CITY COUNCIL MEETING

MUNICIPAL CENTER COUNCIL CHAMBERS

1616 HUMBOLDT AVENUE, WEST ST. PAUL, MN 55118

MONDAY, MARCH 9, 2020

6:30 P.M.

1. **Call to Order**

2. **Roll Call**

3. **Pledge of Allegiance**

4. **Adopt the Agenda**

5. **OCWS Briefing**

6. **Citizen Comments**

   Individuals may address the City Council about any item not included on the regular agenda. Speakers are requested to come to the podium, state their name and address for the Clerk's record. Generally, the City Council will not take official action on items discussed at this time, but may typically refer the matter to staff for a future report or direct that the matter be scheduled on an upcoming agenda.

7. **Council Comments**

8. **Proclamations, Presentations and Recognitions**

   A. Police Chaplain Recognition

      Documents:

      COUNCIL REPORT- POLICE CHAPLAIN PRESENTATION.PDF

   B. Rotary Donation to Marthaler Park Playground

      Documents:

      COUNCIL REPORT - DONATIONS TO THE CITY.PDF
      RESOLUTION - DONATIONS TO THE CITY.PDF

9. **Consent Agenda**

   All items on the Consent Agenda are considered to be routine and have been made available to the City Council at least two days prior to the meeting; these items will be enacted by one motion. There will be no separate discussion of these items unless a Council member or citizen so requests, in which event the item will be removed from this agenda and considered under separate motion.

   A. 3/9/20 List of Claims

      Documents:

      COUNCIL REPORT - LIST OF CLAIMS.PDF

B. Bid for 2020 Street Improvements Project 20-1

Documents:

COUNCIL REPORT - AWARD BID CP 20-1.PDF
RESOLUTION - AWARD BID FOR 2020 STREET IMPROVEMENTS PROJECT 20-1.PDF

C. Declare excess property

Documents:

COUNCIL REPORT - DECLARE EXCESS EQUIPMENT.PDF
RESOLUTION - DECLARATION OF SURPLUS MOTOR VEHICLE AND TRAILERS.PDF

D. Designation of Public Member for the South Metro Fire Department Board of Directors

Documents:

COUNCIL REPORT - DESIGNATION OF PUBLIC MEMBER TO SMFD BOARD.PDF
RESOLUTION - APPOINTING PUBLIC MEMBER TO THE SMFD BOARD.PDF

E. Joint Powers Agreement with Dakota County for City Project 20-9

Documents:

COUNCIL REPORT - JPA DAKOTA COUNTY FOR MENDOTA ROAD CP 20-9.PDF
ATTACHMENT - JPA DAKOTA COUNTY CP 20-9.PDF

F. Rental Licensing

Documents:

COUNCIL REPORT - RENTAL LICENSING.PDF

G. Special Benefits Appraisal for 2021 Street Improvements Project 21-1

Documents:

COUNCIL REPORT - SPECIAL BENEFITS APPRAISAL CP 21-1.PDF

10. **Public Hearing**

11. **New Business**

A. Fire Code and Electronic Submission Ordinance

Documents:

COUNCIL REPORT - FIRE CODE AND ELECTRONIC SUBMISSION ORDINANCE.PDF
ORDINANCE - ENACTING SECT 91.14 RE ELECTRONIC SUBMISSION OF INSPECTION RECORDS.PDF

B. First Reading - Amendment to Pawn Ordinance Regarding Reporting Procedure

Documents:

COUNCIL REPORT - 1ST READING ORDINANCE AMENDMENT RELATING TO PAWNBROKERS AND PRECIOUS METAL DEALERS.PDF
ORDINANCE AMENDMENT - PAWN BROKERS AND PRECIOUS METAL DEALERS.PDF

C. First Reading - Ordinance Amendment Relating to Body Art

Documents:

COUNCIL REPORT - 1ST READING AMENDING THE BODY ART TATTOOING ORDINANCE.PDF
AMENDED BODY ART ORDINANCE COSMETIC EXCEPTION 3-2-20 REDLINE.PDF

