

**City of West St. Paul  
Open Council Work Session Minutes  
June 11, 2018**

**1. Roll Call**

Mayor Halverson called the meeting to order at 5:00 p.m.

Present: Mayor Halverson  
Councilmembers John Bellows, Anthony Fernandez (arrived at 5:04 p.m.),  
Ed Iago, Dave Napier, Bob Pace, and Dick Vitelli

Absent: None

Also Present: City Manager Ryan Schroeder  
City Attorney Kori Land  
Police Chief Manila Shaver  
Fire Chief Mike Pott  
Parks & Public Works Director/City Engineer Ross Beckwith  
Community Development Director Jim Hartshorn  
Assistant Community Development Director Ben Boike  
Finance Director Char Stark  
City Clerk Shirley Buecksler

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

Council approved the Work Session agenda.

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

Mayor Halverson removed Item 11B, 1010 Dodd Road Memorial Discussion, from the Regular Council agenda.

Commissioner Bellows requested to move Item 9J, Reinstatement of Rental License for 1492 Charlton Street, to Item 12A for further discussion.

Commissioner Bellows requested to move Item 9K, Planning Commission Appointment, to Item 12B for further discussion.

Council approved the agenda, as amended.

#### **4. Agenda Item(s)**

Motion was made by Councilmember Napier and seconded by Councilmember Iago to close the meeting at 5:03 p.m., pursuant to Minnesota Statute 13D.05 Subd. 3(c) for Attorney-Client Privileged Communication Related to 1492 Charlton Street.

All members present voted aye. Motion carried.

#### **A. Closed Session Pursuant to Minnesota Statute 13D.05 Subd. 3(c) for Attorney-Client Privileged Communication Related to 1492 Charlton Street**

Present during the closed session were:

Mayor Halverson  
Councilmembers John Bellows, Anthony Fernandez, Ed Iago,  
Dave Napier, Bob Pace and Dick Vitelli  
City Manager Ryan Schroeder  
City Attorney Kori Land  
Community Development Director Jim Hartshorn  
City Clerk Shirley Buecksler

Council asked questions and received answers.

Motion was made by Councilmember Vitelli and seconded by Councilmember Bellows to open the meeting at 5:24 p.m.

All members present voted aye. Motion carried.

#### **B. 2017 Audit Report**

Bonnie Schwieger of Abdo, Eick & Meyers, LLC presented the results of this year's audit.

Focusing on the management letter, Ms. Schwieger said that West St. Paul is above the recommended 50 percent balance of the fund budget. She said revenues were about \$46,000 over budget, expenditures were about \$24,000 below budget. She said Police and Public Works contributed to that budget variance. Ms. Schwieger said the main revenue increase came from taxes.

Councilmember Iago asked if there was a particular reason for the drop in licenses and permits from 2015 to 2017. Ms. Schwieger said there were fewer issued and that development activity may vary from one year to the next.

Ms. Schwieger summarized the general fund expenditures for the past three years. She said public safety was the largest source of disbursements for the general fund, which is very common for a city of this size. She said about \$630 is spent per

resident. Ms. Schwieger said it can be helpful to compare to peer group numbers from all cities around the state of Minnesota.

Councilmember Bellows said West St. Paul is more like an urban city but most of the comparable cities are suburban. He said public safety issues are different here.

Chief Shaver said West St. Paul is actually more metropolitan like Minneapolis but that Councilmember Bellows is correct.

To summarize the special revenue fund, Ms. Schwieger said the Economic Development Authority has the largest portion of this fund. She said there were not a lot of significant changes. Ms. Schwieger said the insurance fund decreased due to larger payments. She said there is about \$37M in debt service requirements and that the first will mature in 2022 and the last in 2035.

Councilmember Bellows commented on the total interest payments. He said \$36M is just the interest and \$8M is the principal portion over the term.

Ms. Schwieger said, over the next ten years, that annual payments will be \$2.5M to \$3.5M on debt service requirements. She said this does not include bonds that are going to be issued in 2018.

Ms. Schwieger said capital project funds are for paying out for capital needs and projects. She said there were a couple of big projects and there is a negative balance of \$4.7M. She said this is where most of the Robert Street costs were placed.

