

**City of West St. Paul  
Open Council Work Session Minutes  
February 26, 2018 at 5:30 p.m.**

**1. Roll Call**

Mayor Pro Tem Napier called the meeting to order at 5:23 p.m.

Present: Mayor Pro Tem Dave Napier  
Councilmembers John Bellows, Anthony Fernandez, Ed Iago, Bob Pace

Absent: Mayor Jenny Halverson, Dick Vitelli

Also Present: City Manager Ryan Schroeder  
City Attorney Kori Land  
Police Chief Manila Shaver  
Fire Chief Mike Pott  
Community Development Director Jim Hartshorn  
City Clerk Shirley Buecksler

**2. Review and Approve the OCWS Agenda**

Council approved the OCWS agenda, as presented.

**3. Review the Regular Meeting Consent Agenda**

Council approved the Consent Agenda, as presented. Mayor Pro Tem Napier requested that the February 12, 2018 OCWS and Council meeting minutes be pulled for corrections. Councilmember Iago requested that Consent Agenda Item 9C be moved and combined with Old Business Item 12C.

Council approved the Regular Meeting Consent Agenda, as amended.

**4. Agenda Item(s)**

**a. Digital Signage in Residential Districts**

Boike said the issue of digital signage in residential districts dates back to a discussion in October of 2017 regarding a church in an area where digital signage is not allowed. Boike said a survey of first ring suburbs shows most do not allow digital signage in residential districts but those that do are specific to churches. Based on this information, Boike asked if the Council would consider an ordinance amendment.

Councilmember Bellows said it may have negative aspects for a neighborhood and is not in favor of it.

Councilmember Iago said if the sign is tasteful and controlled by the hours and lumens so that it does not bother the neighbors, he would not have a problem with it.

Councilmember Pace agreed with Councilmember Iago, especially if it is for churches and schools and as long as the signage is limited by time so the light from the sign is not shining in homes at night.

Mayor Pro Tem Napier agreed and said that community activities could be displayed on the sign. He said a digital sign would be appropriate in front of a school and that he would like to see our public schools do the same thing.

Councilmember Fernandez noted that the signage should be neutral and not flashing.

Councilmember Pace said there are rules in the Code for lighting and static.

Mayor Pro Tem Napier said there are other things a sign like this could be used for that relate to the community, such as weather and snow emergencies.

Councilmember Bellows said that he understood this to be a monochromatic sign. If it is a static sign, he said he has less problem with it but he doesn't want it to be distracting to drivers. Councilmember Bellows said he may agree if it is a static sign.

Mayor Pro Tem Napier said it makes sense to move this item forward.

**b. Public Memorials and Recognitions Policy**

Schroeder stated that the City was asked by the Mendota Heights City Administrator if West St. Paul would consider 1010 Dodd Road as a permanent site for a memorial for Officer Patrick. Schroeder questioned how memorials are evaluated, as well as other types of requests in the future. He suggested some topics for Council consideration: the design of the site, liability, maintenance, naming, and messaging (what message the memorial sends). Schroeder said he is looking for any questions or concerns from the Council that will allow Staff to either answer this request or draft a policy for Council consideration.

Councilmember Fernandez asked if Mendota Heights has submitted a plan for the site; Schroeder said no.

Mayor Pro Tem Napier said the key question going forward is what the City's policy will be regarding memorials. He asked whether the City would accept this as a policy to create a memorial in any area other than a park or City Hall. He said he would prefer a permanent plaque at City Hall to memorialize the Officer. Mayor Pro Tem Napier said the future development of the site is unknown and questioned how the memorial would be dealt with at that time.

Councilmember Pace agreed and said we wouldn't want to hinder future development. He said something at City Hall would be a great idea. Moving forward, Councilmember Pace said he prefers to consider each request on a case-by-case basis. As far as this memorial is concerned, he said he would not want to see it torn down in the future.

Councilmember Bellows said he has some issues with putting a memorial in the middle of an area that may be developed in the future. Councilmember Bellows said that West St. Paul has been put in a position and that Mendota Heights should be doing the memorial to honor their Officer at the site of that government's headquarters. He added that, reluctantly, it creates too many concerns.

Councilmember Iago said he thinks there may need to be an explanation about the area and that we could find a way to work with Mendota Heights, while at the same time advising them that the area could change. He said we need to do something to show our respect because it is not often that we have an Officer slain in our community.

Schroeder said he either needs direction to draft a policy for later consideration or do this on a case-by-case basis. He said he needs direction on how to respond to this request.

Councilmember Fernandez said the City could have a policy but still do each on a case-by-case basis. He said there also needs to be some thought on maintenance of the memorial and whether that would be the City or the family. Schroeder said he believes this request is from a group of people which may also include some on the Mendota Heights Council.