D. First Reading – Vacating Easements Along Robert Street

Documents:

COUNCIL REPORT - FIRST READING VACATING EASEMENTS ALONG ROBERT ST.PDF
ATTACHMENT - ORDINANCE TO VACATE EASEMENTS ALONG ROBERT ST.PDF

12. **Old Business**

13. **Adjourn**

If you need an accommodation to participate in the meeting, please contact the ADA Coordinator at 651-552-4108 or email ADA@wspmn.gov at least 5 business days prior to the meeting
www.wspmn.gov EOE/AA

CITY OF WEST ST. PAUL

City Council Report

To: **Mayor and City Council**

Through: **Ryan Schroeder, City Manager**

From: **Brian Sturgeon, Chief of Police**

Date: **March 9, 2020**

Council Presentation – Police Chaplain Program

BACKGROUND INFORMATION:

The West St. Paul Police Department has had a Chaplain Program in conjunction with the Mendota Heights Police Department since 2003. Currently the program has seven active on-call volunteer chaplains who help serve our citizens and support our officers during critical situations as well as routine duties.

Our Chaplains frequently help with service calls involving sudden deaths, suicides, death notifications and other traumatic events. They periodically ride with officers on patrol and provide spiritual and personal support to officers as requested. The chaplains have assisted at community functions including Night to Unite, Citizens Police Academy and City Open Houses. They attend quarterly meetings with the departmental liaisons from each police department and periodically attend training and conferences.

We greatly appreciate the dedication and service our Chaplains provide and would like to recognize them for their service to our community and police department. The current chaplains are:

- Pastor Mike Verway, Assistant Liaison, First Calvary Baptist Church, serving for 3 years
- Pastor Joel Detlefesen, Riverview Baptist Church, serving for 7 years
- Chaplain Sue Plucker, Liaison, serving for 7 years
- Rabbi Lynn Liberman, Master Chaplain, serving for 12 years
- Reverend Alberto Vargas, Resource Chaplain, serving for 13 years
- Pastor John Snider, St Stephen's Lutheran Church, serving for 16 years
- Butch "Chap" Millett, Master Chaplain, Bethel Baptist Church, Serving for 16 years

A special thank you to Sgt. John Hinderscheid, who oversees the program, along with Mendota Heights Officer Steve Hilyar.

FISCAL IMPACT:

		Amount
Fund:		**None**
Department:		
Account:		

STAFF RECOMMENDATION:

Feel free to ask questions about our program and allow for the Police Department to recognize the dedicated volunteers of the Chaplain Program.

CITY OF WEST ST. PAUL

City Council Report

To: **Mayor and City Council**

Through: **Ryan Schroeder, City Manager**

From: **City Staff**

Date: **March 9, 2020**

Donations to the City

BACKGROUND INFORMATION:

The below described individuals and/or organizations have donated to the City:

West St Paul/Mendota Heights Rotary Club has graciously donated $12,000 to the West St Paul Parks and Recreation Department for the installation of a new playground in Marthaler Park. The Rotary hosts a moonlight golf tournament every year, called Moonstruck, and proceeds from that event are donated to different organizations. Proceeds from the 2019 event are being donated to West St Paul to help offset the cost of the new playground in the newly renovated north end of Marthaler Park. Rotary members will also be volunteering their time to help with the install of mulch once the playground is installed. Representatives from the Rotary Club will be an attendance at this evening's Council meeting.

FISCAL IMPACT:

		Amount
Fund:	413	$12,000.00
Department:	30000	
Account:	36230	

STAFF RECOMMENDATION:

Publically thank the West St Paul/Mendota Heights Rotary Club and accept their generous donation by adopting the attached resolution.