Ms. Schwieger said enterprise funds are intended to support themselves. These are charges for services to cover operating and debt fund payments.

Ms. Schwieger said the storm sewer fund has been in a good position over the last several years.

In the sewer fund, Ms. Schwieger said the operating receipts have been enough to cover operating costs but not enough to cover the debt payments, which is not uncommon. She said there was a large decrease in the sewer fund cash balance and that this is the main reason the cash decreased because there was a lot spend on capital in 2017.

In the recreation fund, Ms. Schwieger said operating receipts were sufficient enough to cover costs but not quite enough to cover debt payments. She said about \$40,000 was transferred in and that the cash balance increased because of a tax levy.

Ms. Schwieger said the ratio analysis is a summary of important ratios compared to cities of similar size but not necessarily the same area. She said the debt to asset

ratio increased quite a bit and is higher than other cities of the same size. Ms. Schwieger said the debt per capita was lower in 2016 and increased in 2017.

Ms. Schwieger said the rest of the management letter is accounting standards that are coming out. She said they will work with the City to implement these accounting standards.

Councilmember Iago asked if the next level of cities is 20,000 to 30,000. Ms. Schwieger said yes.

Councilmember Iago said if we had compared West St. Paul to that group, since West St. Paul just passed 20,000, that we would actually be low in comparison. Ms. Schwieger said Councilmember Iago is correct and that this would be taken into account next time.

Mayor Halverson and Council thanked Ms. Schwieger.

### **C. 2019 Street Improvements Project 19-1**

Beckwith provided an overview of the 2019 Street Improvements Project 19-1.

The 2019 Street Improvements Project proposes reconstruction of Livingston Avenue from Mendota Road to Thompson Avenue. The road would be reconstructed at the same width and location. St. Paul Regional Water Services would replace the watermain, sanitary sewer would be lined and storm sewer structures and pipe replaced as needed.

The Pedestrian and Bicycle Master Plan shows future sidewalk on both sides of Livingston Avenue from Mendota Road to Thompson Avenue. There is existing sidewalk from Mendota Road to the north Cub Foods property line on the east side of Livingston Avenue. The feasibility report looked at the constructability of installing sidewalks on each side independently. The east side would require significant tree removal, retaining walls where slopes are steep and has some major utility boxes that would need to be relocated. The west side has less tree impacts, but would require more retaining walls and therefore has a higher price tag.

There are currently street lights on the west side of Livingston Avenue from Mendota Road to Wentworth Avenue. The street lights would be replaced in the same locations with fiberglass poles and LED lights. New street lights could also be added between Wentworth Avenue and Thompson Avenue if desired.

The recently instated Public Improvement and Special Assessment Policy will be followed for this project. Along Livingston Avenue there are single family, multi-family and commercial properties. Therefore, it is recommended to follow a per foot assessment for this project versus per lot. Assessments for this project are

estimated at \$96 per foot. A benefit appraisal is scheduled to be completed by late July.

Street lights would be included in the street assessment for residents south of Wentworth Avenue. If street lights were added north of Wentworth Avenue, where they currently do not exist, they would be assessed 100% to the properties owners on both sides of the street.

Installation of new sidewalk on one side of the street would be assessed 100% to the property owners on both sides of the street. A sidewalk on the west side would add an additional \$100,000 to the cost due to the increased amount of retaining walls.

The current 2019 Capital Improvements Program (CIP) has \$5M for the Street Improvements Project. The estimated total project cost is \$5.25M. A breakdown of the funding is shown below:

#### Preliminary Project Funding

MN State Aid	\$ 850,000.00
Assessments	\$1,070,000.00
City Levy	\$1,902,000.00
Sanitary Sewer Fund	\$ 254,000.00
Storm Sewer Fund	\$ 472,000.00
St. Paul Reg. Water	\$ 701,000.00
Total Project Cost	\$5,249,000.00

For the alley reconstruction south of Orme Street, it is recommended to assess on a per lot basis since nine properties are adjacent to it. Estimated assessments for the alley are \$3,000 per lot.

