

**City of West St. Paul  
City Council Meeting Minutes  
May 23, 2016 at 6:30 p.m.**

**1. Call to Order**

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

**2. Roll Call**

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

Others: City Manager Matt Fulton, Attorney Korine Land, Finance Director Joan Carlson, Community Development Director Jim Hartshorn, Assistant Community Development Director and City Planner Ben Boike, 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. Halverson and seconded by Clpn. Armon to adopt the agenda with the following change:

- Add item 9.A. under proclamations
- Move item 10.H. to 12.E. Interfund Loan
- Move item 12.A. to 9.B. Bond

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:

- Comprehensive plan update process;
- Emerald ash borer;
- Art park plan and budget; and
- Park signage.

**6. Robert Street Review**

Director Beckwith gave an update:

- Work on north end prepping today; weather permits concrete will be poured.
- Pedestrian detour on north end due to work on both sides of Robert Street.
- South end process focuses on concrete and curb and gutter; lights will go in next.

- Marie Ave. closure will not happen tomorrow due to pending weather. This has been pushed back to Tuesday, May 31 and will be closed to Friday. Signage was updated today.
- Continuing southbound Eureka Construction is making good progress.
- As requested the soil boring report has been distributed to staff and Council. To date we are \$2 million over budget. Added bad news is that the legislature is not addressing the transportation bill.
- LS Black had an individual injured on the job (he was hit by a motorist). The employee has been moved to critical care and his memory is slowly returning and he is progressing. We are hoping for a full recovery but it will take some time. Please drive slowly around the construction site.
- Weekly meetings are held with Eureka. They missed the meeting on the date of the employee accident but they are usually there in attendance.
- LS Black will do their own concrete work by the same crew as last year.

## **7. Citizen Comments**

No one wished to speak.

## **8. Council Comments**

Clpn. Halverson asked to talk about the bike-ped plan. She continues to feel this should be at the top of our list of priorities. Please pay attention while you are driving and while you are walking and riding as there were 2 young bikers hit recently by motor vehicles. Also, Harmon Park is a great asset to our community; the splash pad is up and running; she is concerned about the condition of the rest rooms; unleashed dogs are not permitted in this park. Finally, sexual assault continues to be an issue and it often affects juveniles. Clpn. Halverson met with police and they spoke about the need for more communication efforts. For anyone interested in this topic, please reach out to Clpn. Halverson.

Clpn. Armon said it was a disappointing conclusion to the legislative session. The governing has become secondary and that's too bad. The bonding bill was not voted down so please call Governor Dayton at 651-201-3400 and ask him to call a special session for the Transportation Bonding Bill. You can also call Representative Hansen at 651-296-6828 and Senator Metzen at 651-296-4370.

Mayor Meisinger offered thanks to all who participated in the WSP Days events this last weekend. Thanks to the volunteers, local businesses and local organizations that were supporting our events and having a great time. Thank you to staff because they are appreciated. It's great to celebrate West St. Paul.

Clpn. Iago commented on a letter going to residents from the Benjamin Franklin Plumbing Company and he does not recommend anything this organization says as the letter seems full of lies. Also, the construction employee who was hit by a motor vehicle, Joshua, is doing much better.

Clpn. Napier said it is really nice to see the community come together during WSP Days. Rock the Barn had a record number of attendees. He saw the mayor and his son playing bingo. It is fun to see everyone having fun and coming out to celebrate. Request about Marie Ave. issues and the punch list of incomplete items is active and hopefully we will get all of these small details taken care of soon.

Clpn. Vitelli gave congratulations to the 11-year old Stars who came in second place this weekend. They played very well and should be proud. Also, thanks to the Legislature for kicking the can down the road again. There are issues that needed to be taken care of that weren't. It's unfortunate.

## **9. Proclamations, Presentations and Recognitions**

### **A. Proclamation Celebrating Senator Metzen (ADDED)**

Mayor Meisinger read a Proclamation honoring Senator James P. Metzen who is retiring after this term. The proclamation is attached to these minutes. The Council and staff gave a resounding round of applause for the work of Senator Metzen and wish him well in future endeavors.

