

**1. Call to Order**

Mayor Jenny Halverson called the meeting to order at 6:34 p.m.

**2. Roll Call**

Present: Mayor Jenny Halverson and Councilmembers John Bellows, Anthony Fernandez, Ed Iago, Dave Napier, Bob Pace and Dick Vitelli.

Others present: Interim City Manager Ryan Schroeder, Assistant City Manager Sherrie Le, Community Development Director Jim Hartshorn, Public Works Director Ross Beckwith, Fire Chief Mike Potts, Police Chief Manila Shaver, Finance Director Joan Carlson and Recording Secretary Shirley Buecksler

**3. Pledge of Allegiance**

**4. Adopt the Agenda**

Motion was made by Vitelli, seconded by Iago, to continue items 11A and 11B for one month and adopt the agenda, as amended. All members present voted aye. Motion carried.

**5. OCWS Briefing**

Mayor Jenny Halverson explained the following items were discussed by the City Council at the work session held prior to the regular meeting:

- Creation of a SSD for Robert Street, services included and not included, and marketing efforts; and
- EDA meeting with a presentation from the CDA.

**6. Citizen Comments**

Karen Vavreck, 1229 Stryker Avenue thanked the Council for going to the Capitol today. She said the food drive is this month through April 9<sup>th</sup> and there are several sites in West St. Paul. She said this goes to Neighbors in South St. Paul.

Kevin Hendricks, 988 Seminole Ave said he is in support of the Greenway Trail and the Robert Street tunnel. He said he agrees with some of the frustration of this project. He said there is a lack of information out there and he is part of a group in support of the Greenway. Mr. Hendricks said that information can be found on [facebook.com/wspgreenway](https://www.facebook.com/wspgreenway). He said he is asking to have a conversation regarding the misinformation out there. He said this project is good for West St. Paul and will be a

huge asset to the city. He said that questions should be asked and arguments raised. Mr. Hendricks also said he encourages the City to hold a public meeting. Halverson agreed that there needs to be a meeting with City and County staff and elected officials present because there is so much misinformation out there and some informed decisions need to be made.

## **7. Council Comments**

Napier thanked Karen Vavreck for taking the food drive. He said this information needs to be made as convenient as possible. Ms. Vavreck said that she also has flyers for the food drive.

Hernandez and Pace have no comments.

Iago said that most of the City's residents may not have seen the Logan Ave. article in the Star Tribune about an action the Council is taking towards one of West St. Paul's residents. He said the quality of that article is below D and is very slanted in the way it was written. Iago said that social media is misinformed and, if you want to know what's going on, you should contact the West St. Paul Police Department.

Vitelli said that the Police Chief sent a letter to Channel 9 News regarding an individual who embezzled money from a relative. He said that Channel 9 News made it sound as if it was a West St. Paul Police Officer but that is untrue. Vitelli said that pictures of City Hall and West St. Paul police vehicles were in the article. He said it wasn't an Officer, the individual was a former Community Reserve Officer.

Vitelli also thanked Karen Vavreck. He said that Mayor Halverson and he went to the House Tax Committee today seeking to increase Local Government Aid (LGA) to the City of West St. Paul. He and Mayor Halverson felt they were well received today. He said it has now been heard in both the House and the Senate.

Bellows said that before a final determination is made on the River to River Greenway project, the City needs to gather information to make an informed decision. Bellows also commented on the Star Tribune embezzlement article and said that it bothered him significantly that it was directed towards people of color.

Halverson thanked everyone who was involved in the food drive. She said it all goes back into our own community.

## **8. Proclamations, Presentation and Recognitions**

- A. Comcast Franchise Agreement Extension  
Jodie Miller, NDC4 Executive Director

Jodie Miller said NDC4 is a joint powers cooperative of the seven member cities in northern Dakota County. She said they are recommending a resolution

extension through the end of this year. Ms. Miller said that any questions and concerns from residents should be forwarded to their offices. She said that the wireless industry wants to get into the City's right-of-way and charge market rates on City-owned properties. She said the League of Minnesota Cities has great concern with this.

Ms. Miller said the cable commission is requesting that each of their seven cities approve to extend the cable franchise through the end of this year. A couple of big reasons are the i-net, a fiber network that cities and counties are using for connectivity, and that Comcast wants to have all the cost information available so that Cities can weigh their options.

