

**City of West St. Paul  
Open Council Work Session Minutes  
March 12, 2018 at 5:00 p.m.**

**1. Roll Call**

Mayor Halverson called the meeting to order at 5:02 p.m.

Present: Mayor Halverson  
Councilmembers Anthony Fernandez, Ed Iago, Dave Napier and Dick Vitelli

Absent: Councilmembers John Bellows and Bob Pace (excused absences)

Also Present: City Manager Ryan Schroeder  
City Attorney Kori Land  
Attorney Peter Mikhail, Kennedy & Graven (Robert St)  
Attorney Jared Shepherd, Hoff Barry (Mailand)  
Police Chief Manila Shaver  
Assistant City Manager Sherrie Le  
Parks & Public Works Director/City Engineer Ross Beckwith  
Community Development Director Jim Hartshorn  
City Clerk Shirley Buecksler

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

Mayor Halverson suggested moving Item D, Zoning Amendment Request for 963 Robert Street, to follow Item A, Closed Session. Councilmember Iago said he would like to discuss snow abatement, if there is time.

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

Councilmember Iago requested that the February 26, 2018 City Council minutes be pulled from Item 9A for correction. Council approved the Consent Agenda, as amended.

**4. Agenda Item(s)**

Motion was made by Councilmember Napier and seconded by Councilmember Vitelli to close the meeting at 5:05 p.m., pursuant to Minnesota Statute Section 13D.05 Subd. 3(b) for attorney-client privileged communication related to the Robert Street Easement Acquisitions and Mailand Litigation.

All members present voted aye. Motion carried.

Present during the closed session were:

Mayor Halverson

Councilmembers Anthony Fernandez, Ed Iago, Dave Napier and Dick Vitelli

City Attorney Kori Land

Attorney Peter Mikhail, Kennedy & Graven (Robert St)

Attorney Jared Shepherd, Hoff Barry (Mailand)

City Manager Ryan Schroeder

Community Development Director Jim Hartshorn

City Clerk Shirley Buecksler

**a. Closed Meeting Pursuant to Minn. Stat. Section 13D.05 Subd. 3(b) for Attorney-Client Privileged Communication Related to the Robert Street Easement Acquisitions and Mailand Litigation.**

Attorney Peter Mikhail provided an overview of the Robert Street Easement Acquisitions. Council asked questions and received answers.

Attorney Jared Shepherd provided an overview of the Mailand Litigation. Council asked questions and received answers.

Motion was made by Councilmember Napier and seconded by Councilmember Vitelli to re-open the meeting at 5:38 p.m.

All members present voted aye. Motion carried.

**b. Zoning Amendment Request for 963 Robert Street**

Hartshorn provided an overview and said that Staff recently received a request to locate an Adult Daycare facility at 963 Robert Street (vacant Sherman retail building). The property is currently zoned B5, Gateway North Mixed-use. The B5 District does not currently allow Adult Daycare. Hartshorn said there have been a number of prospects in the past few years and that this is a business that is needed. He said this would not be an overnight facility. If the Council is in favor of allowing the proposed use at the proposed location, Hartshorn said the B5 District language would require amending to either allow Adult Daycare as a Permitted Use or as a Conditional Use. Other zoning districts currently require a Conditional Use Permit (CUP); therefore, Staff would recommend allowing it as a CUP to allow for formal review of the use.

Hartshorn introduced Rob Kost of Upland Real Estate Group, who stated:

- The adult daycare would be open from 8:00 a.m. to 5:00 p.m. Monday through Friday.

- Adult daycare is a service primarily for seniors that includes art, support services, music, exercise, grocery shopping, and balanced meals. It also provides a break for caregivers.
- The space is approximately 6,900 square feet.
- Seniors would be dropped off at the rear of the building. The parking lot is only for staff.
- Individuals may be dropped off by caregivers, bus, or a shuttle provided by the adult daycare center. They would be picked up from their residence or other facility.
- This is a new type of business within the last ten to 15 years and is especially needed in West St. Paul.
- Placing adult daycare facilities in neighborhoods allows caregivers to walk their relatives to the daycare center.