CITY OF WEST ST. PAUL
DAKOTA COUNTY, MINNESOTA

RESOLUTION NO. 20-

RESOLUTION ACCEPTING DONATIONS TO THE CITY

WHEREAS, the below listed organization has donated funds to the City:

West St Paul/Mendota Heights Rotary Club has graciously donated $12,000.00 to the Parks and Recreation Department.

AND WHEREAS, these funds will be used for a new playground in Marthaler Park; and

WHEREAS, the Mayor and City Council acknowledge the generosity of this organization and extend their appreciation to them for their consideration and generous donations.

NOW, THEREFORE, BE IT RESOLVED that the West St. Paul Mayor and City Council accept this donation on behalf of the City and authorize City Staff to expend these funds in the manner described therein.

Adopted by the City Council of the City of West St. Paul, Minnesota, this 9th day of March 2020.

Attest:

_____ _____

David J. Napier, Mayor Shirley R Buecksler, City Clerk

CITY OF WEST ST. PAUL

City Council Report

To: **Mayor and City Council**

Through: **Ryan Schroeder, City Manager**

From: **Char Stark, Finance Director**

Date: March 9, 2020

List of Claims

BACKGROUND INFORMATION:

Invoices to be paid

FISCAL IMPACT:

$709,206.29

STAFF RECOMMENDATION:

Approve payment of the attached

CITY OF WEST ST PAUL

Summary of List of Claims

Council Meeting of March 9, 2020

PAYROLL CHECK REGISTER:

Payroll Period	2/10/20 - 2/23/20	
Date Paid	2/28/2020	
Direct Deposit		$168,327.74
Payroll Period		
Date Paid		
Direct Deposit		
TOTAL NET PAYROLL		$168,327.74

DISBURSEMENT CHECK REGISTER:

Checks	131905 - 131973	$392,569.69
EFTS	771 - 783	$148,308.86
TOTAL DISBURSEMENT CHECKS		$540,878.55

TOTAL PAYROLL, DISBURSEMENTS, ACH AND WIRE TRANSFERS $709,206.29

CITY OF W.S.P

Payment Register

From Payment Date: 2/25/2020 - To Payment Date: 3/9/2020

Number	Date	Payee Name	Transaction Amount
AP-1 - Accounts Payable			
Check			
131905	02/25/2020	LMCIT	$1,053.00
131906	02/25/2020	LMCIT	$611.31
131907	02/26/2020	DVS RENEWAL	$22.25
131908	03/09/2020	A B C RENTAL	$3,258.12
131909	03/09/2020	A B M EQUIPMENT & SUPPLY	$1,221.90
131910	03/09/2020	AFFORDABLE INFLATABLES	$250.00
131911	03/09/2020	ALL PRO LAWN CARE & SNOW REMOVAL	$225.00
131912	03/09/2020	ARMOR SECURITY	$85.50
131913	03/09/2020	BATTERIES PLUS BULBS	$155.65
131914	03/09/2020	C J SPRAY CO	$7,235.22
131915	03/09/2020	CARDIAC SCIENCE	$244.80
131916	03/09/2020	CARGILL INCORPORATED	$8,469.29
131917	03/09/2020	CENTURYLINK	$249.27
131918	03/09/2020	CORNWELL TOOLS	$283.82
131919	03/09/2020	CORPORATE MARK INC	$170.00
131920	03/09/2020	CROWN TROPHY	$37.95
131921	03/09/2020	CTM SERVICES, INC	$315.69
131922	03/09/2020	CUB FOODS - WEST ST PAUL	$131.48
131923	03/09/2020	CUMMINS SALES & SERVICE	$30.88
131924	03/09/2020	DAKOTA COMMUNICATIONS CENTER	$52,283.00
131925	03/09/2020	DAKOTA COUNTY CDA	$5,513.00
131926	03/09/2020	DVS RENEWAL	$14.25
131927	03/09/2020	ELROY'S ELECTRIC SERVICE	$97.00
131928	03/09/2020	FASTENAL COMPANY	$5.26
131929	03/09/2020	FASTSIGNS	$326.42
131930	03/09/2020	FLYNN, BECKY	$1,032.75
131931	03/09/2020	FURTHER	$377.70
131932	03/09/2020	GALLS INC	$650.32
131933	03/09/2020	GARY L FISCHLER & ASSOCIATES, PA	$650.00
131934	03/09/2020	GENERAL SECURITY SERVICES	$3,208.50
131935	03/09/2020	GOPHER STATE ONE-CALL	$47.25
131936	03/09/2020	H & L MESABI INC	$494.38
131937	03/09/2020	HOLIDAY STATION STORES	$113.00
131938	03/09/2020	HOTSY	$319.80
131939	03/09/2020	HUEBSCH	$691.87
131940	03/09/2020	IEDC	$455.00
131941	03/09/2020	KROGH'S INC	$10,473.93
131942	03/09/2020	LAWSON PRODUCTS INC	$622.13
131943	03/09/2020	LEAGUE OF MN CITIES	$1,000.00

