

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

1. Call to Order

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

2. Roll Call

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

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

3. Pledge of Allegiance

4. Adopt the Agenda

Council moved to approve the agenda with one change:

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

5. OCWS Briefing

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

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

6. Robert Street Review

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

7. Citizen Comments

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

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

8. Council Comments

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

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

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

9. Proclamations, Presentations and Recognitions

A. Sergeant Andy Gubash, Retirement

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

Clpn. Iago gave further accolades. He was hired as a CSO in 1986 and hired as full time officer in 1988. After his initial training as a routine patrol officer he was assigned to the canine

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

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

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

C. DARTS Presentation

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

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

D. Donation - Target

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

E. Accept Donation from South Robert Street Business Association

Shop Robert and Touch-a-Truck Event

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

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

Motion was made by Clpn. Halverson and seconded by Clpn. Napier to adopt Resolution No. 16-76 approving and graciously accepting a donation from the South Robert Street Business

Association in the amount of \$13,000.00 for the Touch-a-Truck and Shop Robert celebration on September 17, 2016. All members present voted aye. Motion carried.

F. Donation - Ms. Michele McGinn

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

G. Accept Donation from Walmart Foundation for the LOOP

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

10. Consent Agenda

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

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

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

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

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

11. Public Hearing

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

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

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

No one wished to speak.

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

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

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

The State Legislature recently passed a bill creating a new process for landowners to place mobile residential dwellings on their property to serve as a temporary health care dwelling. The bill essentially requires all cities to allow mobile dwelling units (300 sq. ft. or less) on residential properties as a permitted use to provide temporary housing for “mentally or physically impaired” relatives. The bill does allow cities the ability to “opt out” of the requirement by passing an ordinance.

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

No one wished to speak.

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

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

C. Final Reading - Ordinance Regarding Vacation of Allen Avenue

Attorney Korine Land gave an overview. As part of the Safe Routes to School (“SRTS”) project, it was discovered that there exists a portion of a “vacated” Allen Avenue that encumbers the property at 217 Wentworth Avenue W. By a Decree of May 29, 1929, the City Council vacated the eastern half of Allen Avenue. On May 22, 1946, the City Council intended to vacate several rights of way and alleys in the subdivision plat, including Allen Avenue, but, due to a scrivener’s error, Allen Avenue was accidentally exempted from the vacation and it still exists, as depicted on the attached map. The underlying property is owned by Ms. Kopp and the City acquired easements from Ms. Kopp for the sidewalk project and promised to address vacating Allen Avenue.

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

No one wished to speak.

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

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

12. New Business

A. Comprehensive Plan Consultant Selection

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

13. Old Business

A. Renaissance Plan Review and Discussion

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

As a result, Cuningham Group was hired by the City to lead the planning process for the update of the plan. The scope of the project includes two phases: 1) an update of the Renaissance Plan document including the development of three concept plans within the corridor, and 2) development of new zoning requirements to implement the plan. A Project Advisory Committee (PAC) consisting of property owners, business owners, residents and other local stakeholders was created to assist with the development of the plan update. The PAC had a total of six meetings between February 2015 and April 2016 providing valuable direction and feedback as the draft plan was developed. In addition, a public open house was held early on in the process to gather feedback from the general public.

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

Comments:

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

- Assistant Director Ben Boike explained this is an update to an existing plan we have had for 15 years.
- Chamber of Commerce President, Vicki Stute, asked that it be entered into record that she and her represented businesses are not in favor
- Clpn. Halverson said this is not about the tunnel and she is open to compromise. This has been considered for a long time. Assistant Director Boike said the PAC started in early 2015.
- Clpn. Napier said we should review the plan and it is an update to the original plan. Times have changed and demographics have changed to get the most economically out of Robert Street.
- Clpn. Iago said one thing that concerns him is some of the comments and what staff has proposed to the PAC itself. He respects every PAC member and the role they played. Unfortunately there is a significant amount of disagreement with the plan. Assistant Director Boike might agree that the comments have been gently edited, "fair to say," said Boike. To have this level of disagreement we are at a place of great trouble. He would like to see that clean. Go back to Cuningham and PAC – he would like to know why the committee doesn't agree with the plan.
- Clpn. Armon we have identified issues – lack of business identity, questions for Assistant Director Boike would be what if we adopt this where would we go? Boike said we adopt the plan and it's implemented part by part. The next step is to create zoning.
- Clpn. Bellows said that Clpn. Napier said we should have a work session but if we understand the update then the next step is to form base zoning. He is still not sure what it is and what it does. If we don't know what it is, how we can proceed? Clearly the members of the PAC have a problem with the plan.
- Clpn. Vitelli said the point he is trying to make is that the PAC did their job and now it's up to us, the elected officials, to make decisions and discuss this plan. To send this back to the PAC is pushing our job back onto them.
- Clpn. Halverson said we are making big investments in West St. Paul and on Robert Street. There are different visions with each of us but we need to come together with a cohesive vision.
- Clpn. Bellows suggests having a Council work session. We can't accept a plan and then work on it. If we accept it there is nothing to work on.
- Clpn. Halverson said this is a flexible plan, it's fluid. Mr. Dresser said accepting is different than adopting the plan.
- Clpn. Iago said to Mr. Dresser, he has respect for him and the PAC to learn why there is such a disconnect and fracture. Dresser said it is important.
- Chris Simmons, 1231 Silvendale Road, is a PAC committee member. This was an eye opener. The PAC is fractured; it is not heavy on business owners. He has been in industry for Welsch for 23 years. He is not a housing person but he knows an expert in retail. West St. Paul is the retail hub for West St. Paul and surrounding communities. In his 23 years he gained experience; he is working on an Arbor Lakes development in Maple Grove and Lockheed Martin. As Eagan and other areas grow it creates changes. We need to help bring people here. Your city has a river that runs around it and hinders transportation and that's a reality of your area. Since these other areas have grown (Eagan) it creates a destination for people to gather to do more than shop. He spoke of generators such as a stadium in Minneapolis and what could we do in West St. Paul. You are going to have

strong personalities on these committees and listen to the PAC members individually – he supports having a joint session. You need to make a decision and hear the concerns right from the person that has a concern. The bike path, the generator, he was not in favor of moving this forward at this time. Is Signal Hills a generator – no; Kohl’s or Herberger’s would be. Clpn. Vitelli said we need a generator. You did your job and the rest of the PAC needs to let us know what they think. He appreciates Chris’ input.

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

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

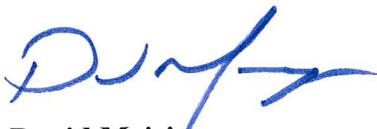
B. Approve Revised Pay Equity Report

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

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

14. Adjourn

Motion was made by Clpn. Bellows and seconded by Clpn. Halverson to adjourn the meeting at 8:50 p.m. All members present voted aye. Motion carried.



David Meisinger
Mayor
City of West St. Paul

On Motion of Vitelli

Seconded by Armon

RESOLUTION NO. 16-75

RESOLUTION ACCEPTING DONATION
FROM TARGET

WHEREAS, Target continues to support the police department's Night to Unite activities, intends to donate \$180 for the purpose of providing funds for the Night to Unite Thank You Luncheon;

WHEREAS, the Mayor and City Council acknowledges Target's generosity and extends their appreciation to Target for this donation;

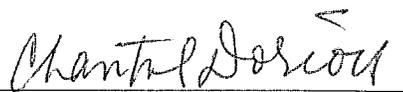
NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council accepts this \$180 donation from Target on behalf of the City of West St. Paul and authorizes the police department to expend these funds in the manner described by Target.

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

Ayes: 6 Nays: 0



David Meisinger, Mayor

Attest: 

Chantal Doriott, City Clerk

On Motion of *Halverson*

Seconded by *Napier*

RESOLUTION NO. 16-76

RESOLUTION ACCEPTING DONATION
FROM SOUTH ROBERT STREET BUSINESS ASSOCIATION

WHEREAS, the South Robert Street Business Association is donating \$13,000 for the Touch a Truck and Shop Robert celebration occurring on September 17, 2016.