The Council had no questions.

Motion by Bellows, seconded by Vitelli to adopt Resolution No. 17-14 to approve and extend the Comcast franchise agreement. Motion passed.

#### B. Donations to the City

Chief Shaver said that Mr. and Mrs. Staricha donated \$50 to the K9 Program.

Motion was made by Vitelli, seconded by Bellows to adopt Resolution No. 17-16 to accept the donation as provided for above. All members present voted aye. Motion carried.

### 9. Consent Agenda

- A. Previous Meeting Minutes
- B. Council Report – City Licensing
- C. Approve Change Order on Robert Street Phase 1 Improvements – Project #11-3
- D. Resolution No. 17-17 Approving Findings of Fact to Deny the Interim Use Permit Application for Outdoor Display and Sale of Plants at 2001 Robert Street
- E. Rental Licensing
- F. List of Claims

Motion was made by Iago, seconded by Vitelli to approve the Consent Agenda items, as presented above. All members present voted aye. Motion carried.

### 10. Public Hearing

There were no public hearings scheduled for this evening.

### 11. New Business

- A. Environmental Committee Appointments

This item was continued for one month.

B. Park and Recreation Advisory Committee Appointments

This item was continued for one month.

C. Approve Consultant Contract for ADA Transition Plan – City Project 17-9

Beckwith said that the American Disabilities Act (ADA) was enacted in 1990 and every City is required to have an ADA policy in place. He said that funds were placed in the 2017 budget to get it started. Beckwith said that the City should be working on it by this summer so that Federal money won't be held up.

For the first phase, Beckwith said that the City needs to determine what policies are in place and what aren't in place. He said that preparation of the transportation fund should occur next year. He has reached out to other consultants and no one else has anything in place, yet. Other colleagues have said good things about it. Beckwith said that both South St. Paul and West St. Paul have asked at the same time to get this going. He said the proposal came in for phase one and two for \$24,300. The estimate for phase three is \$15,000. He said the City is looking to get started when the snow melts.

Bellows said he is unclear about the process and asked how much will be done by staff versus SRF? Beckwith said that City staff will do the physical data and that SRF's part is getting policies set up.

Bellows asked for clarification that the City is paying for review and guidance and the City is doing the data collection? Beckwith said yes.

Motion was made by Iago, seconded by Vitelli to approve the Consultant Contract for ADA Transition Plan – City Project 17-9. All members present voted aye. Motion carried.

## 12. Old Business

A. Award Bid for 2017 Street Improvements Project #17-1

Beckwith said this is a big year because two years are combined into this project, 2016 and 2017. He said the low bid is 18% below the engineer's estimate by Alda and Sons of St. Paul. Beckwith said the consultants have looked it over. Looking to start early to mid-April. Fees are well under the \$7.2M budgeted for this project.

Iago asked if the goal is to have all streets done this year. Beckwith said yes.

Beckwith asked the attorney if he has a conflict of interest since this project includes his street and his property. The city attorney said there is no conflict of interest.

Motion was made by Bellows, seconded by Fernandez to award the bid for the 2017 Street Improvements Project #17-1. All members present voted aye. Motion carried.

B. Approve Contract for Public Tree EAB Treatments

Beckwith said that 379 trees were treated with injections, in 2016, for beetles. This year, the City went out for RFP's for a two-year contract for more treatment and received three bids. Rainbow Tree Care was the lowest bid and was less than last year. Beckwith said Rainbow Tree Care is a leader in this field. He said there are 350 to 400 trees to be treated this year and next year. The injection lasts two to three years. Beckwith said that all of the trees should be finished by 2018 and then they will start over. Beckwith said that they asked Rainbow Tree Care to offer a price for residents, as well, and they came back with \$5.75 per inch, which is the same as last year and about half of the price a resident would get on their own.

Napier gave a shout-out to the Environmental Committee and to staff for all their work to get this item in front of the Council. He said it is nice to be ahead of it and encourages residents to use Rainbow Tree Care to get that done.

Motion was made by Napier, seconded by Vitelli to approve the contract for public tree EAB treatments with Rainbow Tree Care. All members present voted aye. Motion carried.