131944	03/09/2020	LEFFLER PRINTING COMPANY, INC	$1,100.00
131945	03/09/2020	LOGIS	$3,171.25
131946	03/09/2020	M T I DISTRIBUTING	$615.77
131947	03/09/2020	MACIA	$25.00
131948	03/09/2020	MADISON ENERGY INVESTMENTS I LLC	$37.00
131949	03/09/2020	MANSFIELD OIL COMPANY OF GAINESVILLE, INC	$10,975.43
131950	03/09/2020	MCMULLEN INSPECTIONS, INC	$1,420.80
131951	03/09/2020	MENARDS	$100.16
131952	03/09/2020	MID-NORTHERN SERVICES	$1,571.10
131953	03/09/2020	MINNEAPOLIS/CITY OF	$728.10
131954	03/09/2020	MN GLOVE	$287.87
131955	03/09/2020	MN OCCUPATIONAL HEALTH	$1,196.00
131956	03/09/2020	NAPA AUTO PARTS	$7.66
131957	03/09/2020	O'REILLY AUTOMOTIVE, INC	$111.62
131958	03/09/2020	PARKOS CONSTRUCTION CO INC	$183,754.98
131959	03/09/2020	PIONEER SECURESHRED	$421.00
131960	03/09/2020	PLAZA TV	$502.00
131961	03/09/2020	PLEAA	$175.00
131962	03/09/2020	POWERPLAN/R D O EQUIPMENT	$143.74
131963	03/09/2020	PROFESSIONAL WIRELESS COMM	$557.23
131964	03/09/2020	RUPPERT APPRAISAL & CONSULTATION INC	$320.88
131965	03/09/2020	SELTZ, JOEL , A	$300.00
131966	03/09/2020	SFDMG, LLC	$10,130.99
131967	03/09/2020	TRACKER PRODUCTS	$3,412.00
131968	03/09/2020	TRI STATE BOBCAT INC	$64,272.85
131969	03/09/2020	TWIN CITY JANITOR SUPPLY	$128.85
131970	03/09/2020	VANGUARD CLEANING SYSTEMS	$2,599.30
131971	03/09/2020	W J HAAS MANUFACTURING CORP	$805.98
131972	03/09/2020	WSB & ASSOCIATES	$400.00
131973	03/09/2020	XCEL ENERGY	$870.44
Type Check Totals:			$392,569.69

EFT

771	02/28/2020	FURTHER	$5,450.00
772	02/28/2020	I C M A	$1,974.59
773	02/28/2020	I C M A RETIREMENT TRUST - ROTH	$310.00
774	02/28/2020	I C M A RETIREMENT TRUST-457	$8,318.34
775	02/28/2020	IRS - PR TAXES	$53,801.02
776	02/28/2020	MII LIFE --- VEBA	$3,479.02
777	02/28/2020	MN DEPT OF REVENUE - PR TAXES	$10,879.46
778	02/28/2020	MSRS - 457	$2,948.99
779	02/28/2020	MSRS HCSP	$3,497.31
780	02/28/2020	PUBLIC EMPLOYEES RETIRMNT ASSN	$57,143.84
781	02/28/2020	PUBLIC EMPLOYEES RETIRMNT ASSN	$203.08

