

City of West St. Paul Council Meeting Minutes
Municipal Center Council Chamber
September 12, 2016
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, Pat Armon and Dick Vitelli. Clpn. Jenny Halverson had an excused absence.

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

3. Pledge of Allegiance

4. Adopt the Agenda

Motion was made by Clpn. Armon and seconded by Clpn. Iago to approve the agenda as amended:

- Remove consideration of 10.A. City Council meeting minutes;
- Remove consideration of 12.F. Legal Services Contract Renewal;
- 13.A. add Consideration of Purchase of Parcel 100 - part of the Robert Street project; and
- 13.B. add Consideration of the Minnesota Court Data Services agreement.

All members present voted aye. Motion carried.

5. OCWS Briefing

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

- Proposed 2017 Budget and Levy Review including Capital Improvement Plan and Capital Equipment Plan. There was no action taken and Council will discuss the proposed budget at the next work session.

6. Robert Street Review

Public Works Director Ross Beckwith gave an update.

- Great day for paving today; there has been a lot of nice weather.
- Trees are being planted on the north end.
- During the week of the 19th the Lothenbach area – southbound traffic will be down to one lane, on the north, for utility work.

- Paving and curb work continues onto Mendota road next week; and the following week will see final wear.
- Clpn. Napier cautioned everyone to drive safely and watch traffic changes at intersections.

7. Citizen Comments

- John Palano, 1137 Seminole Ave., thanked the Council for dedicating a field at Harmon Park to him. Council thanked John for his service to the community.

8. Council Comments

Clpn. Bellows asked for remembrance of good friend and classmate Gary Koechler one of the souls we lost during 9-11.

Clpn. Armon reminded everyone to get out to a baseball game. The stands were full on Friday. The Park and Rec Chair does a great job in announcing at these games. We have good teams this year.

Mayor Meisinger said this coming Saturday is Family Fun Day (1PM to 8PM) and Touch a Truck (12PM to 4PM) event at Harmon Park. Rich and the Resistors will present live music from 5:30 to 7:30 PM; the event commences with fireworks (7:45 PM). Also on September 24 is the annual Clean-up Day and Recycle event from 8:00 a.m. to 12:00 noon at Inver Gove Heights, 8168 Barbara Avenue, and additional information is on the city website.

Clpn. Iago said thanks to the South Robert Street Business Association as they continue to do amazing things in our community. Many, many thanks to the members of this great association.

Clpn. Napier, as the Council Representative to the Environmental Committee, wants to highlight that Thompson Park will start to take organics from residential homes starting in October. Thanks to Dakota County as this is great benefit to our community. Visit the County or City websites for more information.

9. Proclamations, Presentations and Recognitions

A. Recognition of Police Patrol Sergeant Promotions

Police Chief Manila Shaver gave an overview of the promotion process. The two officer promotions go to Matt Mollner and Shawna Curtis. Matt's passion and Shawna's strive are being recognized. Mayor Meisinger congratulated both on their promotion and thanked them for their community work.

B. Accept Donations from South Robert Street Business Association

City Manager Fulton explained the South Robert Street Business Association has donated money to the City for events and special needs for many years from their charitable gambling

contributions. They have recently made two donations to the Parks and Recreation Department. The first donation was for a new freezer, valued at \$300, for the West St Paul Sports Complex. The second donation was a \$250 donation for our Little Tykes Safety Camp program.

Motion was made by Clpn. Armon and seconded by Clpn. Napier to graciously accept and adopt Resolution No. 16-81 accepting the \$550.00 donation from South Robert Street Business Association for the Parks and Recreation department. All members present voted aye. Motion carried.

10. Consent Agenda

- ~~A. Works Session and Regular Meeting Minutes of August 22, 2016 (continued to the next meeting)~~
- B. List of Claims
- C. July 2016 Bank Reconciliation
- D. Declare Public Works - Parks Vehicles as Surplus and Authorize Disposal
- E. City Licensing
- F. Rental Licensing

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

11. Public Hearing

There were no public hearings.

12. New Business

A. Alcohol and Tobacco Compliance Sanctions

Police Chief Shaver explained that each year the police department conducts alcohol and tobacco compliance checks on licensed establishments. Police Chief Shaver reviewed the May 2016 compliance checks in detail.