### **B. Approve Sale of 2016 GO Revenue Bonds (From 12.A.)**

Finance Director Joan Carlson introduced Mr. Jason Aarsvold our Ehlers Inc. Municipal Advisor. On April 11, 2016, the Council authorized the solicitation of bids for the sale of \$5,110,000 General Obligation Utility Revenue Bonds, Series 2016A. These bonds will be issued to finance utility improvements including the rebuild of lift stations 5 and 6 and storm and sanitary sewer improvements included with the Robert Street project and the 2016/2017 street project.

Motion was made by Clpn. Bellows and seconded by Clpn. Halverson to adopt Resolution No. 16-47 Providing for the Issuance and Sale of \$5,110,000 General Obligation Utility Revenue Bonds, Series 2016A and Pledging for the Security Thereof Net Revenues. All members present voted aye. Motion carried.

## **10. Consent Agenda**

- A. City Council Meeting Minutes: OCWS April 25 and May 9 and Regular meeting of May 9, 2016
- B. List of Claims ending May 23, 2016
- C. 2015 Year End Transfers
- D. April 2016 Investment Report
- E. April 2016 General Fund Budget Report
- F. City Licensing
- G. Rental Licensing
- H. Interfund Loan – move to 12.E.

I. Resolution No. 16-48 Interim Use Permit to allow for outdoor display/sale of fireworks at 1640 Robert St. (Walmart) – TNT Fireworks

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

## **11. Public Hearing**

### **A. Applications for a Site Plan, Plat, and Conditional Use Permits for the redevelopment of 1685, 1701 and 1725 Robert St. – Venture Pass Partners, LLC**

Community Development Director Jim Hartshorn gave an overview. Venture Pass Partners, LLC is requesting multiple approvals for the redevelopment of 1685, 1701 and 1725 Robert St.:

- 1) Site Plan Review for the redevelopment of the property
- 2) Conditional Use Permit approval to allow a Drive-through Lane and Medical Use
- 3) Preliminary/Final Plat approval

The applicant is proposing to clear the subject properties and construct two new buildings: 1) a 2,854 sq. ft. drive-through restaurant (Cane's Chicken) to be located at the south end of the property and 2) a three tenant medical/retail building on the north end of the property consisting of a 12,000 sq. ft. plasma center (far north space) and 4,350 sq. ft. of restaurant/retail space.

Staff has since come up with another option although we have not been able to review and discuss this at length. At a previous meeting the EDA reviewed three concept plans and approved one of these plans. The Planning Commission has reviewed and approved the plan presented to Council in their meeting materials. Director Hartshorn added more comment however, staff is asking for continuance of the item for further research.

Motion was made by Clpn. Vitelli and seconded by Clpn. Armon but further comments and discussion ensued.

#### Comments:

- The option to build another roadway would be best for the city and developer. Mayor said he was caught off guard since the Planning Commission and EDA approved the plan. What has changed? Director Hartshorn said extending the road would offer safety. Staff needs more time to consider this proposal.
- What came up after the planning Commission meeting? Director Hartshorn said there is a drive-through and set back issue. The newer option should be reviewed to pursue and explore the costs. Has the developer been notified? No.
- Clpn. Napier said he remembers this being discussed at a work session and he thinks having Lothenbach continue to Livingston is a good idea.
- Clpn. Bellows said the development of this property has been considered for quite a while. The developer had three options, three concept plans. Council, staff and Planning Commissioners have reviewed the plan and worked with the developer. In the city manager's briefing there was a reference for a need to revisit this road. What could possibly have come up in this period of time? It is inexcusable and irresponsible for staff

to make these changes. This developer worked with staff and frankly it makes us look as if we can't make a decision. He does not understand what could possibly have happened to make these changes after reviewing this project for a year. Remember there are tenants involved. What is the significant item that has come out? He is not in favor of continuing this item.