CITY OF W.S.P

Payment Register

From Payment Date: 2/25/2020 - To Payment Date: 3/9/2020

782	02/28/2020	OLD NATIONAL BANK	$251.46
783	03/09/2020	FURTHER	$51.75
Type EFT Totals:			$148,308.86

TOTAL CHECKS & EFTS	$540,878.55

CITY OF WEST ST. PAUL

City Council Report

To: **Mayor and City Council**

Through: **Ryan Schroeder, City Manager**

From: **Ross Beckwith, Public Works & Parks Director/City Engineer**

Date: **March 9, 2020**

2020 Street Improvements Project 20-1

BACKGROUND INFORMATION:

The 2020 Street Improvements Project includes a mill and overlay of Marie Avenue from Robert Street to Oakdale Avenue and the reconstruction of an alley south of Bernard Street and east of Stryker Avenue. Bids for the 2020 Street Improvements Project were advertised, opened and read aloud on February 20, 2020. Six bids were submitted. The bids are shown below along with the engineer's estimate.

Contractor	Bid Amount
McNamara Contracting, Inc.	$427,502.00
Bituminous Roadways, Inc.	$439,521.25
Valley Paving, Inc.	$454,794.15
Asphalt Surface Technologies Corporation	$457,552.22
GMH Asphalt Corporation	$458,409.95
Park Construction Company	$472,706.05
Engineer's Estimate	$426,163.54

McNamara Contracting, Inc. is the lowest responsible bidder. Our engineering consultant, Bolton & Menk, Inc. and City staff recommend that McNamara Contracting, Inc. be awarded the contract.

FISCAL IMPACT:

The Marie Avenue portion of the contract came in at $321,324.00 and the alley reconstruct was $106,178.00 for a total bid of $427,502.00. Based on these bids, funding is estimated to be:

State Aid	$208,861.40
Street Improvement Funds	$10,617.80
Assessments	$208,023.60 (plus Engineering & Admin.)
Total	**$427,502.00**

STAFF RECOMMENDATION:

Staff recommends that City Council adopt the attached resolution and award a contract to McNamara Contracting, Inc. in the amount of $427,502.00 for the 2020 Street Improvements Project 20-1.

CITY OF WEST ST. PAUL
DAKOTA COUNTY, MINNESOTA

RESOLUTION NO. 20-

AWARD BID FOR
2020 STREET IMPROVEMENTS PROJECT 20-1

WHEREAS, pursuant to an advertisement for the 2020 Street Improvements Project, bids were received, opened and tabulated according to law, and the following bids were received complying with the advertisement:

Contractor	Bid Amount
McNamara Contracting, Inc.	$427,502.00
Bituminous Roadways, Inc.	$439,521.25
Valley Paving, Inc.	$454,794.15
Asphalt Surface Technologies Corporation	$457,552.22
GMH Asphalt Corporation	$458,409.95
Park Construction Company	$472,706.05
Engineer's Estimate	$426,163.54

WHEREAS, it appears that McNamara Contracting, Inc. is the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED by the West St. Paul City Council that:

1. The Mayor and Manager are hereby authorized and directed to enter into a contract with McNamara Contracting, Inc. in the name of the City of West St. Paul for the 2020 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, Minnesota, this 9th day of March 2020.

Attest:

_____ _____

David J. Napier, Mayor Shirley R Buecksler, City Clerk

CITY OF WEST ST. PAUL

City Council Report

To: **Mayor and City Council**

Through: **Ryan Schroeder, City Manager**

From: **Charlene Stark, Finance Director**

Date: **March 9, 2020**

Declare Excess Equipment – Trailer and Vehicle

BACKGROUND INFORMATION:

The City currently owns two trailers in which the Park's department no longer utilize. In 2005, the trailers were purchased for the Park's department. The trailers have no book value on the City's fixed asset list as they are fully depreciated. These trailers will be auctioned off and the proceeds will be deposited back into the Vehicle and Equipment fund for future replacement needs.