Nick Clyde, 4920 Chicago Avenue in Minneapolis, is the Manager of Cub Liquors, said after the compliance check he performed additional training to educate the employees. The employee who is at fault was new and also had completed the recent training. He believes that providing additional training in-house and through the police dept. has impact. Clpn. Armon is trying to figure out the override of the system. Mr. Clyde said speed rather than having to type in a birthdate is the issue.

Motion was made by Clpn. Vitelli and seconded by Clpn. Armon to adopt Resolution No. 16-82 imposing sanctions upon retail tobacco license holder Cub Liquors, 2001 Robert Street South. All members present voted aye. Motion carried.

Motion was made by Clpn. Armon and seconded by Clpn. Napier to adopt Resolution No. 16-83 imposing sanctions upon retail tobacco license holder West St. Paul Marathon, 433 Mendota Road E. All members present voted aye. Motion carried.

Clpn. Bellows is concerned with the compliance check failures and would like to think of some ways we can work with businesses to minimize these occurrences.

Assistant Walmart Manager Ahmed Abdual, 1170 Northwood Drive, the store implemented an employee training program and has other protocols in place to try and avoid future episodes and will offer additional in-house training. Tobacco products are only sold at designated cashier stations.

Motion was made by Clpn. Napier and seconded by Clpn. Iago to adopt Resolution No. 16-84 imposing sanctions upon retail tobacco license holder Walmart. All members present voted aye. Motion carried.

Assistant Walmart Manager Ahmed Abdual said the store will continue working with employees and training. They realize how important it is to check driver licenses. Clpn. Bellows questioned another failed compliance check as it appears there were three in the last two years. There was a misunderstanding and this was incorrect, there were only two failed checks.

Motion was made by Clpn. Napier and seconded by Clpn. Armon to adopt Resolution No. 16-85 imposing sanctions upon retail alcohol license holder Walmart. All members present voted aye. Motion carried.

Jerry Carbone, 1338 Kruse Street, had two prior compliance failures in 2008 and 2009. These made him develop a policy to terminate a longtime employee who sold alcohol to a minor. He will continue with this practice and continue training the employees. Mayor Meisinger said we appreciate your efforts. Clpn. Bellows said the termination policy is to be commended.

Motion was made by Clpn. Vitelli and seconded by Clpn. Iago to adopt Resolution No. 16-86 imposing sanctions upon retail alcohol license holder Carbone's Pizza, 55 Wentworth Avenue E. All members present voted aye. Motion carried.

B. Council Report - Special Animal Permit Application

Lisa Leach, the owner of 448 Emerson Ave West, has applied for a Special Permit for exceeding the number of animals (chickens and goats) restricted by City Code. This property has two structures including a single family home with a tuck-under garage, along with an animal coop in the backyard. The property is fenced in and appears to be well maintained.

In order to assure compliance with City Code, on June 25, 2016 Community Service Officer Nolan Cornell inspected the property and the area where the animals will be kept. CSO Nolan took several photos to document the property's condition. The following information was noted during the inspection:

- The property appears to be well maintained;
- The four hens and two miniature goats were making no noise;

- The area was free of offensive odor;
- The animal coop appeared suitable for the four hens and the two goats;
- The coop was not particularly visible from any public property; and
- The property was fenced in with chain link fence and the animal coop was further fenced in within the property by an additional chain link fence.

Comments:

- What if this turns into a problem? Attorney Land said the Council can grant the special license and they can also revoke the license.
- Lisa Leach, 448 Emerson Ave. W, she has coffee on her patio every day and enjoys the chickens who are charming and provide eggs. The goats are dwarfs and don't get larger than 22 inches. The animals are quiet and at dusk they walk themselves into their structure. These animals are nothing like the roaming dogs in some neighborhoods. The neighbors abutting her property do not have issues. She invited the Council to visit anytime. The goats are pets and they do not smell and it's better to have two rather than one.
- Clpn. Vitelli asked if the yard was fenced. She said yes and inside the fence is a structure for them.
- Clpn. Napier is in favor of trying it (approving the special permit) since there seems to not have been a lot of complaints.
- Clpn. Iago asked about the predators and related activity. Lisa said she has seen foxes and there is nothing she can do because they are double-gated. These animals did not bring the foxes into this area.
- Clpn. Armon asked about the chickens getting loose. Lisa said two white hens flew onto her fence but they have been gone for at least three months. This was an isolated incident.
- Clpn. Vitelli doesn't think he has an issue but would like to see the structure have siding.
- Lisa said she has had the goats for three months. Clpn. Bellows asked what the due process would be if this doesn't work out. Attorney Land said to treat this as a license. Evidence would be presented to the Council if revocation was imminent. Chief Shaver said this is an annual license.

