a letter draft that would go to a property owner if this program is approved.

- Regarding senior citizens – Director Carlson said it could be part of the letter. Manager Fulton said this is not just a West St. Paul issue; it is a metro wide issue.
- Ordinance premised upon future surcharges being waived by Met Council if we comply with this program. That is true.
- Clear water into sanitary sewers is due to the primary source of sumps in homes that are pumped into the sanitary sewer system. Is there anything in the ordinance that would preclude the city in addressing the sump discharge issue early on rather than waiting? The ordinance is amended to provide for any clear water coming into the system because this is prohibited. Manager Fulton explained the way West St. Paul homes were built over many years ago. This is really an inflow question. Clpn. Bellows said sumps can be seen in a home and drain tile can't be seen without a camera. He would like instruction to address sump issues which he finds to be a problem. Manager Fulton said we are trying to limit the times staff is entering a home. If Council decides to do this in a 2-stage inspection, this may be more inconvenient. Clpn. Bellows said it is true that taking a sump discharge is the simplest of all ways to address this inflow question. Manager Fulton said it doesn't mean you are compliant.
- We are moving from having outside contracts doing inspections to in-house staff doing the inspections. This will allow us to do inspections more quickly and at a lower cost.
- Right-of-way and cost issues were discussed. The city will assume responsibility of corrections at the main during a street construction process. We deal with connection issues at the main line at the city expense. Property owner would deal with a break in the line. The ordinance may have to be revised. Clpn. Bellows is a bit concerned about issues happening in the roadway and who is responsible.
- Has Met Council given us a meter reading? We need something measurable to make sure we are gaining on this issue. We need a goal that is measurable.
- In 1960 the contractors in West St. Paul put perimeter drain tile in and tied it into the sanitary sewer. This allows for a dry basement but this is an issue that needs to be corrected.
- Clpn. Halverson does not support spending resources for two inspections. She doesn't want staff going into people's homes more than we have to. She wants the education piece of this issue to be detailed and informative. Clpn. Bellows agrees on the intensive program and agrees we let people know what their responsibilities are.
- Clpn Napier said we are at a good place with this plan. He hopes home owners will come forward and get an inspection. Learn what is up with your property and what the fix-it might be.

Public comments were taken at 7:43 p.m..

Sherry Munyon, 1334 Ohio Street, questions the difference in rental and selling. You might be penalized into a sale. Also, this proposal is awfully quick in terms of time. She had a very hard time finding information on the program on the city website. She is trying to make an affordable sale. The process and timeline are a little concerning. She doesn't like the short time line for sellers.

Erik Myers, St. Paul Realtors, is representing 6,000 realtors in 200 communities. He is concerned about the process and issue. They understand the issues with Met council and the cities

prospective on this issue. Their concern is to protect the seller and the buyer. He doesn't think attacking at the point of sale is the best process. There aren't a lot of great choices but they ask that homeowner and potential new residents are held in this ordinance. They would like to be as flexible as possible to sellers and buyers. Additional comments and thank you. He would be available for any questions. Clpn. Bellows offered comment to some of Erik's concerns. You will need to verify FHA requirements. Mayor Meisinger would like to see breakdown on properties and how long the program will take.

Some homes may not need any fix-its. Mr. Myers said the Met Council has not offered data that shows the problem exists to a high extent. Mr. Myers said he is willing to assist the City in review of data.

An ordinance, which ours is based off of, is already in place in Golden Valley.

The public comment session closed at 7:59 p.m.

Clpn. Napier explained this is a very real issue and we need to deal with it. It's been very challenging and if you have any comments please get them to us. He appreciates the realtor comments as well.

This was a first reading of this ordinance.

The second reading of an ordinance amending Chapter 50, Section 50.08 regarding discharge of prohibited clear water drainage and sump pump will be further discussed at a public hearing to be held on May 23 during the regular Council meeting and be posted on the city website as a separate item.

B. Approve Consultant Contract for Lift Stations 3, 5 and 6 Programming and SCADA Implementation Project 16-2

Director Ross Beckwith gave an overview. In March the Council authorized the City's consultant, AE2S to prepare plans and specifications and solicit bids for the replacement of lift stations 5 and 6. The project is currently advertised with a bid opening date of May 4, 2016.