C. Approve Consultant Contract Revision for Robert Street Improvements – City Project 11-3

Beckwith said that, in 2015, a contract was put together with SRF regarding phase one of Robert Street being a Federal project, bound by using products at specific rates. A scope of what is needed was put together. There were more concrete tests than anticipated with this project. The Contractor is required to perform all this testing, since Federal funding is based upon it. The second phase is the contract for inspection by SRF. Storm sewer inspection needs to be done by City staff and it wasn't done in 2015. Beckwith said it takes a lot of manpower and, in May of 2016, he found out that it was supposed to be inspected. The City used an intern who did as much as he could. Beckwith said they thought they'd be done by fall of 2016 but there are about three weeks of work, at least. Beckwith said that SRF is looking for \$77,000 in additional funds along with \$22,000 for materials and costs performed already for an approximate total of \$99,000.

Iago said that for any resident looking at this, it says the City was supposed to supply a staff person for 2015 or 2016. Iago said he doesn't think anyone on the Council heard about this, but the City doesn't have a person that could qualify.

Bellows stated that, in the second line of the letter from SRF, there was additional testing due to inefficiencies. Bellows asked if this was an issue of the contractor not operating in an efficient fashion. Beckwith said it was based on what they bid it at and that a typical crew will put down "x" amount of concrete per day. He said it takes longer and takes more days for concrete work. Bellows asked if this could have been foreseen and if there is anything the City can do this year to cut down on these inefficiencies. Beckwith said the City cannot direct the contractor how to do their work. Beckwith asked if there is anything the City can do for the cost that comes out of the City's pocket? Beckwith said no.

Motion was made by Vitelli, seconded by Bellows to approve the Consultant Contract Revision for Robert Street Improvements – City Project 11-3. All members present voted aye. Motion carried.

#### D. Transportation Alternative Program (TAP) Grant Review

Hartshorn said that the City was awarded \$1.195M for the Transportation Alternative Program from the Met Council to install sidewalk and trails. Staff requested a breakdown of sidewalk costs from SRF. Without the sidewalk, it may reduce the City's scoring points in the project and could drop the City behind other applicants for the project. Staff asked SRF to provide easement acquisition costs and the land values have declined slightly since 2014. Hartshorn is confident that the original estimate should be sufficient.

Comments and questions from the Council:

Halverson said she thinks it's imperative that the City make West St. Paul more walkable and bike friendly. She said she wouldn't want to jeopardize the grant for \$60,000. She said there is an increasing number of people who are choosing not to own vehicles and sidewalks and trails are important.

Iago questioned the documentation and that there are no right-of-ways needed on Marie Avenue? Hartshorn said yes, on the north side. He said it is mostly bare land. Iago questioned that there is no cost to the City to acquire it and put down trail? Halverson said that it is the sidewalk portion on the north side. Iago asked if the right-of-way is large enough. Hartshorn said yes.

Iago asked if we get in and find that SRF has blown more numbers, can we start and stop this without losing it? Hartshorn clarified that the City won't get to resubmit. He said if the City goes back on the \$60,000 and others score higher as a result of the request, the City could lose all of it. Iago said there is no guarantee that the City can start and stop. Hartshorn agreed.

Schroeder asked if the City can change the scope in the process of accepting or rejecting the grant award. Hartshorn said this is different if there are unforeseen conditions later.

Bellows said he would vote in favor. He has asked several questions between the past meetings. Some were in respect to easement issues of Oakdale Avenue and he said he still has a question about the process that got the City to this point. Bellows asked why the City would have a sidewalk on the north side of Marie Avenue from Robert Street to Oakdale Avenue where there are no residences. But from Charlton to Livingston, there are residences with no sidewalk.

Vitelli asked if a sidewalk on both sides would be to separate bicycles from pedestrians?

Halverson said that bikers should not use sidewalks but this gives them a place to ride without being in the street. She noted that this one connects to a bus stop. She also said that a lot of people walk to and from businesses, including Target, which is a major one.

Vitelli said that residents from the apartments, to the south; there are always people walking west and back.

Fernandez said he is in favor. He stated that when he was on the Planning Commission, one of the conditions for 260 Marie Avenue was to have a path in front of that building. He said the City failed the residents in that corner of the City and that a lot of people walk in the streets even when it is icy. Fernandez asked if the City can fold this trail into the development and is this path something the City will maintain. Hartshorn said he believes so.