Motion was made by Clpn. Bellows and seconded by Clpn. Iago to approve the special animal permit and allow four chickens and two dwarf goats and includes having the structure sided by November 30, 2016. All members present voted aye. Motion carried.

C. Comprehensive Plan Consultant Selection

Community Development Director Hartshorn gave an overview. Staff recently solicited proposals from consulting firms to assist with the development of the required 2018 Comprehensive Plan Update. The Met Council mandates that all cities in the metro area complete a Comp Plan update every ten years. In doing so, the City is required to amend the current plan to adhere to the policies set forth by Met Council in areas such as Land Use, Transportation, Water Resources, Housing and Parks.

Staff received proposals from the Cuningham Group and WSB & Associates. Both consultants provide three pricing options to complete the plan update based on the amount of community

engagement (see attached for more info). Both proposals call for the completion of the plan update in early 2018 which is in advance of the submittal deadline of December 31, 2018 to the Met Council.

Comments:

- Council will get to meet all the consultants and learn more about the process.
- Clpn. Bellows is in favor.

Motion was made by Clpn. Bellows and seconded by Clpn. Napier to accept the request for proposals and award a contract to WSB & Associates, Inc. for a base package amount of \$94,150.00 to complete the required Comprehensive Plan update. All members present voted aye. Motion carried.

D. Approve Revision to Consultant Contract City Project 14-6

Public Works Director Ross Beckwith gave an overview. Council recently approved a consultant contract with WSB & Associates, Inc. (WSB) for preliminary engineering of the Wentworth/Bellows Safe Routes to School Project #14-6. Acquiring right of way has added costs to consider for this project. Staff asked Council to consider amending WSB's contract for actual hours worked to bring their contract to a total amount of \$101,029.00. Dakota County who is a financial partner is supportive of the amended contract amount.

Clpn. Napier said this is based on actual work and Director Beckwith said yes, they submit a timesheet. This is tough but in good faith they put the hours in said Clpn. Napier.

Motion was made by Clpn. Napier and seconded by Clpn. Vitelli to increase the WSB & Associates, Inc. Contract amount of \$101,029.00 for services related to the Wentworth/Bellows Safe Routes to School Project #14-6 as presented. All members present voted aye. Motion carried.

E. Approval to Purchase E-Suite (electronic timesheets)

Finance Director Joan Carlson gave an overview of electronic timesheet software that will greatly enhance the efficiency of the payroll process, saving time and money. The electronic timesheets will be automatically routed for department approvals and easily uploaded to the payroll program. Staff is requesting that council approve this purchase immediately due to staff changes in this department.

Comments:

- There are funds available in the IT budget. We would begin the conversion immediately and hope it is up and running in a couple of months.
- What does annual maintenance of \$800 include? Director Carlson said staff can call the customer service line as often as needed; bugs are taken care of and the maintenance fee includes updates as well.
- Clpn. Napier said we are currently using paper timesheets. The new software seems very efficient and this could alleviate errors and speed up the process.

Motion was made by Clpn. Armon and seconded by Clpn. Iago to approve the purchase of Tyler Technologies E-Suite (timesheet) software as presented. All members present voted aye. Motion carried.

F. Consider Legal Services Agreement Renewal

This will be continued and considered at the next meeting.

G. Consider Collaborative Recycling Program with South St. Paul

City Manager Fulton gave an overview explaining the City has operated a recycling program for many years. The program is funded through a grant provided by Dakota County. The City has been discussing a joint recycling program with the City of South St. Paul to create greater efficiencies and better recycling programming. For payroll purposes the employee would technically be a West St. Paul employee and we would bill South St. Paul for said services. The actual budget numbers and program specifics need to be written.