- Clpn. Vitelli said he sent an email to the Mayor and Clpns. Iago and Halverson regarding the concept plan from Carland. He hadn't seen these concepts and believes it's a lousy design. You can't get from the south to the north. He does not support staff all the time and he agrees there should be a hard corner at this site. This is a poor design which is why he votes to continue the issue.
- Clpn. Halverson said during the meeting Clpns. Vitelli and Armon were not there. Let's remember that she made a point and she is not in favor of a plasma center on Robert St. She is not a fan of putting more fast food options on Robert St. She was in favor of the third option.
- Mayor Meisinger said he is not going to approve a road extension. We have a development here for 50 to 65 new jobs. Currently property is worth \$2.3 million going up to \$8 million. That's a large tax base.
- Clpn. Bellows said he heard Clpn. Vitelli's concern but why did staff do this? What happened to warrant this developer losing a project? Additional comments were made.
- Clpn. Iago would like to hear from the developer.
- Clpn. Halverson said if it's a safety issue we should review this. She mentioned again, she is not in favor of a plasma center on Robert Street.
- Clpn. Vitelli said he didn't say he didn't like Cain's Chicken and didn't say he doesn't like Grifols.
- John Riley owns property on South Robert St. and two other parcels being considered for this project and is working with Venture Pass. They have worked hard with the developer to come up with a good plan for this site. This will benefit Robert Street and West St. Paul. When we chose to work with a developer it was because of their impeccable reputation. If you are going to continue this item, please do this if there is money in the budget. Right now he notices the vacant Rainbow building and other vacant properties. If you get the street through do it for us, the business owners.
- Developer Dave Carland asked what happens if we continue this? First of all there is a boom of real estate agents that we have worked with on this for many months. They have done everything and gotten feedback all along. He came to this meeting he didn't know he would be having this conversation. Early in the planning stages the Lothenbach extension was not in the plan for a variety of well thought out intentions and plans. To show up for a meeting – this is a poor way to do business and is inconsistent with what he expects. He said on May 2 he got an email from Ben (Director Boike) asking him if he had thought about extending Lothenbach? He reviewed the concept and at this time it's not going to work well. This was the agreement before the Planning Commission and their plan approval.
- Clpn. Vitelli and developer Carland made comments. Clpn. Vitelli said Mr. Carlson was one of the worst developers he had seen.
- In response to Mr. Vitelli's comment that Mr. Carland had not contacted him about this project, Mr. Carland responded that he was told by City Manager Fulton, not to have contact with councilmembers.

- Attorney Land said there are a couple of ways to retain that property if the road were to be extended.
- Grifols is key from a timing standpoint. Staying in their existing space is not an option. From a timing standpoint this business is a key player. A representative is in the audience.
- Manager Fulton said he presented the idea in the Friday briefing to give an idea on what Lothenbach improvements could be. Lothenbach improves the layout of Cain's Chicken. Director Carland said you are misrepresenting what was said. Manager Fulton said the continuance is to have an opportunity to consider the road. Mr. Carland said that would have been a great discussion at the January or February meetings.
- Mayor Meisinger said the Robert St. plan did not address this and that would have been the time. He disagrees there is a critical need to extend this street. Eliminating access could be a safety issue.
- Manager Fulton said the right in and right out here is an opportunity to control the intersection. Think if it's worthwhile to work with Mr. Carland and have a conversation.
- Clpn. Halverson said having a responsibility to the community and not so much as to the developer. We try to bring the best to West St. Paul.
- Clpn. Vitelli reiterated what transpired – he spoke with Ben Boike and he didn't think the Director would make a continuance. He is not in favor of the plan. Why didn't the developer contact Clpn. Vitelli? Mr. Carland said the City Manager, Matt Fulton, told him not to.

Motion was made by Clpn. Vitelli and seconded by Clpn. Armon to retract the motion to continue this item. All members present voted aye. Motion carried.