The Building & Inspection (B&I) department has a 2013 Taurus in which the Police department transferred to the B & I department in 2017. Included in this year's budget is a car to replace this one for the department. The department after the 2020 purchase will be fully equipped. The CIP-CEP has vehicles to begin replacement in 2026. This car will be auctioned off and the proceeds will be deposited back into the Vehicle and Equipment fund for future replacement needs.

FISCAL IMPACT:

		Amount
Fund:		**Fully depreciated**
Department:		
Account:		

STAFF RECOMMENDATION:

Declare the two trailers in the Park's department and the 2013 Taurus in the B & I department.

CITY OF WEST ST. PAUL
DAKOTA COUNTY, MINNESOTA

RESOLUTION NO. 20-

RESOLUTION DECLARING CERTAIN PROPERTY SURPLUS AND AUTHORIZING SALE AND/OR DISPOSAL THEREOF

WHEREAS, certain City property is no longer needed and has no practical use for public service; as such, the below listed property should be offered for sale and/or disposal:

Vehicle:

2013	Ford Interceptor	1FAHP2M82DG148762

Trailers:

2005	Alko	4UGFC16275D011758
2005	Alko	4UGFC16255D011757

NOW, THEREFORE, BE IT RESOLVED by the West St. Paul City Council that the above listed vehicle is declared surplus and City Staff is authorized to dispose of said property by auction, with the proceeds of such sale being disbursed according to law.

Adopted by the City Council of the City of West St. Paul, Minnesota, this 9th day of March, 2020.

Attest:

_____ _____

David J. Napier, Mayor Shirley R Buecksler, City Clerk

CITY OF WEST ST. PAUL

City Council Report

To: **Mayor and City Council**

Through: **Ryan Schroeder, City Manager**

From: **Mark Juelfs, Fire Chief**

Date: **March 9, 2020**

Designation of Public Member for the South Metro Fire Department Board of Directors

ACTION TO BE CONSIDERED:

Adopt the attached resolution ranking the candidate for the Public Member seat on the South Metro Fire Department Board of Directors.

OVERVIEW:

The Joint Powers Agreement (JPA) between West St. Paul and South St. Paul established the South Metro Fire Department (SMFD) with a five member Board of Directors, including two City Council members from each City. The fifth and "Public Member" cannot be an employee of either City or of the Fire Department; cannot be a resident of either City; and cannot have been employed in the fire service of any governmental unit. The JPA selection process for the Public Member requires the SMFD Board to forward three names to the City Councils and provides:

> *"Each City Council shall rank each nominee by the number one, two, or three in the order of its preference – where one (1) is the highest preference. If a nominee receives the same ranking on each list, that nominee shall be appointed. If more than one nominee receives the same ranking, the nominee with the highest ranking shall be appointed."*

The official notice for the Board of Directors Public Member position was posted on the SMFD website. At the close of the application period, one application was received. The application received was from Dennis Wippermann. Mr Wippermann is the current Public Board Member for SMFD and is seeking his fourth two-year term, beginning April 1, 2020. The SMFD Board listed Mr Wippermann as their first preference. The South St. Paul City Council has not yet met on this issue.

Attached is a proposed resolution, which is consistent with the recommendation of the SMFD Board.

SOURCE OF FUNDS:

The stipend paid to SMFD Board Members is an included expense in the SMFD annual budget.