Comments:

- Are there space issues for a new employee? We have an actual area for this person.
- Why did Inver Grove Heights and Mendota Heights opt out? They are doing this program in-house.
- Funds come from the state and county and are to be used for recycling services. We need to meet the goals and expectations of these entities and administering the program in a collaborative way should be more effective.
- Are there zero costs to the city? Manager Fulton is hesitant to say there are no costs to the city budget. Previously there were funds from the designated \$25,000 offsetting Ms. Wilson's (previous employee) wages. We do the same now since the City Clerk took over the position. If we bring in another person that person would benefit from the grant funds. Any levy affect with be nominal.
- Why is South St. Paul not taking on the employee processes? It seems premature to approve this with many unanswered questions. During discussions staff thought West St. Paul had experience with this type of collaborative effort so they offered to host the employee. Clpn. Bellows is a little concerned with taking on another employee.
- Clpn. Napier asked if there was room for negotiations on hiring the new person. Manager Fulton is not concerned about the hiring of the employee. Clpn. Napier said he supports the new program and employee and it's important to the Environmental Committee. There is a lot of good work being done with the County including the new organics recycling program.
- Clpn. Vitelli sees it as a zero cost to the city and win-win for both entities and is supportive.
- Manager Fulton is asking Council to authorize the JPA and to bring back program specifics. Mayor Meisinger said that may be a way to keep this moving forward.
- Clpn. Bellows suggested authorizing Manager Fulton to proceed and have him bring back for final approval; Clpn. Iago could support that. Clpn Vitelli asked the JPA? Yes said

Clpn. Bellows, bring back all of the information when it's final and ask South St. Paul if they could be the employing agency.

John Margo is on the Environmental Committee and he is unsure of the benefit. He asked questions and was provided answers and seemed more in favor of the program. This is not comparable to the residential/commercial recycling program provided by your rubbish hauler.

Motion was made by Clpn. Napier and seconded by Clpn. Vitelli directing the City Manager to finalize the details of the JPA relating to the collaborative recycling approach with South St Paul and bring back to the City Council for final consideration. The Council would also like to explore the possibility of South St. Paul hosting the Recycling Coordinator employee. All members present voted aye. Motion carried.

Add: Consider Purchase of Parcel 100 part of the Robert Street Project

Attorney Korine Land gave an overview of a confidential agreement the Council reviewed at a closed session with the attorney handling the Robert Street acquisitions. The attorney was asked to negotiate placement of two trees in addition to a payment of \$160,000 for full and final settlement. That is the approval the attorney is seeking this evening. Clpn. Bellows thought there were two options to be considered: no trees and \$130,000 or two trees and \$160,000. Then he would bring back the settlement options for further consideration by the Council. The property owner rejected the "no trees" option said Attorney Land.

Motion was made by Clpn. Napier and seconded by Clpn. Vitelli to accept the offer of \$160,000 and two trees as presented. Additional comments ensued.

Comments:

- Clpn. Bellows asked for clarification of the options. Attorney Land read from an email and that is the proposed being presented to the Council.
- Clpn. Bellows said it is his understanding that we are paying \$30,000 for two trees if we accept this. Clpn. Vitelli said we agreed to this option. Clpn. Bellows said it has come to his attention that the entire Robert Street landscaping budget for trees, shrubs, etc., except sidewalks, is \$400,000 and this is 7.5% of the budget for the entire road. He realizes this is for an easement and not part of the landscaping but he is trying to figure out if we said no and we spend the \$30,000 more effectively over the entire avenue than for two trees. He is not in favor of the proposed.
- Clpn. Napier looked at it as a land acquisition settlement. The tree is a tree but we need the land and this was the negotiation on acquiring of the easement.
- Clpn. Vitelli said it is no different than other exorbitant prices we have paid for other land acquisitions. We are going on the advice of our Counsel.
- Clpn. Bellows said this is not a negotiation for land as we could have gotten the land for \$130,000 but with the land and two trees its \$160,000.00. Clpn. Napier said the owner wanted trees. Clpn. Iago called for the vote.