Halverson said the trails would be maintained by the City.

Beckwith said the trails in front of businesses would be cleared by the businesses.

Fernandez said a bike and pedestrian plan is top priority. He said the City needs to look at creative ways of expediting these trails and sidewalks. He said the Council will work with City staff to explore these options.

Bellows said that, at the time 260 Marie Avenue was approved and also prior, he had significant conversations with residents and developers to advance the sidewalk and trail this year. He said he was told no. Bellows said he is not against sidewalk and trails and that there are marked trails for commuter bikes in the street. He doesn't think this is the best use of City funds. Bellows said that easement questions have been answered and the City should look at things more carefully next time.

Napier said there were multiple emails received supporting this sidewalk to get it in on the grant and that those are the residents that use it and want it.

Motion was made by Napier, seconded by Vitelli to accept the grant. Vitelli asked if this project is not slated until 2018, can it be in conjunction with 260 Marie Avenue, as Fernandez asked. Hartshorn said the trail will be built at the same time and is a requirement of the project.

Fernandez asked if it could be amended to include it.

Bellows said the City should accept the grant and move on.

Iago said he would like to expedite this and get it done this year. He also thanked the City Manager for doing the initial extra work on it.

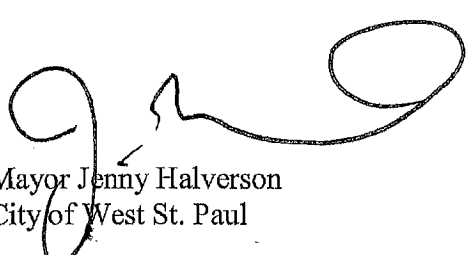
Vitelli asked if the whole trail can be done at once. Schroeder said the only way to do this is to have the developer escrow funds which would be available when the grant funds come in. He said if it's installed ahead of its time, it wouldn't be grant eligible.

Iago asked if the City could not accept the grant but could the program be accelerated from Oakdale to Robert on Marie this season or next season and reimburse the City when the grant comes in. Schroeder said not typically.

Halverson requested a roll call. Motion was previously made by Napier, seconded by Vitelli to adopt Resolution No. 17-18. All members present voted aye. Motion carried.

### 13. Adjourn

Motion was made by Vitelli, seconded by Bellows to adjourn the meeting at 7:35 p.m. All members present voted aye. Motion carried.



Mayor Jenny Halverson  
City of West St. Paul



**RESOLUTION NO. 17-14**

**RESOLUTION OF THE CITY OF West St. Paul, MINNESOTA  
GRANTING COMCAST OF ST. PAUL, INC., A FRANCHISE  
EXTENSION TO DECEMBER 31, 2017**

**WHEREAS**, on or about April 1, 2000, the City of West St. Paul, Minnesota, (“City”) granted a Cable Television Franchise Ordinance (“Franchise”) which is currently held by Comcast of St. Paul, Inc. (“Comcast”); and

**WHEREAS**, Comcast has requested renewal of the Franchise; and

**WHEREAS**, the initial term of the Franchise was extended by the City on February 9, \_\_\_\_\_, 2015, when the City adopted Resolution No. 15-21, which extended the term of the Franchise until March 31, 2016; and

**WHEREAS**, Comcast executed Resolution No. 15-21 and agreed to continue complying with the Franchise, as amended; and

**WHEREAS**, the Franchise was extended by the City on March 28, 2016, when the City adopted Resolution No. 16-31, which extended the term of the Franchise until March 31, 2017; and

**WHEREAS**, Comcast executed Resolution No. 16-31 and agreed to continue complying with the Franchise, as amended; and

**WHEREAS**, both the City and Comcast desire to reserve all of their respective rights under state and federal law regarding the franchise renewal process, specifically all rights provided by 47 U.S.C. § 546.

**NOW, THEREFORE**, the City of West St. Paul, Minnesota, hereby resolves as follows:

1. The Franchise is hereby amended by extending the term of the Franchise from April 1, 2017, through and including December 31, 2017.
2. Except as specifically modified hereby, the Franchise shall remain in full force

and effect.