WHEREAS, the Mayor and City Council acknowledges the generosity of the South Robert Street Business Association and extends their appreciation for its ongoing support of the Robert Street business community.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council accepts the donation of \$13,000 on behalf of the City of West St. Paul.

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

Ayes: *6* Nays: *0*



David Meisinger, Mayor

Attest: 

Chantal Doriott, City Clerk

On Motion of *Armon*

Seconded by *Halverson*

RESOLUTION NO. 16-77

RESOLUTION ACCEPTING DONATION
FROM MICHELE MCGINN

WHEREAS, Ms. Michele McGinn, who's concern over police officer safety and whose former husband, Donald McGinn, grew up in West St. Paul, intends to donate \$100 for the purpose of furthering police officer safety;

WHEREAS, the Mayor and City Council acknowledges Ms. Michele McGinn's generosity and extends their appreciation to Ms. Michele McGinn for this donation;

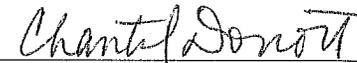
NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council accepts this \$100 donation from Ms. Michele McGinn on behalf of the City of West St. Paul and authorizes the police department to expend these funds in the manner described by Ms. Michele McGinn

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

Ayes: *6* Nays: *0*



David Meisinger, Mayor

Attest: 

Chantal Doriott, City Clerk

CITY OF WEST ST. PAUL
DAKOTA COUNTY, MINNESOTA

RESOLUTION NO. 16-78

A RESOLUTION APPROVING A PROPERTY LINE
ADJUSTMENT FOR 283 E. HASKELL ST.

WHEREAS, a property survey (per attached exhibit) has been submitted to the City for the two properties legally described as:

LOT 1 (283 E. Haskell): Lot 18, Block 2, MCCLUNG AND MCMURRAN'S ADDITION TO ST. PAUL

LOT 2 (285 E. Haskell): Lot 17, Block 2, MCCLUNG AND MCMURRAN'S ADDITION TO ST. PAUL

WHEREAS, the City of West St. Paul Subdivision Code allows for an administrative review of proposed property line adjustments for platted, conforming lots; and

WHEREAS, the City has conducted an administrative review of the property line adjustment per the attached exhibit; and

WHEREAS, the proposed property line adjustment is in accordance with the Subdivision requirements; and

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF WEST ST. PAUL that the proposed property line adjustment at 283 E. Haskell St. per the attached exhibit is hereby approved.

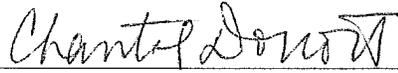
Passed this 22nd day of August, 2016.

Ayes: 6 Nays: 0



David Meisinger, Mayor

Attest:



Chantal Doriott, City Clerk

CITY OF WEST ST. PAUL
DAKOTA COUNTY, MINNESOTA

RESOLUTION NO. 16-79

A RESOLUTION APPROVING A PROPERTY LINE
ADJUSTMENT FOR 1994 ROBERT ST.

WHEREAS, a property survey (per attached exhibit) has been submitted to the City for the two properties legally described as:

LOT 1 (1980 Robert): Lot 1, Block 1, Southview Park

LOT 2 (1994 Robert): The Northerly 90.00 feet of Lot 2, Block 1, Southview Park

WHEREAS, the City of West St. Paul Subdivision Code allows for an administrative review of proposed property line adjustments for platted, conforming lots; and

WHEREAS, the City has conducted an administrative review of the property line adjustment per the attached exhibit; and

WHEREAS, the proposed property line adjustment is in accordance with the Subdivision requirements; and

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF WEST ST. PAUL that the proposed property line adjustment at 1994 Robert St. per the attached exhibit is hereby approved.

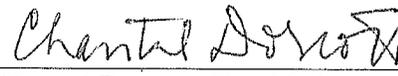
Passed this 22nd day of August, 2016.