Motion was made by Clpn. Napier and seconded by Clpn. Vitelli to approve and adopt Resolution No. 16-88 authorizing the settlement of Robert Street Improvement Project Parcel

100 Easement Acquisition. Clpn. Vitelli, Napier, Armon and Iago voted aye. Clpn. Bellows voted any. Motion carried.

Add: Minnesota Court Data Services Agreement

Police Chief Shaver gave an overview of the agreement that provides rules for accessing data. This agreement will allow our legal services to access the data for court records.

Motion was made by Clpn. Bellows and seconded by Clpn. Armon to adopt Resolution No. 16-87 approving and authorizing execution of the court data services subscriber agreement as presented. All members present voted aye. Motion carried

13. Old Business

There was no old business to discuss.

14. Adjourn

Motion was made by Clpn. Vitelli and seconded by Clpn. Armon to adjourn the meeting at 8:10 p.m. All members present voted aye. Motion carried.



David Meisinger
Mayor
City of West St. Paul

RESOLUTION NO. 16-81

RESOLUTION ACCEPTING DONATION
FROM SOUTH ROBERT BUSINESS ASSOCIATION

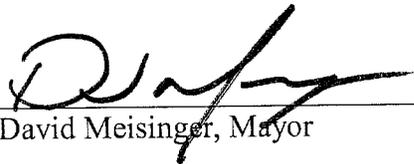
WHEREAS, South Robert Street Business Association has donated \$550.00 to the West St Paul Parks & Recreation Department, and

WHEREAS, the Mayor and City Council acknowledges their generosity and extends their appreciation to South Robert Street Business Association for their donation.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council accepts the donation of \$550.00 on behalf of the City of West St. Paul.

Adopted by the City Council of the City of West St. Paul this 12th day of September, 2016.

Ayes: 5 Nays: 0



David Meisinger, Mayor

Attest: 

Chantal Doriott, City Clerk

**City of West St. Paul
Dakota County, Minnesota**

RESOLUTION NO. 16-82

**RESOLUTION IMPOSING SANCTIONS UPON
RETAIL TOBACCO LICENSE HOLDER
CUB LIQUORS**

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

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

FINDINGS

Notice of a hearing for the imposition of a sanction for a tobacco violation was duly given to the tobacco license holder for the premises at 2001 Robert Street South, West St. Paul, Minnesota (Cub Liquors) on August 2, 2016, pursuant to Minnesota Statutes, sections 461.12, Subd. 2 and 3.

- 1.01 The hearing was held on Monday, September 12, 2016, in the Council Chambers in City Hall, located at 1616 Humboldt Avenue, West St. Paul, Minnesota.
- 1.02 At the hearing all persons who appeared and desired to be heard, were heard.

CONCLUSION

- 2.01 Based upon the evidence presented at the hearing, the City Council concludes that the retail license holder for the premises at 2001 Robert Street South (Cub Liquors) failed to comply with an applicable statute in that tobacco was sold to a minor on April 19, 2016 in the licensed establishment.
- 2.02 The following sanctions are imposed for the violation:
 - (a) That a \$75 civil penalty is imposed against license holder;
 - (b) The individual who sold the tobacco will pay a \$50 civil penalty;
 - (c) The civil penalties must be paid within 30 days of notice of payment;
 - (d) While maintaining an active City-issued tobacco license, the licensee will attend any City-sponsored compliance training when notified;

- (e) The license holder will establish or up-date an age verification policy for the establishment's employees and provide the police department with a copy of this policy within 30 days of this resolution; and
- (f) While holding a City-issued tobacco license, the license holder must document and maintain the signatures and dates of any tobacco training their employee's receive, including being advised of the establishment's tobacco policy. This list must be up to date and made available to the police department upon request.

Adopted by the City Council of the City of West St. Paul this 12th day of September, 2016

Ayes: 5 Nays: 0

Attest:



David Meisinger, Mayor



Chantel Doriott, City Clerk

**City of West St. Paul
Dakota County, Minnesota**

RESOLUTION NO. 16-§ 3

**RESOLUTION IMPOSING SANCTIONS UPON
RETAIL TOBACCO LICENSE HOLDER
WEST ST. PAUL MARATHON, LLC**

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

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

FINDINGS

Notice of a hearing for the imposition of a sanction for a tobacco violation was duly given to the tobacco license holder for the premises at 433 Mendota Road East, West St. Paul, Minnesota (West St. Paul Marathon, LLC) on August 2, 2016, pursuant to Minnesota Statutes, sections 461.12, Subd. 2 and 3.