Continued comments:

- Clpn. Iago is in favor of approving the plan and having Grifols start as soon as possible but reserve the rest of the issues for traffic path discussion.
- Mr. Carland asked for approval and said he would not apply for 45 days which would give some time to study this idea of Lothenbach.
- Clpn. Halverson said let it be clear that she is not attacking Mr. Carland but she is saying that she needs to give a voice about things she hears; this is not an attack on your (Carland) skills. Mr. Carland explained Grifols wants to be located in a medical center on a bus line. This plan is a good fit for them and they reached out to him. Clpn. Halverson is not in favor of Grifols being located on Robert Street.
- Clpn. Bellows said it goes without saying that every one of us has been elected by citizens of West St. Paul. He is still concerned about the process and Carland's conversations with Mr. Boike. He is concerned with who called the May 19<sup>th</sup> meeting not Clpn. Vitelli and his email. Clpn. Bellows added additional comment.
- Clpn. Napier commented that he does not think Lothenbach is viable option given our financial state. Given the three concept plans you presented – this is the best of what was proposed.
- Clpn. Vitelli asked Mr. Carland – is there is no possibility that Grifols Cain's Chicken can go to the north and Cain's Chicken Grifols be located to the south? Mr. Carland said he worked closely with staff and there is a challenge to basically start from scratch. We are at the point we need to move forward. What is the intended use of the property in the

back? Overflow employee parking. The parking lot on the top, the Guild is using that, and at some point in time we might subdivide or replat. For now we are just leaving it as is.

The public hearing opened at 7:50 p.m.

- Dave Langer, commercial real estate broker, representing the 1701 Robert Street property. He's been working with the property owner for 4 years. It took a lot of convincing to sell at a particular price. There is a closing to happen in a few weeks and if this is extended the property owner will not be happy.
- Jim Edberg, representative for Ideal Credit, has been the listing agent for this property for the last three years. He attended a number of development meetings and you (this Council and staff) are earning the reputation of someone who is dysfunctional to work with. He hears a little mocking about the legislature but the brokers working with you are getting a feel for that. He hopes there is not a two week continuance.
- Brian Sherrick, president of Ideal Credit Union gave a little background on the Credit Union that has been a West St. Paul business for 25 years. They approached the city to see what opportunities could be had and were assured there was no interest by the city for this property. They looked to the city and ended up going back to Inver Grove Heights which brings them here today. With a sale pending today he is very perplexed. They came here several times and this thing could potentially get pushed back. This has the appearance that you guys are trying to take our property. He is concerned. He would like to move this deal forward.
- Sue Wilson, representative for Grifols, said they need to leave their current facility and would like to stay in West St. Paul.

The public hearing closed at 8:01 p.m.

Clpn. Halverson said she does not agree with the last minute approach for the road. She wants to be clear that she is not in favor of a plasma center in the middle of Robert Street. She is not here to hang up the whole deal.

Clpn. Vitelli said for the record again, he is not against Grifols and not against Cain's Chicken, he is against the layout.

Clpn. Armon seconded this to not stop anything. He has concerns about traffic flows but his questions were answered and he is in favor of the project.

Clpn. Napier said in all fairness to the process, we looked at the three plans and we supported this one, so for that reason he will support approval of what is presented.

Motion was made by Clpn. Bellows and seconded by Clpn. Iago to approve all recommendations: Resolution No. 16-49 approving the site plan, Resolution No. 16-50 approving the final plat and Resolution No. 16-51 CUP for outdoor seating in a B3 District and Resolution NO. 16-52 CUP to allow a medical office (plasma center) in a B3 District (conditional use permits for the redevelopment of 1685, 1701 and 1725 Robert Street for Venture

Pass Partners, LLC). Clpn. Bellows, Iago, Napier, Armon, Halverson voted aye. Clpn. Vitelli voted nay. Motion carried.

The Mayor called a five (5) minute recess.

The mayor reconvened the meeting at 8:10 p.m.

Motion was made by Clpn. Bellows and seconded by Clpn. Armon to amend item D

**D. Final Reading and Public hearing on proposed amendments to City Code Chapter 50 Section 50.08 Regarding Discharge of Prohibited Clear Water Drainage; Sump Pumps**

City Manager Matt Fulton gave an overview and explained the first reading regarding the proposed ordinance amendments was held on April 25, 2016. The City Council has had numerous opportunities to discuss the Inflow/Infiltration (I/I) program in detail and is very interested in ensuring that this issue is resolved in a manner consistent with Met Council expectations and also minimally invasive and cost sensitive for West St Paul residents and businesses. If approved, the City Code amendments and changes to the I/I program would take effect on July 1, 2016.