Ayes: 6 Nays: 0

Attest:



David Meisinger, Mayor



Chantal Doriott, City Clerk

CITY OF WEST ST. PAUL
DAKOTA COUNTY, MINNESOTA

RESOLUTION NO. 16-80

A Resolution Recognizing and Approving Special City Event “Shop Robert Street”

WHEREAS, the City of West St. Paul and the South Robert Street business Association have organized a community event to celebrate the approaching end of Robert Street reconstruction; and

WHEREAS, the special event is called “Shop Robert Street” and is a city supported celebration;

WHEREAS, “Shop Robert Street” will take place at Harmon Park, 230 Bernard Street West in West St. Paul on September 17, 2016 from 10:00 a.m. to 9:00 p.m.; and

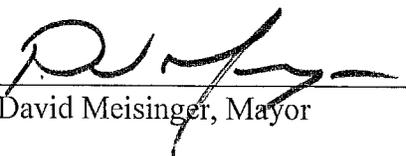
WHEREAS, “Shop Robert Street” will include participation from the City and local businesses and incorporate music, charitable gambling, food, beer, fireworks and other community activities: and

WHEREAS, the South Robert Street Business Association will be covering all related event expenses and costs for the “Shop Robert Street” event; and

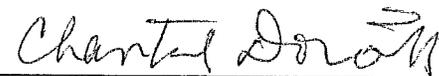
WHEREAS, City Staff has reviewed the special event application and found no reason to deny and recommends approval.

NOW, THEREFORE, BE IT RESOLVED, that the City of West St. Paul recognizes and supports the City of West St. Paul event “Shop Robert Street” and approves the Special Event Permit with sponsorship for costs to be reimbursed by the South Robert Street Business Association.

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



David Meisinger, Mayor



Chantal M. Dorlott, City Clerk

Ord. No. 16-10

CITY OF WEST ST. PAUL
DAKOTA COUNTY, MINNESOTA

AN ORDINANCE OPTING-OUT
OF THE REQUIREMENTS OF
MINNESOTA STATUTES, SECTION 462.3593

WHEREAS, on May 12, 2016, Governor Dayton signed into law the creation and regulation of temporary family health care dwellings, codified at Minn. Stat. § 462.3593, which permit and regulate temporary family health care dwellings; and

WHEREAS, subdivision 9 of Minn. Stat. § 462.3593 allows cities to “opt out” of those regulations.

The City Council of West St. Paul does ordain:

SECTION 1. Pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the City of West St. Paul opts out of the requirements of Minn. Stat. § 462.3593, which defines and regulates Temporary Family Health Care Dwellings.

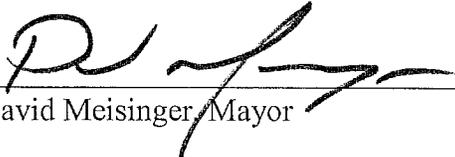
SECTION 2. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed this 22nd day of August, 2016.

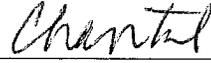
Ayes: 6

Nays: 0

Attest:



David Meisinger, Mayor



Chantal Doriott, City Clerk

**CITY OF WEST ST. PAUL
DAKOTA COUNTY, MINNESOTA**

ORDINANCE NO. 16-11

AN ORDINANCE PROVIDING FOR THE VACATION OF A RIGHT-OF-WAY

The City Council of West St. Paul does ordain:

SECTION 1. Pursuant to Minn. Stat. § 412.851 and West St. Paul City Code Section 95.55 on its own motion, with a vote of four of its members, the City Council may vacate any street, alley or public right-of-way within the City by Ordinance.

WHEREAS, the City of West St. Paul wishes to vacate the following described right of way situated in the City of West St. Paul, County of Dakota, State of Minnesota, legally described on the attached Exhibit A; and

WHEREAS, notice of a public hearing on said vacation was duly published and posted in accordance with applicable Minnesota Statutes and a public hearing was held on said vacation at the City of West St. Paul, 1616 Humboldt Avenue, West St. Paul, Minnesota; and

WHEREAS, the City Council of West St. Paul then proceeded to hear all persons interested in said vacation and all persons interested were afforded an opportunity to present their views and objections to the granting of said vacation; and

WHEREAS, the City Council of West St. Paul has determined that the vacation would be in the public interest.