- 1.01 The hearing was held on Monday, September 12, 2016, in the Council Chambers in City Hall, located at 1616 Humboldt Avenue, West St. Paul, Minnesota.
- 1.02 At the hearing all persons who appeared and desired to be heard, were heard.

CONCLUSION

- 2.01 Based upon the evidence presented at the hearing, the City Council concludes that the retail license holder for the premises at 433 Mendota Road East (West St. Paul Marathon, LLC) failed to comply with an applicable statute in that tobacco was sold to a minor on April 19, 2016 in the licensed establishment.
- 2.02 The following sanctions are imposed for the violation:
 - (a) That a \$75 civil penalty is imposed against license holder;
 - (b) The individual who sold the tobacco will pay a \$50 civil penalty;
 - (c) The civil penalties must be paid within 30 days of notice of payment;
 - (d) While maintaining an active City-issued tobacco license, the licensee will attend any City-sponsored compliance training when notified;

- (e) The license holder will establish or up-date an age verification policy for the establishment's employees and provide the police department with a copy of this policy within 30 days of this resolution; and
- (f) While holding a City-issued tobacco license, the license holder must document and maintain the signatures and dates of any tobacco training their employee's receive, including being advised of the establishment's tobacco policy. This list must be up to date and made available to the police department upon request.

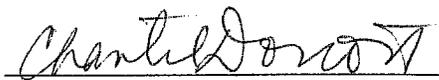
Adopted by the City Council of the City of West St. Paul this 12th day of September, 2016

Ayes: 5 Nays: 0

Attest:



David Meisinger, Mayor



Chantel Doriott, City Clerk

**City of West St. Paul
Dakota County, Minnesota**

RESOLUTION NO. 16-84

**RESOLUTION IMPOSING SANCTIONS UPON
RETAIL TOBACCO LICENSE HOLDER
WALMART**

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

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

FINDINGS

Notice of a hearing for the imposition of a sanction for a tobacco violation was duly given to the tobacco license holder for the premises at 1644 Robert Street South, West St. Paul, Minnesota (Walmart) on August 2, 2016, pursuant to Minnesota Statutes, sections 461.12, Subd. 2 and 3.

- 1.01 The hearing was held on Monday, September 12, 2016, in the Council Chambers in City Hall, located at 1616 Humboldt Avenue, West St. Paul, Minnesota.
- 1.02 At the hearing all persons who appeared and desired to be heard, were heard.

CONCLUSION

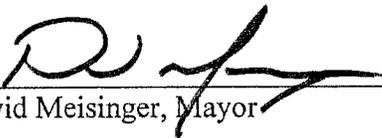
- 2.01 Based upon the evidence presented at the hearing, the City Council concludes that the retail license holder for the premises at 1644 Robert Street South (Walmart) failed to comply with an applicable statute in that tobacco was sold to a minor on April 19, 2016 in the licensed establishment.
- 2.02 The following sanctions are imposed for the violation:
 - (a) That a \$200 civil penalty is imposed against license holder;
 - (b) The individual who sold the tobacco will pay a \$50 civil penalty;
 - (c) The civil penalties must be paid within 30 days of notice of payment;
 - (d) That a 3-day suspension of the licensee's tobacco license be imposed on the following dates: September 22nd, 23rd and the 24th. Sales may resume on September 25th;

- (e) While maintaining an active City-issued tobacco license, the licensee will attend any City-sponsored compliance training when notified;
- (f) The license holder will establish or up-date an age verification policy for the establishment's employees and provide the police department with a copy of this policy within 30 days of this resolution; and
- (g) While holding a City-issued tobacco license, the license holder must document and maintain the signatures and dates of any tobacco training their employee's receive, including being advised of the establishment's tobacco policy. This list must be up to date and made available to the police department upon request.