Once the two new lift stations are constructed, the new controllers require operational programming so the lift stations know how and when to run. The controllers also have to be tied into our Supervisory Control and Data Acquisition (SCADA) system. SCADA is responsible for remote monitoring and alarm transmittal. These are two very critical steps which occur after construction.

Engineering, Public Works and IT staff have been involved in the design and modifications needed to run these new systems and AE2S has been a great partner in going through every detail and decision in the planning phase. When it comes to hiring a company to do the actual programming and SCADA implementation, having the company that designed everything is typically an advantage. Therefore, AE2S was asked to submit a proposal to program the controls

and implement our SCADA system to the new lift stations. AE2S is familiar with the intricacies of our system and network making them the preferred client.

Lift Station 3 has a \$40,000 line item in the CEP for new controls, programming and SCADA implementation based on the age of the current equipment. For economies of scale, this work is being combined with the \$2.1 million Lift Station 5 and 6 project.

In AE2S's preliminary probable cost breakdown for the Lift Station 5 and 6 project there was a line item of \$40,000 for programming the controls and integrating the SCADA system. So, the proposal amount of \$39,350 for Lift Stations 3, 5 and 6 fits within initial projections and the CIP budget. Combining the Lift Station 5 and 6 project (\$2.1 million) with the Lift Station 3 (\$40,000) CEP amount totals \$2.14 million. The cost of this proposal is \$39,350 and fits within the programmed amount.

Comments:

- Mayor and Council made comments.
- Concern that a project didn't include the programming. Director Beckwith was not here at that time and he is moving forward with what he has.
- Will there be disruption in service? During the bypass pumping there is no room for error

Motion was made by Clpn. Halverson and seconded by Clpn. Vitelli to approve a contract with AE2S, Inc. for programming and SCADA implementation of Lift Stations 3, 5 and 6 for an amount not to exceed \$39,350.00. Clpns. Armon, Halverson, Napier, Iago, and Vitelli voted aye. Clpn. Bellows abstained. Motion carried.

C. Rental License Applications - NET Ministries Inc. (1924 Bidwell, 1990 Stryker, 76 Crusader)

Assistant Community Development Director Ben Boike explained this item would be reviewed at a future meeting.

13. Old Business

A. Rental License Review – 218 Annapolis & 966/976 Robert Street (1234 Properties, LLC)

Assistant Director Ben Boike gave an overview of these provisional licenses. Staff typically gives an update after three months for these types of provisional licenses. Police calls are minimal with one being recorded. A couple of code compliance letters have been issued and the owner is working to get these corrected. There are a couple of mitigation items pending which Director Boike reviewed. The final item is that the security camera has not been installed but the owner is working on it. This review is to provide an update since these are provisional licenses.

Council comments:

- License remains provisional – yes, that is correct.

David Brooks asked to address a few issues.

- He has been compliant with all homeowner dues. He is a little concerned with the property. He has offered to purchase these condos and has offered to reinvest up to \$300,000 for capital improvements. He is a little concerned about the water being turned off on May 2 and will work with Assistant Director Boike to figure it out.
- Issue with camera security system – he purchased it but has a person renting with schizophrenia and that person has an issue with being filmed. Mr. Brooks wants to make sure he is not breaking any HIPPA laws. The camera is scheduled to be installed on Tuesday. The police will have access to review the recordings.
- There have been no calls at Annapolis. The onsite manager is on duty. Mr. Brooks recently reviewed police calls with Crime Presentation Specialist Laura Vaughn.
- He would donate \$5,000 a year to the police dept. and emergency management if he is operating in West St. Paul.
- There was \$9,000 assessed or it might have been \$8,000. You need to have a source and use of funds which he did not produce. The financials you read from the last Council meeting were unaudited. His CPA did not like the unaudited findings. Mr. Brooks gave an explanation.

Council asked staff to look into the water being turned off at this building.

14. Adjourn

Motion was made by Clpn. Napier and seconded by Clpn. Halverson to adjourn the meeting at 8:25 p.m. All members present voted aye. Motion carried.



David Meisinger
Mayor
City of West St. Paul