NOW THEREFORE, the City of West St. Paul does ordain:

1. That the City of West St. Paul, pursuant to the West St. Paul City Code Section 95.55, hereby vacates the right of way situated in the City of West St. Paul, County of Dakota, State of Minnesota, legally described on the attached Exhibit A.

2. That pursuant to Minnesota Statutes § 160.29, Subd. 2, the City reserves, unto itself and other utility providers, a permanent easement for drainage and utility purposes, over, across, under and through the right of way situate in the City of West St. Paul, County of Dakota, State of Minnesota, legally described on the attached Exhibit A, including the right of the City, its contractors, agents and servants, and other utility providers, to enter upon said premises at all reasonable times for the purposes of construction, reconstruction, inspection, repair, grading, sloping, and restoration purposes and all such purposes ancillary thereto, and to maintain the above easement area, any improvements and any underground pipes, conduits, or mains, together with the right to excavate and refill ditches or trenches for the location of said pipes, conduits or mains and the further right to remove from the easement area trees,

bushes, herbage, brush, undergrowth and other obstructions interfering with the location, construction and maintenance of the easement, pipes, conduits, or mains.

3. That said vacation has no relationship to the City's Comprehensive Plan and therefore the West St. Paul City Council has dispensed with the requirements of Minn. Stat. § 462.356, Subd. 2, that may require the West St. Paul Planning Commission to perform a Comprehensive Plan compliance review of said vacation that may constitute a disposal of real property pursuant to § 462.356, Subd. 2.

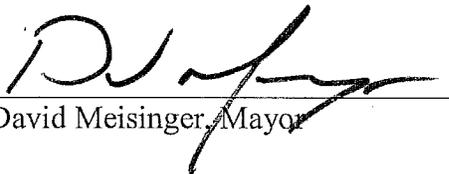
SECTION 2. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed this 22nd day of August, 2016.

Ayes: 6

Nays: 0

Attest:



David Meisinger, Mayor



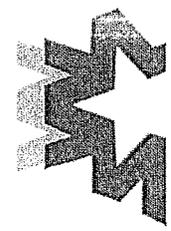
Chantal Doriott, City Clerk

Exhibit A

The westerly 40 feet of Allen Avenue adjacent to Block 10, Erchinger's Addition to South St. Paul, lying between the north and south lines of Erchinger's Addition, Dakota County Minnesota, except the south ten (10) feet



Legend	
---	EXISTING ROW
---	PROPOSED ROW
---	TEMPORARY EASEMENT
///	PROPOSED ROW/HATCH
xxx	TEMPORARY EASEMENT



West St. Paul Safe Routes to School Project
 PARCEL 4A: Easement Parcel Sketch (CSAH 8)
 West St. Paul, MN | SP 173-591-002 | PM March 2016
 EASEMENT AREA = 400 sq ft
 TEMP AREA=200 sq ft

We the undersigned believe that a non-grade crossing at Robert Street is in our City's best interests. We believe that the crossing would allow for additional safety and increased numbers of visitors to our community.

Name	Address	Signature
Nicole Paradise	1112 Ottawa	N Paradise
Cory Rohleder	1112 Ottawa	Cory Rohleder
Tammy Sova	1111 Ottawa Ave.	Tammy Sova
Donna Sova	1111 Ottawa Ave.	Donna Sova
Rebecca Seagraves	1044 Ottawa Ave	R Seagraves
Andrea Fresen	970 Seminole Ave.	A Fresen
Julia Kirkwood	976 Seminole Ave	Julia Kirkwood
Brian Dixon	840 Wentworth Ave W.	B Dixon
Donovan Gruebel	1127 Stryker Ave	D Gruebel
Marguerite	1127 Stryker Ave	Marguerite Gruebel
Jessica Why	1185 Stryker Ave.	J Why
GERARDO SORIANO	1174 STRYKER AVE	G Soriano
Connie Saign-Pule	1166 Stryker	C Saign-Pule
Brandon McAfee	1233 Hall Ave	Brandon McAfee
Jay L McAfee	1233 HALL AVE	Jay L McAfee
Doug Fromm	253 Haswell St E	D Fromm
Kathryn Freeman	214 Curtice St. W	K Freeman
JOHN JUSTEN	214 CURTICE ST. W.	J Justen
Katrina Dugan	160 Wentworth Ave	K Dugan
Patrick Okonek	160 Wentworth Ave	P Okonek
Chris Genova	455 Arion St. East #305	C Genova

We the undersigned believe that a non-grade crossing at Robert Street is in our City's best interests. We believe that the crossing would allow for additional safety and increased numbers of visitors to our community.