Adopted by the City Council of the City of West St. Paul this 12th day of September, 2016

Ayes: 5 Nays: 0

Attest:



David Meisinger, Mayor



Chantel Doriott, City Clerk

**City of West St. Paul
Dakota County, Minnesota**

RESOLUTION NO. 16-85

**RESOLUTION IMPOSING SANCTIONS UPON
RETAIL INTOXICATING LIQUOR LICENSE HOLDER
WALMART**

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

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

FINDINGS

Notice of a hearing for the imposition of a sanction for a liquor violation was duly given to the intoxication license holder for the premises at 1644 Robert Street South, West St. Paul, Minnesota on August 2, 2016 pursuant to Minnesota Statutes, sections 14.57 to 14.69.

- 1.01 The hearing was held on Monday, September 12, 2016, in the Council Chambers in City Hall, located at 1616 Humboldt Avenue, West St. Paul, MN.
- 1.02 At the hearing all persons who appeared and desired to be heard, were heard.

CONCLUSION

- 2.01 Based upon the evidence presented at the hearing, the City Council concludes that the retail license holder for the premises at 1644 Robert Street South, West St. Paul (Walmart) failed to comply with an applicable statute in that an alcoholic beverage was sold to an underage person on May 19, 2016 in the licensed establishment.
- 2.02 The following sanctions are imposed for the violation:
 - a) A \$500 civil penalty is imposed against the license holder of which \$250 is stayed. The penalty is based on this license holder's not attending the compliance training and a recent alcohol compliance failure. If this license holder fails another compliance check within 24 months of this resolution, the stayed penalty will be immediately imposed and additional sanctions may be imposed for the new violation.
 - b) While holding a City-issued alcohol license, a representative from this establishment will attend any future City-sponsored alcohol compliance training when notified;

- c) The license holder will establish or up-date an age verification policy for the establishment's employees and provide the police department with a copy of this policy within 30 days of this resolution; and
- d) While holding a City-issued alcohol license, the license holder must document and maintain the signatures and dates of any alcohol training their employee's receive, including being advised of the policy cited above. This list must be up kept to date and made available to the police department upon a reasonable request.

Adopted by the City Council of the City of West St. Paul this 12th day of September, 2016

Attest:



David Meisinger, Mayor



Chantel Doriott, City Clerk

**City of West St. Paul
Dakota County, Minnesota**

RESOLUTION NO. 16-86

**RESOLUTION IMPOSING SANCTIONS UPON
RETAIL INTOXICATING LIQUOR LICENSE HOLDER
CARBONE'S PIZZA**

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

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

FINDINGS

Notice of a hearing for the imposition of a sanction for a liquor violation was duly given to the intoxication license holder for the premises at 55 Wentworth Avenue East, West St. Paul, Minnesota on August 2, 2016 pursuant to Minnesota Statutes, sections 14.57 to 14.69.

- 1.01 The hearing was held on Monday, September 12, 2016, in the Council Chambers in City Hall, located at 1616 Humboldt Avenue, West St. Paul, MN.
- 1.02 At the hearing all persons who appeared and desired to be heard, were heard.

CONCLUSION

- 2.01 Based upon the evidence presented at the hearing, the City Council concludes that the retail license holder for the premises at 55 Wentworth Avenue East, West St. Paul (Carbone's Pizza) failed to comply with an applicable statute in that an alcoholic beverage was sold to an underage person on May 19, 2016 in the licensed establishment.
- 2.02 The following sanctions are imposed for the violation:
 - a) A \$500 civil penalty is imposed against the license holder of which \$400 is stayed. The stayed penalty is based on this license holder's past record of successful compliance checks. Should the license holder fail a compliance check in the next 24 months, the stay penalty will be imposed along with any additional penalties imposed by the Council for the new violation.
 - b) While holding a City-issued alcohol license, a representative from this establishment will attend any future City-sponsored alcohol compliance training when notified;

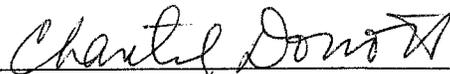
- c) The license holder will establish or up-date an age verification policy for the establishment's employees and provide the police department with a copy of this policy within 30 days of this resolution; and
- d) While holding a City-issued alcohol license, the license holder must document and maintain the signatures and dates of any alcohol training their employee's receive, including being advised of the policy cited above. This list must be up kept to date and made available to the police department upon a reasonable request.