Staff is looking for feedback on the 2019 Street Improvements Project prior to completing the feasibility report.

Councilmember Pace said it makes sense to do the lighting, since this is the only section without lighting. Mayor Halverson said she has received complaints about bike paths, as well. Council agreed.

Councilmember Vitelli said he thinks this should be moved forward with sidewalks, as well.

Councilmember Bellows asked about where the bike trail would go through. Beckwith said it would be in the piece north of Wentworth.

Councilmember Vitelli asked if this is referring to a sidewalk. Beckwith said yes, concrete on the east side.

Councilmember Fernandez asked if there is any benefit on the east side to do a path instead of a sidewalk. Mayor Halverson said she would prefer a trail. Beckwith said that trails are eight feet (8') wide and sidewalks are five feet (5'). Mayor Halverson said residents don't want that much intrusion on their properties. Beckwith added that, if it was on the east side, it would be mostly maintained by commercial properties.

Councilmember Fernandez asked if there would be easement acquisitions. Beckwith said no.

Councilmember Iago asked if there is a sidewalk by the dome on Livingston Avenue. Beckwith said yes, on both sides, and also from Mendota Road past the Cub Foods entrance.

Councilmember Vitelli asked if the City plows the path on the north side of Marie Avenue along Lowes. Beckwith said yes. Councilmember Vitelli said the sod was torn up. Beckwith said this would be a private issue.

#### **D. Consideration of Council Stipend Increase**

Attorney Land said the Charter Commission is required to review Council salaries and they did so at their last meeting and recommended a five percent (5%) increase. Attorney Land said it has been several years since the Council has given themselves a raise. She said the raise would take effect after the next election, on January 1, 2019. Attorney Land said the Charter Commission also agreed to put this into the charter. She said this requires unanimous consent from the Council, including the Mayor. She said Council is required to consider the amendment but is not required to approve it. Attorney Land said it must be published in its entirety in the newspaper. She said the last increase was in 2012.

If Council agrees to move this item forward, the process is as follows:

Pursuant to Minnesota Statute 410.12 Subd. 7, within one month of receiving a recommendation to amend the Charter by ordinance, the City must publish notice of a Public Hearing on the proposal and the notice must contain the text of the proposed amendment. The City Council must hold the Public Hearing on the proposed Charter amendment at least two weeks but not more than one month after the notice is published. Within one month of the Public Hearing, the City Council must vote on the proposed charter amendment ordinance. The ordinance is enacted if it receives an affirmative vote of all members of the City Council and is approved by the Mayor and published, as in the case of other ordinances. An ordinance amending a City Charter shall not become effective until ninety (90) days after passage and publication, or at such later date as is fixed in the ordinance.

In other words, we have to have a Public Hearing that is noticed between two (2) weeks and thirty (30) days prior to the Public Hearing. The entire text of the Charter

amendment (not the City Code amendment) must be included in the publication. Then, in order to pass, it requires unanimous vote of the entire Council, including the Mayor. Unlike other amendments, it does not become effective until ninety (90) days after publication. Moreover, in any case, any change in Council stipends would not take effect until the next Council is seated.

Given notice requirements, the Public Hearing would be scheduled for July 9, 2018.

Councilmember Vitelli commented that it has been six years and the Council has never had a raise.

Councilmember Bellows said he didn't support it last time but will support it this time.

Councilmember Napier said it is ultimately up to the taxpayers to decide.

Council supported moving this item forward.

#### **E. First Reading of Ordinance Restricting Tobacco Sales Under 21**

Schroeder provided an overview of an ordinance to increase the sale of tobacco products in West St. Paul to age 21.

This report is in response to the Council's request for information regarding the recent trend by cities to raise the age restriction of tobacco sales and use to 21 years of age. At the time of this report, six Minnesota cities have adopted the 21-year-old restriction including Bloomington, Edina, Plymouth, North Mankato, St. Louis Park, and Minneapolis. In addition to those individual Minnesota cities, the following states have adopted a statewide restriction: California, Hawaii, New Jersey and Maine, with Oregon in the process.