Mayor Pro Tem Napier said he doesn't think it's uncommon for Cities to be approached; rather, it's more often that Cities offer different alternatives. He said a plaque on the ground wouldn't inform people that this person was slain while protecting and serving the community. Mayor Pro Tem Napier said he would not be in support of placing a memorial in a random place that could be redeveloped in the future.

Councilmember Bellows suggested that authorization be given to the City Manager to find out Mendota Heights' plan on what they are looking to do and see how West St. Paul can participate. He also added that it should be in conjunction with the City, not just with the group requesting. Councilmember Bellows said the City of Mendota Heights has the first right and obligation to do the memorial.

Mayor Pro Tem Napier said honoring Officer Patrick is the right thing to do and he supports it 100 percent.

Schroeder said he will take the Council's issues to Mendota Heights.

Schroeder also said that the City has a current park bench policy.

Mayor Pro Tem Napier said this policy could be moved to a future meeting with a light agenda and that he has plenty to share on this topic.

**c. Sanitary Sewer Connection Requirements**

Beckwith discussed some properties that must connect to the new sewer by the end of 2020. He said, however, that neighboring cities do not enforce it because it's too expensive for residents to hook up. Some options to explore include:

- Requiring hookup once the existing septic system fails
- Requiring hookup upon property sale
- Requiring hookup within 10-15 years

Councilmember Pace asked if the cost can be assessed or if the property owner must pay up front, if they are required to hook up by a certain date and if there are alternatives. Stark said this can be done and the property owner would have to sign an assessment waiver.

Councilmember Bellows commented on the options Beckwith suggested for hookup and that he would like to see a policy that states whichever happens first would be the option.

Councilmember Fernandez said he would prefer the option of when the original septic system fails. Otherwise, he said the requirement to hook up upon property sale could squash the sale for the owner because it's too much of a hardship. Councilmember Bellows suggested removing that option. Councilmember Fernandez said the stub would be there and that he doesn't like the timeline of 10 to 15 years, either.

Councilmember Bellows said upon failure of the system or a time limit are reasonable options.

City Attorney Land said that it could be possible to negotiate this. If the City has to pay for right-of-way or trees, there could be an exchange that they agree to hook up.

Mayor Pro Tem Napier said he is in support of the option when the system fails and said this is one way we can help the owners.

Councilmember Iago questioned what the City did for Oakview and if they were given a timetable. Mayor Pro Tem Napier said he would like to know this before a decision is made.

Mayor Pro Tem Napier asked who pays for the grinder and force main if it is below the street. Beckwith said the owner would pay these costs.

Councilmember Pace asked if the County could assist with the cost. Beckwith said he will check and see if other cities have information.

Councilmember Fernandez said it would be helpful to know if owners on other projects were forced to hook up or not. He said he would prefer the option requiring hookup after the septic system fails.

Mayor Pro Tem Napier said, as a property owner, he would have hooked up right away.

Beckwith said he will check on what had been done in the past for other projects.

**d. Special Assessment Policy**

Beckwith said the December 8, 2017 Open Council Work Session meeting was held to discuss the special assessment policy. He said that he has drafted a new assessment policy which incorporates the discussion points captured at that meeting and helps better define the overall policy.

Councilmember Bellows said he agrees with the new assessment policy.

Councilmember Iago said he would suggest moving the assessment from 25 percent to 35 percent. He also asked how a cul-de-sac would be assessed. Beckwith said most cul-de-sacs are residential and described how it would be measured.

Councilmember Bellows suggested, as part of the proposal, that an appraisal be done of the project to determine what the special benefit would be and that it would have to include what the maximum special benefit would be. If we move to 35 percent, he said the likelihood is we would be increasing the amount of the assessment for lower to average cost homes but that larger front footages or smaller number of blocks per block would be capped out to the maximum of the special benefit.

Councilmember Iago asked if an appraisal is required. City Attorney Land said it would be in the policy that it is required.

Schroeder said it's helpful to have the appraisal and that it answers both sides of the question.

Councilmember Bellows said 30 to 35 percent seems reasonable and would solve a lot of problems.

**e. Bylaws for Commissions and Committees**

City Attorney Land said the bylaws were different for each of the committees. She said the Charter Commission, by statute, has autonomy in developing their own bylaws. She recommended that the commissions have consistency in number of members, officers, staff representatives, Council liaisons, and that meetings are adopted through the City's annual calendar, with the Council setting their regular meeting dates (other than the Charter Commission). If any commission requires a special meeting, City Attorney Land said it would have to be approved by the City Manager with three days' notice. She also said that the commission would be required to adhere to the agenda, cannot add anything to the agenda, that all agendas would be prepared and set by City Staff and that Staff run the meetings by the agenda. Schroeder added that Staff would receive direction from the Council.