Comments:

- Is this business model subsidized through health care providers? Yes; it depends on what coverage the participant has.
- What is the maximum number of participants? Between staff and guests, approximately 100 people. About 15 would be staff.
- What is the percentage of guests who would arrive by bus? There would be multiple buses, depending on where people need to be picked up. An estimate of 60 percent would arrive by buss and the rest by private vehicles.
- What is the geographical area that guests would come from? They may come from all over but, once the center is at full capacity, it is estimated that most would be from the immediate West St. Paul area.
- What percentage of guests are completely ambulatory? About 20 percent or more.
- Will daycare staff be required to have medical training to treat seniors? Depends on the type of guests. They hire trained professionals to work with people who need more help or they may also have in-house training available.
- Will all activities be conducted inside the facility? Most guests stay indoors but there may also be field trips available to guests.
- Will this type of facility become taxing on the City's Paramedics and Fire Department? Doubtful.
- There is no parking on Robert Street. Will there be any busses dropping off guests on Robert Street? No, the drop-off area would be in the back lot only.
- Is this a use the City wants to have on Robert Street? Council agreed that it may not be ideal but that the building has been empty.
- Not the best use for this site. This type of use is a destination and doesn't need to be right on Robert Street. This is the first thing people see when coming into West St. Paul.

- Council liked the idea of an adult daycare facility but Robert Street is not the place for it.

Council agreed that the answer is no and thanked everyone for coming.

**c. Sanitary Sewer Connection Requirement**

Beckwith said that the current City Code requires properties to hook up to newly available sanitary sewer by the end of the calendar year following the year it is available. In the case of the scheduled 2019 Wentworth Avenue reconstruction project, this would mean by the end of 2020. With varying ages of septic systems, some very new, imposing the current code could impose a significant financial burden on these properties.

Residents of previous city projects, such as Stassen Lane in 2008, were given three years to hook up to the new sanitary sewer. Residents on Oakview Lane in 2010 were required to hook up to the new sanitary sewer upon failure of their septic system or a failed inspection. City records indicated that all properties are currently hooked up on Oakview Lane.

Staff recommends that the Council amend City Code 50.02 to read that residents are required to hook up to newly available sewer upon failure of their current system or a failed inspection.

Comments:

- Several Councilmembers agreed to go with Staff's recommendation of hooking up when there is a failure.
- Will the contractor work with the property owners? Yes.

**d. Special Assessment Policy**

At the February 26, 2018 Open Council Work Session, a draft assessment policy was discussed. Increasing the assessed percentage to 35 percent will put West St. Paul closer to other cities in Dakota County and help finance the growing need of street replacement projects. Performing benefit appraisals will be a check as to whether the proposed assessment is supported.

Comments:

- Proposed continuing this discussion to when there is a full Council.
- Council will see a feasibility study coming in April or May for Wentworth Avenue.

- Several Councilmembers were concerned about the 35 percent. The feasibility study could be done with both 30 and 35 percent.
- Suggestion to add examples street improvement projects in each ward to show the effect for that neighborhood, as well as including the maximum benefit analysis. This would help Council provide more information to their constituents.
- Staff should bring this forward to the March 26, 2018 OCWS meeting and add it to the April 9, 2018 City Council agenda. It does not need to be a presentation.

**e. Fee Schedule**

Stark provided an overview of the fee schedule for 2018, with changes requested from the Planning Department. During the review of this schedule, it was discovered that there were a few fees not listed on the fee schedule, which have been added to the list. The goal is to have a complete list of all fees charged by City departments.