Name	Address	Signature
Edward Ciletti Jr	458 Emerson Ave West	
Laurie Armon	281 Arion St E	
Jamie Averbeck	1020 MacArthur Ave 1020 MacArthur Ave	
Josh Averbeck	1020 MacArthur Ave	
Amber Mochel	202 Conner St	
Stuart Mager	440 Thompson Ave W	
Donna M. Byrne	439 Betty Ln, WSP	
Barb Mager	440 Thompson Av. W	
Jennifer Witte	1071 Livingston Ave	
Tony Mannelle	954 Winslow Ave	
Danielle Mannelle	954 Winslow Ave	
Journey Harey	1021 Winslow Ave.	

We the undersigned believe that a non-grade crossing at Robert Street is in our City's best interests. We believe that the crossing would allow for additional safety and increased numbers of visitors to our community.

Name	Address	Signature
John Zammiller	1016 MacArthur Ave WSP	John Zammiller
Laura Zammiller	1016 MacArthur Ave WSP	Laura Zammiller
Jon Koch	1039 MacArthur Ave WSP	Jon Koch
Melina Koch	1039 MacArthur Ave WSP	Melina Koch
ALINE KIES	185 ARION ST E -	Aline Kies
Joseph Kies	1234 Oakdale	Joseph Kies
Cathy Stanek	240 E Roeller Ave	Cathy Stanek
Jim Stanek	240 E Roeller Ave	Jim Stanek
Omy Thell	272 E Roeller.	Omy Thell
Chris Thell	272 Roeller	Chris Thell
Dora Ibarra	1048 Carrie st.	Dora Ibarra
Robin Kies	185 Arion St. E	Robin Kies
Dawn Butler	160 Bernard St. E.	Dawn Butler
Tom Butler	160 Bernard St E	Tom Butler
Tom Cobbett	975 Bellows St.	Tom Cobbett
Angela Cobbett	975 Bellows St	Angela Cobbett
Heather Lopez	908 Bidwell St	Heather Lopez
Roger Lopez	908 Bidwell St.	Roger Lopez
Thomas Vavreck	1229 Stryker Av	Thomas Vavreck
Karen Vavreck	1229 STRYKER AVE	Karen Vavreck
Scott Schramm	1297 STRYKER	Scott Schramm
Brenda Schramm	1297 Stryker	Brenda Schramm
Polly Stueck	458 Emerson Ave West	Polly Stueck

We the undersigned believe that a non-grade crossing at Robert Street is in our City's best interests. We believe that the crossing would allow for additional safety and increased numbers of visitors to our community.

BUS STOP

Name	Address	Signature
Felicia Fields	47 Orme St	Felicia Fields
" Katie Orwall	1912 Stryker	Katie Orwall
" John Richardson	404 Livingston	John Richardson
" HAROLD HILL	469 Ada, Apt. 313	Harold Hill
" Mark Von Witt	273 Selby Ave	Mark Von Witt
" Richard M Cherrier	200 Maric Ave ³⁰⁸ East Paul	Richard M Cherrier
" Tim Smith	51	
" W. J. Jorde	244 Dosta Lane, SSR	W. J. Jorde
" CHARLIE GEGEN	366 MARIE AVE. East	Charlie Gegen
" [Signature]	261 University Ave E.	
" [Signature]	114	
" Forrest Asmus	614 10 th Ave NE	Forrest Asmus
" DAN THIBODO	309 13 th Ave E	Dan Thibodo
" STEVE MEDERICH	3420 GOLFVIEW ⁵⁰ EAST, MN	Steve Mederich
Thomas Vavreck	1229 Stryker Av WSP, MN	Thomas Vavreck
KAREN VAVRECK	1229 STRYKER AVE	Karen Vavreck

651-457-6353

My name is David Schoeneck (S-C-H-O-E-N-E-C-K) and my wife Carol and I have lived at 1325 Manomin Avenue in West St. Paul for 40 years. As part of the Met Council/City of West St. Paul sanitary sewer upgrade program we received information from the City requiring an inspection of our sewer line earlier this year.