3. The City and Comcast hereby agree that neither party waives any rights either may have under the Franchise or applicable law.

4. This Resolution shall become effective upon the occurrence of both of the following conditions: (1) The Resolution being passed and adopted by the City; and (2) Comcast's acceptance of this Resolution.

Adopted by the City of West St. Paul, Minnesota, this 13 day of March, 2017.

ATTEST:

CITY OF West St. Paul, MINNESOTA

By: Chantel Doss  
City Clerk

By: [Signature]  
Its: Mayor

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

**RESOLUTION NO. 17-<sup>15</sup>**

**AWARD BID  
2017 STREET IMPROVEMENTS PROJECT #17-1**

WHEREAS, pursuant to an advertisement for the 2017 Street Improvements Project, bids were received, opened and tabulated according to law, and the following bids were received complying with the advertisement:

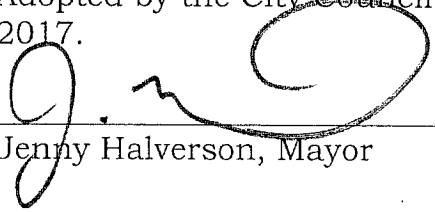
Bidder	Base Bid
Palda & Sons, Inc.	\$6,289,972.51
McNamara Contracting, Inc.	\$6,361,925.20
Max Steininger, Inc.	\$6,718,465.52
Park Construction, Inc.	\$7,826,429.71
Engineer's Estimate	\$7,712,997.52

AND WHEREAS, it appears that Palda & Sons, Inc. is the lowest responsible bidder,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF WEST ST. PAUL, MINNESOTA:

1. The Mayor and Manager are hereby authorized and directed to enter into a contract with Palda & Sons, Inc. in the name of the City of West St. Paul for the 2017 Street Improvements Project according to the plans and specifications therefore approved by the City Council and on file in the office of the City Clerk.
2. The City Clerk is hereby authorized and directed to return forthwith to all bidders the deposits made with their bids, except that the deposits of the successful bidder and the next lowest bidder shall be retained until a contract has been signed.

Adopted by the City Council of the City of West St. Paul this 13<sup>th</sup> day of March 2017.

  
\_\_\_\_\_  
Jenny Halverson, Mayor

Attest:   
\_\_\_\_\_  
Chantal Doriott, City Clerk

City of West St. Paul

RESOLUTION NO. 17-16

RESOLUTION ACCEPTING DONATIONS

WHEREAS, Barbra and James Staricha intend to donate \$50 towards the police department's canine program;

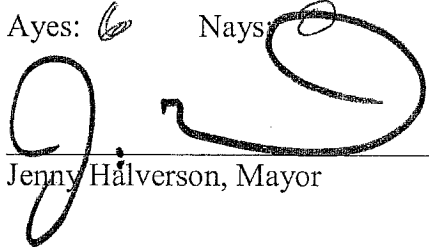
WHEREAS, the Mayor and City Council acknowledges Barbra and James Staricha's generosity and extends their appreciation to both Barbra and James Staricha for their donations;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council accepts the above described donations and authorizes the police department to expend these funds in the manner described by these organizations.

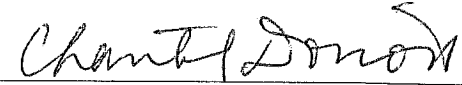
Adopted by the City Council of the City of West St. Paul this 13<sup>th</sup> day of March 2017.

Ayes: 6

Nays: 0

  
\_\_\_\_\_  
Jenny Hålverson, Mayor

Attest:

  
\_\_\_\_\_  
Chantal Doriott, City Clerk

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

**RESOLUTION NO. 17- 17**

**A RESOLUTION MEMORIALIZING  
THE FINDINGS OF FACT AND REASONS FOR DENIAL  
RELATING TO THE INTERIM USE PERMIT APPLICATION  
FOR OUTDOOR DISPLAY AND SALE OF PLANTS IN A B4 DISTRICT  
AT 2001 ROBERT STREET (CUB FOODS)**

WHEREAS, Plant Place Inc., (the "Applicant") has applied for an Interim Use Permit ("Application") to display and sell Horticultural Products (Plants) in the parking lot to be located at 2001 Robert St., West St. Paul, Minnesota (the "Property") legally described as:

LOT 1 BLOCK 1 ROBERT STREET MARKETPLACE

WHEREAS, the Property is located in a B-4 Zoning District; and

WHEREAS, the Property consists of a big box grocer, multi-tenant retail center, and large parking lot; and

WHEREAS, the Applicant is proposing to locate a large greenhouse/sales area in the parking lot from approximately April 15, 2017 to July 15, 2017; and

WHEREAS, the Outdoor Display and Sales of Horticultural Products are permitted as an Interim Use Permit in the B-4 Zoning Districts, provided certain specific conditions are met related to their location and parking; and

WHEREAS, the West St. Paul City Council (the "Council") discussed the Interim Use Permit Application at its February 27, 2017, City Council meeting; and

WHEREAS, at that meeting, the members of the Council raised a number of concerns about the Application pertaining to the compatibility of the proposed use to the surrounding neighborhood; and

WHEREAS, Council members were concerned about the size and location of the proposed use; and

WHEREAS, following the discussion, the Council voted to deny the Interim Use Permit, which passed on a vote of 6-0; and

WHEREAS, the Council must adopt Findings of Fact to support the denial of an Interim Use Permit which it may do at the next regular Council meeting.

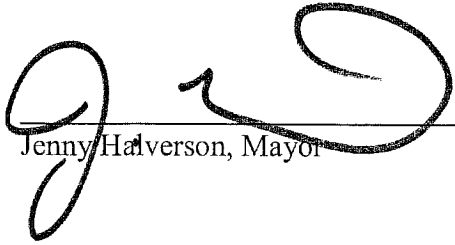
NOW THEREFORE BE IT RESOLVED BY THAT THE CITY COUNCIL hereby makes the following Findings of Fact to support its decision to deny the Interim Use Permit:

1. The large size of the structure and location in the middle of the shopping center parking lot is out of character with the neighborhood and the surrounding existing uses.
2. Horticultural interim use permits have been granted for other "big box" retailers, but only for the sidewalk immediately adjacent to the building, for aesthetics, safety and parking flow reasons.


Passed by the City Council of the City of West St. Paul this 13<sup>th</sup> day of March, 2017.

Ayes: 6      Nays: 0

Attest:



Jenny Halverson, Mayor



Chantal Doriott, City Clerk

**CITY OF WEST ST. PAUL**

**RESOLUTION NO. 17-18**

**RESOLUTION ACCEPTING A FEDERAL TRANSPORTATION  
ALTERNATIVES PROGRAM (TAP) GRANT FROM THE METROPOLITAN  
COUNCIL AND AUTHORIZING THE SOLICITATION OF BIDS TO  
COMPLETE REQUIRED DESIGN/ENGINEERING**

WHEREAS, the City of West St. Paul applied for a Transportation Alternatives Program (TAP) grant from the Metropolitan Council on July 15, 2016; and

WHEREAS, the application requested a grant in the amount of \$1.195M to construct an off-street trail and sidewalk on Marie Ave from Robert St. to Oakdale Ave, and to construct an off-street trail on Oakdale Ave from Mendota Rd. to Wentworth Ave; and

WHEREAS, the Metropolitan Council formally awarded the grant to the City of West St. Paul on January 18, 2017; and

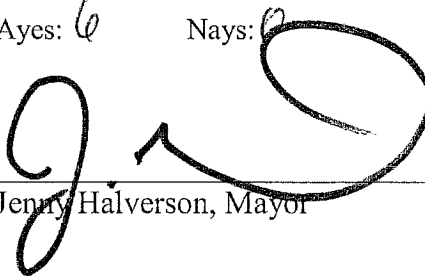
WHEREAS, the grant dollars are programmed to be distributed to the City in 2019 for construction in 2019;

NOW THEREFORE BE IT RESOLVED that the City of West St. Paul formally accepts the grant and authorizes city Staff to solicit bids to complete the necessary design/engineering for the project.

Adopted by the City Council of the City of West St. Paul this 13th day of March, 2017

Ayes: 6

Nays: 0

  
\_\_\_\_\_  
Jenny Halverson, Mayor

Attest:

  
\_\_\_\_\_  
Chantal Doriott, City Clerk