Mayor Pro Tem Napier said duties are assigned by the City Council; however, this hasn't always been followed. He said the Council needs to provide the commissions with better direction.

City Attorney Land said if a commissioner misses three meetings in a year, Staff would notify Council (regardless of excused absences) and Council would consider their removal from the committee. She said this would be the standard, other than for the Charter Commission. She also said that all appointments would be made by Council and that the Commissions must follow Robert's Rules of Order.

City Attorney Land said she is preparing rules of conduct and an agreement that commissioners must sign. She will prepare a draft for Council review.

Councilmember Fernandez asked if the term limit is new. City Attorney Land said that some commissions have term limits but some do not and we need to make them consistent. Councilmember Fernandez said that sometimes it's good to have continuity and a long history of knowledge in commissioners. He said he wouldn't want to have to tell someone that they could not be reappointed to a commission. He also said that the Planning Commission is a well-oiled machine with a good wealth of knowledge.

Councilmember Bellows said there are some commissioners who have already been on the committee for four or six years and that the committee could potentially end up with all new individuals. He said there is some advantage to keeping people on longer.

City Attorney Land said the Council can always choose not to reappoint someone instead of using term limits.

Schroeder asked about partial terms but City Attorney Land said this wasn't addressed directly.

Mayor Pro Tem Napier said he likes the term limits but that not reappointing a person would also work.

Councilmember Iago said the Council has the right to modify the terms and, if someone were on a committee for six years, the Council could reappoint this person if there were no other good applicants.

Mayor Pro Tem Napier said he likes the idea of simplifying and consistency and that the commissions should be the same.

Councilmember Pace said he is in favor of term limits, with the exception of a commission losing most of its members. He said Councilmember Iago had a good point that the Council could make the change to keep someone on the committee.

City Attorney Land said the bylaws would have to be changed again. She said she likes the idea of being able to reappoint someone when the term expires and will remove the term limits.

City Attorney Land said the Environmental Committee was created to address the Emerald Ash Borer and also to make recommendations to the Planning Commission on every application that included a landscape plan. Mayor Pro Tem Napier said he likes what they are doing with plan reviews. City Attorney Land said it concerns her that this has fallen on Public Works and Parks Staff. She said it became more of a focus on Planning Commission applications and she said it should fall on Community Development. City Attorney Land said we may have to think about who the staff liaison is.

Councilmember Pace said he agrees with the City Attorney. When the commission receives a site plan, he said it would be nice to have more information on what they can and cannot do. He added that the hope is to have experts on the committee who know about trees and he is not sure that the staff member needs to know about trees.

Councilmember Bellows said he was the liaison on the Planning Commission to the Environmental Committee. He said, however, that the Environmental Committee sees the plans before the Planning Commission does and that there is

an opportunity for someone from the Planning Commission to provide some input. He said a staff person has a higher level of information and that sometimes someone from Public Works is the appropriate person, while other times it's someone from Parks or Community Development. Councilmember Bellows said that sometimes the commissioners do not have the grounding in the ordinance on what is permissible and what is not. He said, other times, discussions on policy issues is a Public Works matter. He said it is a committee that can be a good resource of information to the Council.

City Attorney Land said the direction may be for the City Manager to address the right staff person for the agenda.

Schroeder asked the Council if they want the committee to continue with what they were created to do.

Councilmember Fernandez said his understanding is that the Council needs to do a better job of providing the committees with a clear focus. He asked if it is beneficial to have two exclusive committees, Environmental and Parks, and if they should be consolidated. City Attorney Land said the City of New Brighton has a combined commission. Councilmember Iago commented that several cities have combined commissions.

Councilmember Pace said the last meeting was cancelled because the committee had nothing to do. He said it's a lot of time for staff to put together agendas, policies and other information.

Councilmember Bellows said there are different skill sets between these commissions and that the Parks side is different from the Environmental side.

Councilmember Iago said the potential of combining the commissions has absolute merit if you balance the skill sets of your members.

Mayor Pro Tem Napier said this makes sense to make the most use of the commissioners' time and make them more productive.

Councilmember Bellows asked if the committee would be the same size. Mayor Pro Tem suggested expanding it but not more than eight members. City Attorney Land said it should be an odd number for voting purposes.

Councilmember Pace suggested giving direction to the City Attorney to bring back a report on how the combined commission works in New Brighton, as well as other cities that have combined commissions.

City Attorney Land asked the Council to review the draft of the appointment process for the Charter Commission and email her as to whether or not they like the language.



**5. Adjourn**

Motion was made by Councilmember Fernandez and seconded by Councilmember Pace to adjourn the meeting at 6:25 p.m.

All members present voted aye. Motion carried.

A handwritten signature in black ink, appearing to read 'Dave Napier', written in a cursive style.

Dave Napier  
Mayor Pro Tem  
City of West St. Paul