Met Council staff has recognized the challenges that WSP is currently experiencing in attempting to correct all I/I issues over a relatively short timeframe of several years. The Met Council Environmental Services division has worked with City staff to develop a Memorandum of Understanding (MOU) that provides the City the opportunity to remove I/I from the community's (public and private) sanitary service lines over a longer period without the potential of additional surcharges being assessed against the City for excess I/I. The MOU will be considered by the Metropolitan Council, with the staff's strong recommendation, at its meeting on May 24, 2016. A summary of the proposed changes to this program are 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 an 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 sewer-main 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 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 throughout 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.

As part of the Met Council MOU, annual work plans and progress reports will be expected. Staff will ensure that performance measurement indicators will be included so that progress is objectively measured.

#### Comments:

- Clpn. Iago said there are a couple of items to consider: the effective date is too soon and we need to expand education to the public and servicers and plumbers.
- Clpn. Bellows asked how long we could delay this being effective – 90 days or out to January 1. If there is a problem in the street then it's the homeowner responsibility – no said Manager Fulton we would let those problems remain until there was street construction.
- Clpn. Halverson would like to wait until January 1 at the latest or October 1 at the earliest. Manager Fulton said he understands the idea of waiting but we need to get this change to the Met Council.

- Clpn. Armon wants to get Met Council approval
- Mayor Meisinger said January 1 would be good for beginning compliance. Will it be fair to the person you are selling to now? Discussion regarding the wait to begin implementation. Mayor believes the housing market is crazy and sales are closing in 30 days which isn't enough time for fix-its. Clpn. Halverson said it's fair to give them a little more time. Clpn. Vitelli said this will impact buyers and sellers but delaying could be problematic.
- Clpn. Napier there is no way they would have to put this on a disclosure statement so technically I can sell my house the future owner will have to deal with it. Maybe we can put this on a disclosure statement. The inspection has to be done. Attorney Land said it's complicated and we can craft language but enforcement could be tricky. Manager Matt Fulton said he thinks there is responsibility for disclosure of the ordinance that is approved by the Council. Clpn. Napier is not in favor of waiting to January 1.
- Clpn. Bellows said it should be a sufficient time to get the work out to the real estate community, that this needs to be complied with, and they can assist in negotiations. For those that sell on their own we can include information in our newsletter, website and other forms we use for communication.
- Clpn. Halverson is in favor of outreach and communication efforts.
- Manager Matt Fulton said as of today there are 47 homes listed on MLS. Having a little more time and getting that training and education, and meeting with the Met Council has been helpful.

Public hearing opened at 8:32 p.m.

- Clare Bastien, a realtor who works in West St. Paul, said her main concern is education and allowing realtors advance notice. Thirty to 45 days to a closing is typical now. We are currently required to disclose facts and she found out about this by accident. There is a lot that needs to be done by educating the public and the realtors because they could be at risk. Do the right thing and give a little extension.
- The Council priority is to educate realtors and the public over the next 60 days.
- George Beckers, 1750 Humboldt, his property was inspected and an area under the City property was bad. Can he leave this alone now? If it's in the street you don't have to do anything. Work with City Engineer Darin Rezac so he can review your report. Fix it when you sell your home. Manager Fulton gave Mr. Beckers his business card.
- Ron asked about a condo unit on Robert Street that was scoped and found to have a sewer to fix for \$20,000 - who pays? Possibly your association or maybe the homeowner. Also, commercial properties need to be fixed in 24 months.
- Manager Fulton said one thing that Council could consider is to defer the time line on point of sale and think about non-homestead and other properties.
- Carol Shanek, 1325 Manomin, had an inspection done by SEH and is now hearing that we should not rely on SEH and have city do another review/inspection. Manager Fulton said you already got a lot of work done. You are welcome to use SEH and the process. There is no reason to wait because the issue won't go away. How do we put this on our property taxes? Contact City Hall Finance Department and they will assist you with a special assessment. Mayor added that SEH did good work we just want to bring the program in-house.

Public hearing closed at 8:43 p.m.