**Comments:**

- Some fees were not spelled out on the scheduled. Would like to match the fee structure of Administrative Citations with Police calls. They would increase up to \$2,000 per citation.
- Are nuisance service calls considered false alarms? No, these are two different things.
- What is considered a nuisance call? Things that are not abatable, such as disorderly conduct, noise, nuisance activities that become neighborhood concerns.
- Administration Citations can only be assessed if the property owner owns the land.
- Were Police calls removed and moved to be the same as repeat nuisance service? Yes; they need to be adjusted to the new fee schedule.
- In regards to abating sidewalks near a vacant house, the owner has 12 hours to clean it but there could be a week where snow is still there, due to the problem of the time it takes to send a letter and then the owner has two days to clean it. Suggested looking at the ordinance and forwarding it to the Public Safety Committee to come up with a better plan to present to Council.
- The problem is the ordinance used to abate and assess. If assessing the owner, the City must provide notice and there needs to be a period of time for the owner to fix the problem. Council can adjust the amount of time in the ordinance. The notice must be delivered by personal service or registered service to ensure the owner received it.
- If the City cannot collect a fee, it cannot be assessed.
- Direction is to look at it again and bring it back.

**f. Marthaler Park Master Plan Update**

Schletty provided a brief update for the Council. On April 10, 2017, Council approved a consultant contract with WSB for planning and design services for Marthaler Park. The resulting draft master plan was reviewed by the Parks and Recreation Advisory Committee (PRAC) at two meetings with WSB and an open house was hosted on August 30, 2017. From PRAC review and input from the Open House, a draft master plan was developed. A component of the Master Plan is an amendment to the current park trail plan in order to meet Regional Trail requirements. Those requirements result in a project cost for the trail element of \$944,000 (including a trailhead facility) toward which Dakota County has pledged a \$500,000 contribution (an alternative would be repaving the existing trail at a cost of \$130,000). At the September 12, 2017 PRAC meeting, members motioned to prioritize certain elements of the Park Plan.

With the reconstruction of Wentworth Avenue in 2019, there may be a need for storm water ponding on the north end of the park property. Staff is of the opinion that it may be prudent to coordinate north end portions of the Marthaler Master Plan with Wentworth design and construction. These would include the north parking lot and trails at \$281k, as well as miscellaneous north park improvements such as resurfacing of courts and small picnic shelter installation at an additional \$200k.

As noted above, there is currently \$200,000 allocated within the 2018 budget toward Marthaler. Any additional funding is subject to future Council discretion and determination (in other words, the current 2019 LGA projected funding is not secure at this time).

Staff recommends that the Council review the draft master plan for Marthaler Park and provide feedback for approval of the master plan and future project construction and/or phasing.

**Comments:**

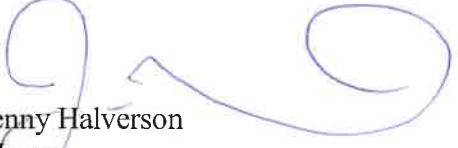
- Prior to any major construction, we need to ensure that the right plan is in place. In the Council's packet is the updated preferred master plan. A lot of elements are involved but not all need to be done at the same time.
- Does the Council have recommendations on how to phase it?
- It's important to look at the success of Marthaler Park. The impact of park improvements is huge. Need to include all those elements.
- The Park Advisory Commission worked through this plan with the consultant who commented on some pieces of the plan. We could technically get more out of it by having the trail go through there.
- Would like to keep this project going.
- No problem with the plan, only a problem with the financial part of it and when the City would have money to do it.

- Should do what was recommended for Wentworth reconstruction and include the amenities.
- Parking spaces shouldn't but up against the houses.
- Don't see an immediate need for this to happen right away. Not the best plan.
- This should be in sync with the County project so we gain more for the community. If the regional trail is funded and ready to go but our plan is not, we may miss the boat on cost-sharing and amenities for the park.
- No problem with the plan, just don't see where the funding for it would come from.
- Is there anything in the CIP for this? Only \$200,000 this year. Working to come up with funds for the Wentworth expenses. Second would be the regional plan.
- Suggestion to waive the fee for a 50<sup>th</sup> anniversary softball tournament, as well as waive sports fees for children of deployed active duty military members. This could be done for the City's recreation program, but most sports fees are paid to the West St. Paul Athletic Association. Something could be put together to bring to the West St. Paul Athletic Association Board.
- To waive any City fees, it should be submitted in writing for Council approval.

## 5. Adjourn

Motion was made by Councilmember Fernandez and seconded by Councilmember Iago to adjourn the meeting at 6:28 p.m.

All members present voted aye. Motion carried.



Jenny Halverson  
Mayor  
City of West St. Paul