The Minnesota legislature has had several discussions on adopting a Minnesota statewide restriction, but these measures have failed to result in any proposed legislation.

Mayor Halverson said she has been interested in this. She said Councilmember Vitelli had requested we do something about it. She said she has also received questions about restricting flavored tobacco products and would like to look at pairing this with it.

Chief Shaver said it's a little more complicated, such as what age to restrict. He said some cities have gone to age 19 and others to 21. He said that most are going to 21 but that some are making exemptions for military or active military but that there is no rationale for these exemptions. Chief Shaver said most store clerks are age 16 to 17 and selling a product that's legal at age 18 and now 21. He said the

gap is bigger there and questioned if store clerks can sell tobacco products if they are under age.

Chief Shaver said Council could grandfather those that are legal to buy cigarettes today but questioned if this be illegal if this is passed. He said it would be a three-year period to get caught up. He asked if Council would combine the age increase with a smoking cessation campaign.

Chief Shaver said there are a couple of strategies to consider. He said we have 20 licensed establishments. One strategy he suggested is to ask the Licensing Clerk to survey the current licensees for their comments which could be shared with the Council before presented with a claim at the Council table. Another suggestion is to consider waiting until 60 days or when school starts and advocate a youth group to bring this to the Council for consideration.

Chief Shaver said the only change he would make is the addition that stores selling tobacco have signs in their establishments stating, "If our neighbors are 18 and we're 21, it creates confusion for purchasing."

Two representatives from the Tobacco Free Alliance addressed the Council and said they work with Cities to form the idea through implementation, vendor training, and scientific data and educational resources so Cities are making good policy decisions. They said they have also worked with the City of Mendota Heights to get flavored tobacco products out of the stores in Mendota Heights. They thanked Council for their leadership in bringing this item forward before they came to the City of West St. Paul to talk about it. There are four cities – Minneapolis, St. Louis Park, Shoreview and Falcon Heights, that passed this ordinance. Photos of store displays and some flavored tobacco products were also shown to Council, including some products that are created to look like candy.

Mayor Halverson said she appreciates their time and information. She said she has talked with Attorney Land about how the Tobacco Free Alliance organization can help us do this.

Councilmember Napier said changing the age will not make people quit but raising it increases the likelihood that they won't get it from others at school. He said he would like to see this at the state level. He said he is not 100% behind this yet but is closer after tonight's presentation.

Councilmember Vitelli said he is 100% behind it and would like them to work with Staff to get it done right the first time.

Councilmember Bellows said the idea is appealing. He said the only problem is that it only attacks half the problem and not the 14 to 16 year olds who are getting it in one way or another. He said he is in favor of the idea of limiting but not banning the flavored products. He said he is in favor of making it a condition of



their license to have a television screen in their stores showing commercials about the effects of smoking.

Representatives said they will email more information to City Manager Schroeder to bring to Council.

Councilmember Pace said he is in favor of it. He added that we can't stop it completely but we can try to slow it down.

Mayor Halverson said she is fully supportive of it and moving this forward. She suggested that the Tobacco Free Alliance representatives get in touch with the City Manager.

#### **F. Discussion on Appointments to Environmental Commission**

The Environmental Commission consists of seven members serving rotating three year terms. This committee currently has three vacancies. Attached for Council review are four applications received by City Staff of the following individuals interested in serving on this committee:

- Olivia Newfield, Ward 3
- Polly Saatzer, Ward 1
- Thomas Vavreck, Ward 2
- Tara Wright, Ward 2
- Laura Zanmiller, Ward 1

Thomas Vavreck addressed the Council and requested that his application be removed at this time.

Council voted on the candidates and moved forward Olivia Newfield, Polly Saatzer, and Tara Wright, with the most votes received.

Council agreed to add Item 11C, Environmental Commission Appointments, to the Regular Council agenda.

#### **G. Marthaler Master Plan**

Council did not discuss this item.

**5. Adjourn**

Motion was made by Councilmember Napier and seconded by Councilmember Fernandez to adjourn the meeting at 6:30 p.m.

All members present voted aye. Motion carried.



Jenny Halverson  
Mayor  
City of West St. Paul