Additional comments by Council:

- Clpn. Vitelli is confused with Mr. Beckers and street opening questions and wants to make sure the public is aware of the correct process. Clpn. Napier said education is the key for a successful program – education for the public and the realtors.
- Mayor Meisinger would like education to include a drawing. Yes, we have a drawing/diagram and a small newsletter, a website presentation, and other models. We will also try to hit all the realtors that are possible.
- Clpn. Iago said this is conceivable that the main is 15 feet into the street. What is magical about 2 feet from the main? We wanted to make sure the liner didn't get close to the main.
- Clpn. Bellows said it is elemental that Mr. Beckers is responsible for failure of clay tile in the street. Discussion regarding responsibility ensued with Manager Fulton adding comment.
- Mr. Beckers understands he is responsible for the line. He was reminded he can fix this now or in the future when he is ready to sell the property.
- Mayor Meisinger asked attorney Land – is there a responsibility by assuming the process of this? Attorney Land said anytime the staff takes on this type of responsibility, yes there is some liability.
- Clpn. Iago asked Director Beckwith - did you know that when we started the process in 2008 there was not a two-foot margin at that time. During that time the property owner was doing the whole fix-it from the main.
- Manager Fulton said staff would make sure the Met Council knows of changes. We will clarify extension of implementation to January 1, 2017; excavation is clear 2 feet from the main (property owner is responsible for main from home to the 2 feet prior); and add the warranty of 10 years for resinspection.

Motion was made by Clpn. Iago and seconded by Clpn. to Napier continue with the changes mentioned above and receive comment from the Met Council and present to Council for final approval. All members present voted aye. Motion carried.

### **B. Application for a Conditional Use Permit to allow for the expansion of an Essential Service Structure (building expansion) at 1365 Bidwell St. – St. Paul Regional Water Services**

Assistant Community Development Director and City Planner Ben Boike gave an overview. Mr. Boike explained the applicant is proposing to expand the existing pump station building in order to add an emergency generator. Section 153.051 of the Zoning Ordinance requires a Conditional Use Permit (CUP) for all “Essential Service Structures” in the R1 District. As the attached narrative states, over the past several years, power outages at the station have become more frequent and have the potential to interrupt water service to the community. The proposed generator would allow for water service to continue during future outages. Please see the attached narrative for more information regarding the need for the generator as well as the attached Planning Commission memo for more information regarding the request.

In addition to the CUP request, the applicant also requested a setback variance to allow the building expansion.

Public hearing opened at 8:56 p.m.

Public hearing closed at 8:56 p.m.

Motion was made by Clpn. Bellows and seconded by Clpn. Iago to continue consideration of the conditional use permit for St. Paul Regional Water Services per staff recommendation. All members present voted aye. Motion carried.

**C. Final Reading - City Ordinance Amendment, Section 92.02 regarding garbage and rubbish and temporary outdoor storage containers – City of West St. Paul**

Ben Staff is recommending the attached ordinance amendment regarding residential storage of trash containers and temporary storage containers. Per the Summary Publication language in the attached ordinance, the proposed ordinance accomplishes the following:

- 1) Clarifies that trash containers can be set out no sooner than the day before collection day and must be removed no later than the day after collection day. When not awaiting collection, trash containers must be stored in the rear yard, garage or in an accessory building. However, they can be stored in a side yard if the house is setback at least 50 feet from the curb or if screened by a hedge or other enclosure.
- 2) Limits the location, length of time, and number of temporary outdoor storage containers allowed on a lot at one time on residential property and establish a permitting process. Temporary outdoor storage containers shall be limited to no more than two portable on-demand storage units and one roll-off dumpster, for no more than 30 days on a site in a 12 month period with extensions allowed if used in conjunction with a valid building permit.

There was discussion at the first reading relating to the enforcement of how long trash containers can be left at the end of driveways. Generally speaking, most residents put their trash out the day of service and take them back in at the end of the day. However, Staff does receive complaints about residents leaving them out for extended periods of time. The proposed language will simply allow staff to enforce the timeline (out day of and back in by the day after) when complaints are received.

Public hearing opened at 8:58 p.m.

No one wished to speak.

Public hearing closed at 8:58 p.m.