Adopted by the City Council of the City of West St. Paul this 12th day of September, 2016

Attest:



David Meisinger, Mayor



Chantel Doriott, City Clerk

On Motion of Clpn. *Bellows*

Seconded by Clpn. *Armon*

RESOLUTION NO. 16-87

RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT:
COURT DATA SERVICES SUBSCRIBER AGREEMENT

BE IT RESOLVED, that the City of West St. Paul has entered into a cooperative agreement with the State of Minnesota (i.e. the Office of State Court Administration) for the purpose of allowing the continued access to court data and records.

WHEREAS, the city attorney needs access to court records and dispositions in order to prepare for court hearings, check criminal background of subjects, review cases for charging, etc.;

WHEREAS, the city attorney currently utilizes a software product entitled "Odyssey" for the purpose of accessing these court records;

WHEREAS, the Odyssey system was phased out beginning on or about August 1, 2016 by the State of Minnesota;

WHEREAS, the State of Minnesota requires criminal justice agencies and their city attorneys wishing to continue to access court records after August 1st to execute a revised court data services agreement;

NOW, THEREFORE BE IT RESOLVED, that the Mayor for the City of West St. Paul and the City Clerk, are authorized to sign the State of Minnesota Court Data Services Agreement and related documents authorizing the City Attorney to use the MGA database.

Adopted by the City Council of the City of West St. Paul on this 12th day of September, 2016.

Ayes: 5 Nays: 0 Attest:



David Meisinger, Mayor



Chantal Doriott, City Clerk

RESOLUTION NO. 16-88

WEST ST. PAUL
DAKOTA COUNTY, MINNESOTA

**A RESOLUTION AUTHORIZING THE SETTLEMENT OF PARCEL 100
REGARDING THE EASEMENT ACQUISITIONS FOR THE ROBERT STREET
IMPROVEMENT PROJECT**

WHEREAS, the City has been negotiating with property owners along Robert Street for easements in order to complete the Robert Street Improvement Project (“Project”); and

WHEREAS, the owner of Parcel 100, located at 1170 S. Robert Street (“Owner”) agreed to a negotiated settlement as full and final satisfaction of all claims related to the Project; and

NOW, THEREFORE, BE IT RESOLVED by the West St. Paul City Council that the attorney for the City is authorized to settle the easement acquisition with a payment of \$160,000 to the Owner of Parcel 100, with the additional authorization to reduce the landscaping requirement to two (2) trees in front of the Owner’s property within the City’s easement, as well as attorney fees, costs, certain site modifications and approvals, and other non-monetary terms and conditions.

Adopted by the City Council of the City of West St. Paul this 12th day of September, 2016.

Ayes: 4 Nays: 1

Attest:

VETO *Am 9/12/16*

David Meisinger, Mayor

Chantal Doriott, City Clerk

Mayor David Meisinger

September 12, 2016

City Clerk Chantal Doriott, City of West Saint Paul

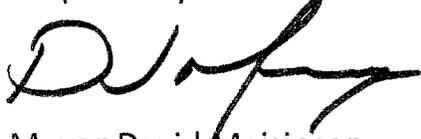
Madame Clerk,

Per Chapter II section 2.06 of the city charter, please allow this notice to serve as my VETO of the resolution approving the One Hundred Sixty Thousand (\$160,000.00) easement acquisition settlement approved by the council at its September 12th regularly scheduled council meeting. This settlement was for parcel #100 as part of the S. Robert Street project.

As Mayor, I refuse to allow the use of Thirty Thousand (\$30,000.00) tax payer dollars to pay for two (2) trees. The owner of this parcel agreed to accept an offer of One Hundred Thirty Thousand (\$130,000.00) with no trees, yet the council rejected that offer in lieu of a higher offer that included the two (2) trees.

Without these two (2) trees the road will still be safe, useful and attractive to potential redevelopment, all of which were reasons given by the council for the work and the city will have spent Thirty Thousand (\$30,000.00) less then had the two (2) trees been included.

Respectfully submitted



Mayor David Meisinger