After the inspection, which revealed some cracks and tree root infiltration and possible foundation drain tile access points, we were given a list of contractors who could meet the city's requirements. We chose to proceed this year rather than wait for the sale of our home, and to use the city assessment program to pay for the work.

We selected Ben Franklin to do the work. Neither the City, nor Ben Franklin (or any of the other contractors we contacted for bids) gave us any indication that by lining the sewer, problems with groundwater or basement flooding could possibly result.

On August 10-11, over 2" of ground water flooded our finished basement, causing over \$6,000 in unreimbursed damages and cleanup costs. We are still in the process of repairing and restoring the damage, as well as reviewing our options for permanently resolving the groundwater issue.

It appears that neither the City nor the Contractor seem to believe that they have any responsibility for alerting homeowners about the possibility of groundwater/basement flooding when this type of sewer repair is done. While lawyers and courts may deal with liability issues, we believe that both the City and the Contractors have at least some moral and ethical professional responsibility to give fair warning to homeowners who are undertaking this repair (since it is a new requirement by the City, with the work being performed by private contractors.)

While it is too late for us to take measures which would have prevented our basement from flooding and the subsequent expense of cleanup, resolution of the groundwater issue, and restoration of our home to a saleable condition, we believe that both the City and the Private Contractors can prevent this from happening to other West St. Paul residents.

What should be done?

1. Clarify the communication responsibilities and roles of both the City and Private Contractors to alert homeowners to the potential for basement dampness/flooding.
2. Provide homeowners with additional information and resources concerning basement water infiltration, so that reasonable actions can be taken before problems present themselves.
3. Assist homeowners in determining if specific issues and situations exist on their property, to prevent or remediate drainage problems.

Neighbor

Georg
& Ellie

Saba
~~Saba~~

1325 Manomin
651-457-8424

Sak Aug. 26, 2016

To whom it may concern;

We received the letter from Darin Reyes, W. St. Paul Civil Engineer saying the city requires us to have the foundation drain to sewer inspected (code 700.20), and the work had to be done by Aug. 21. After we were told the sewer was not in compliance, we contacted Ben Franklin Plumbing. They did the work June 29, '16 costing \$5090. The City inspector came out to check the job, and told us we should have a sump pump put in because we will probably get water in the basement. We lived in this house over 50 yrs. in all kinds of weather without a sump pump. We should have been told this before work was done with liner put in.

We contacted Ben Franklin again to get an estimate for a sump pump which was approx. \$4800. We had 3-4" of rain Wed. Aug. 10. When the plumber came Thurs. morning with a camera to find a place to put the pump, we found the basement flooded from one end to the other. He couldn't find an opening because the foundation drain was outside. From Thurs Aug. 11 to the present time Aug. 22, we have been working from early morning to late evening trying to contain the water. Our rugs and furniture are damaged, and we have someone coming in to remove the rugs etc. My brother is 89 yrs. old, wears a brace on his ankle for years, had knee replacement and surgery on his shoulder. I am 91 yrs. old. with COPD and fell on ice in January, cracked my hip, broke my back and torn muscle in my shoulder. Our neighbor across the street has same problem with sewer back-up.

8/17/16 We contacted Standard Water Control System for an estimate for drain Tile around the basement, price over \$8000. We have decorative stone work from the fireplace side of the wall to the opposite side of wall and

he said that has to come down before they can do the work. Someone else has to do the work and it's not included in the price. By the time we get through this nightmare, (counting the original work) it will cost over \$20,000.

We are the only two families ~~at~~ that had the sewer work done in our area. The value of our home is compromised greatly as well as our health.

George and Eleanor Saba
1322 Manomin Ave.
N. St. Paul, Minn. 55118
651-457-8424