Motion was made by Clpn. Bellows and seconded by Clpn. Napier to adopt Ordinance No. 16-05 Amending Section 92.02 Regarding Garbage and Rubbish and Temporary Storage Containers. All members present voted aye. Motion carried.

## **12. New Business**

### **A. Moved to 9.B.**

### **B. Approve Joint Powers Agreement with Dakota County for Safe Routes to School Project #14-6**

Public Works Director Ross Beckwith gave an overview. In early 2014 the City submitted a Safe Routes To School (SRTS) federal grant application for the installation of a trail along the north side of Wentworth Ave., from Charlton Street to Bellows Street, and a sidewalk along the west side of Bellows Street from Wentworth Avenue to Thompson Avenue. The City was notified in summer 2014 that we were successful in obtaining a SRTS grant of \$125,000 toward the project. Since the trail is along Wentworth Avenue, a Dakota County roadway, the County is also a partner on the project.

At the February 8, 2016 City Council meeting, increased construction and right-of-way costs totaling \$145,000 were presented. This put the overall estimated project cost at \$435,000 and additional city expense at \$45,140. Council direction was to continue to move forward with this project. Staff then met with MnDOT to discuss the increase in construction costs (as right-of-way expenses are not covered) and was successful in obtaining an additional \$41,700 of potential federal participation. The additional federal funds are only available for construction and construction administration costs and will follow the 80/20 cost split (80% federal/20% local). Therefore, depending on actual costs of construction and construction administration, all of the additional federal money may not be used.

Motion was made by Clpn. Vitelli and seconded by Clpn. Halverson to approve the Joint Powers Agreement with Dakota County for the Wentworth / Bellows Safe Routes to School Project #14-6 as presented. Clpns. Vitelli, Halverson, Bellows, Armon and Napier voted aye. Clpn. Iago was not present at vote time. The motion carried.

### **C. First Reading - Zoning Ordinance Amendment, Section 153.029 regarding Interim Use Permits – City of West St. Paul**

Community Development Director Jim Hartshorn gave an overview. In 2011, the City Council approved language requiring an Interim Use Permit for temporary outdoor zoning uses in commercial districts, including sale of plants, food stands, sale of fireworks, display of general merchandise, etc. The current language requires all applicants to apply for an annual permit should they decide to continue the operation in consecutive years. The permit currently requires Planning Commission and Council approval each year.

In an attempt to streamline the process for returning applicants, staff is recommending amending the zoning ordinance to allow for an administrative review process should the request be similar

to a previously approved request by Council. The following requirements to bypass the formal approval process include:

1. The application is a renewal of an Interim Use Permit which was previously approved by the City Council pursuant to 153.029 (C);
2. There have been no issues or violations with the existing Interim Use Permit;
3. There are no substantial changes to the Interim Use Permit as determined by the Zoning Administrator;
4. The Community Development Department has conducted an administrative review; and
5. The property owner on which the Interim Use Permit is located is current on all City fees.

Motion was made by Clpn. Halverson and seconded by Clpn. Armon to approve the first reading amending the Interim Use Permit application process as presented. All members present voted aye. Motion carried.

#### **D. First Reading - Permit Parking Ordinance**

Police Chief Manila Shaver gave an overview. Chief Manila explained there are certain areas in the city where the residents of a neighborhood may benefit from a permit parking zone, due to the limited availability of parking on residential streets. To that end, Staff has prepared an ordinance that allows the Council to establish a permit parking zone.

Elements of the ordinance include:

- A petition must be filed with the city clerk.
- The petition must:
  - ❖ Identify the proposed permit parking zone
  - ❖ Articulate the necessity for the zone
  - ❖ Provide the names, addresses and signatures of 70% of the property owners or occupants of properties within the proposed parking zone. (the signer's address must list to a property included the permit parking zone; only one signer/household)
- The City will send notice to property owners within 350 feet of the proposed permit parking zone informing them of the Council hearing to consider the zone
- The Council will consider the application at a hearing and may approve, deny or modify the permit parking zone
- Permanent parking permits will be issued to owners/occupants who reside at properties within the zone. They must identify the vehicles to which the permits will be affixed and those identified vehicles must register to the same address within the zone, with the exception of work vehicles, which will be allowed with proof of residency and proof of employment. Permits will be valid for as long as the person resides at the property.
- Temporary parking permits will be issued to owners/occupants who reside at properties within the zone, for use by their guests. They must identify the vehicles to which the permits will be affixed and the dates for which they will be needed. The dates will be listed on the permit.
- Fees for permanent and temporary permits may be established in the fee schedule.
- This is a first reading. If approved, it will be published for a public hearing and final reading. If adopted, Council will need to discuss the appropriate permit fees.

#### Comments:

- Attorney Land offered additional comment and detailed information on the proposed parking permit. At this time we are not asking for a fee amendment but cost recovery fees. Mayor Meisinger asked about staff being able to do this task. It's about \$1,500 to do this work said Chief Shaver (on a city block). The signs do have a significant cost; additional comments were made. CSOs would help with enforcement.
- Clpn. Halverson said this would come before the Council for consideration and we could review the plan. There is a cost and we need to discuss how this would be assessed.
- Clpn. Bellows asked if there would be more than one parking zone. The stickers could be numbered and if there are only a couple of zones we should be ok.
- Clpn. Armon said to review a parking permit the address has to be tied to the registration. If there is part time student it won't be clear. Attorney Land said a student would be a resident and it would be tied to that property. Would that be tied to an apartment complex? Yes, as one signer.
- Clpn. Iago asked what the ruling was with respect to someone parking close to a person's driveway. Chief Shaver looked that up and as long as you are not blocking the driveway you are legal. A foot within that driveway is legal.

#### Public comments and additional staff and council comments:

- Michelle, 998 Livingston Avenue, is caller of some of these complaints. The situation at her home is not fair and yet there is nothing she can do. She sent a letter to people (regarding the parking complaints) around her (property) and two said nothing, one agreed the parking permit is ideal, one person is not in favor and two are in favor of something. If one neighbor is not in favor how can she take care of this issue? What else can be done?
- Director Hartshorn said he spoke with Developer Sherman and he is allowing a strip of parking for at least 10 vehicles on the western side of his new lot. This is nice but small help from the developer. Director Hartshorn will get more information.
- Clpn. Napier asked if we could do a temporary parking permit only for in front of her (998 Livingston) and her neighbor's house. In order for the Chief and his department to take legal action we need to change something.
- Staff offered comment – we could have one sign on the north side stating “permit parking only from here to the corner” so we don't litter the street with signs.
- Clpn. Iago gathered more information asking about her neighbors and the need to street park, etc. Michelle added more information. This is not really a parking issue it goes along with noise, litter, nuisance, people yelling at her dog, extra traffic, etc. the parking is not the whole issue. Hopefully there would be increased sense of security and less traffic.
- Chief Shaver said that 40% of the traffic there is from the apartment complex.
- Fee schedule – pass this now and the City Manager will figure out what to do with the fees. The parking fees from a ticket that violates this would be around \$50.00 or something else.
- Clpn. Iago what doors have we opened on the other side of the street? Land said every petition you review on its own merits and necessity.
- Council received continued clarification of the proposed ordinance.

Motion was made by Clpn. Napier and seconded by Clpn. Vitelli to approve the first reading of an ordinance amending section 72.05 of the Code regarding general parking restrictions as presented. All members present voted aye. Motion carried.

### **12. E. Interfund Loan**

At fiscal year-end all city funds should have a positive cash balance. As of 12/31/2015 the Street Improvement Revolving Fund, which is used to account for the Robert Street Reconstruction Project, will have a negative balance of \$5,671,792. Staff is therefore proposing an interfund loan from the General Fund to cover this cash shortfall. This will be a short term interfund loan which will be repaid in 2016 with federal grant money and either additional state funds or bond proceeds.

Motion was made by Clpn. Bellows and seconded by Clpn. Iago to approve the interfund loan as presented and recommended above. All members present voted aye. Motion carried.

### **13. Old Business**

There was no old business to discuss.

### **14. Adjourn**

Motion was made by Clpn. Armon and seconded by Clpn. Halverson to adjourn the meeting at 9:34 p.m. All members present voted aye. Motion carried.

David Meisinger  
Mayor  
City of West St. Paul