CITY OF WEST ST. PAUL
DAKOTA COUNTY, MINNESOTA

RESOLUTION NO. 20-

RESOLUTION APPOINTING PUBLIC MEMBER TO THE SOUTH METRO FIRE BOARD

WHEREAS, the governing body of the South Metro Fire Department is made up of two members of each City Council of West St. Paul and South St. Paul and one Public Member; and

WHEREAS, the South Metro Fire Board ("Board") received one application for the Public Member; and

WHEREAS, pursuant to the Joint Powers Agreement, the Board approved the following name for consideration as the Public Member:

1. Dennis Wippermann

WHEREAS, the West St. Paul and South St. Paul City Councils must rank the nominees in order of preference, with one (1) being the highest. If a nominee receives the same ranking on each list, then that nominee shall be appointed.

NOW, THEREFORE, BE IT RESOLVED that the West St. Paul City Council ranks the nominee in the following order:

1. Dennis Wippermann

Adopted by the City Council of the City of West St. Paul, Minnesota, this 9th day of March 2020.

Attest:

_____ _____

David J. Napier, Mayor Shirley R Buecksler, City Clerk

CITY OF WEST ST. PAUL

City Council Report

To: **Mayor and City Council**

Through: **Ryan Schroeder, City Manager**

From: **Ross Beckwith, Public Works & Parks Director/City Engineer**

Date: **March 9, 2020**

Joint Powers Agreement with Dakota County for City Project 20-9

BACKGROUND INFORMATION:

Dakota County added a mill and overlay of Mendota Road (County Road 14) from Trunk Highway 62 to Trunk Highway 52 to one of their 2020 contracts. The north half of Mendota Road is in West St. Paul. Two other county roads, Wentworth Avenue and Delaware Avenue, are already on the docket for a mill and overlay in 2020. When these projects come up, the City evaluates storm and sanitary sewer structures for needed repairs. The storm sewer structures are in good condition on Mendota Road, but the sanitary sewer manholes need new castings that will include chimney seals to keep unwanted surface water from entering the sanitary sewer system.

A Joint Powers Agreement (JPA) is required between the City and County to define that the city pays for sanitary sewer work and the county pays for the mill and overlay on Mendota Road.

FISCAL IMPACT

The estimated cost to install the sanitary sewer casting is $18,800. This will be paid for out of the City's Sanitary Sewer Fund. The City's current 2020 budget for Dakota County overlay projects has sufficient funds to absorb the additional sanitary sewer work on Mendota Road.

STAFF RECOMMENDATION:

Staff recommends that the City Council approve the Joint Powers Agreement with Dakota County for the Mendota Road Mill & Overlay Project, City Project 20-9.

Attachment: JPA with Dakota County for CP 20-9

Dakota County Contract No. C0032515

JOINT POWERS AGREEMENT FOR

MILLING, BITUMINOUS OVERLAY, AND CITY UTILITY REPAIRS

BETWEEN

THE COUNTY OF DAKOTA

AND

THE CITY OF WEST ST. PAUL

COUNTY PROJECT 14-33

CITY PROJECT 20-9

DRAFT

SYNOPSIS: *Dakota County Transportation Department and the City of West St. Paul agree to include the necessary sanitary sewer structure repairs in the resurfacing of County State Aid Highway 14 (Mendota Road) from Trunk Highway 62 to Trunk Highway 52, County Project 14-33, in West St. Paul and Inver Grove Heights, Dakota County.*

THIS AGREEMENT, made and entered into by and between the County of Dakota, referred to in this Agreement as "the County"; and the City of West St. Paul, referred to in this Agreement as "the City".

WHEREAS, under Minnesota Statutes Section 162.17, subdivision 1 and 471.59, subdivision 1, two governmental units may enter into an Agreement to cooperatively exercise any power common to the contracting parties, and one of the participating governmental units may exercise one of its powers on behalf of the other governmental units; and

WHEREAS, the County desires to resurface County State Aid Highway (CSAH) 14 (Mendota Road) from Trunk Highway 62 to Trunk Highway 52 in West St. Paul and Inver Grove Heights, County Project 14-33 (the “Project”); and

WHEREAS, the City desires to repair sanitary sewer structures along this section of CSAH 14; and

WHEREAS, it is considered mutually desirable to include the necessary City sanitary sewer structure repairs along CSAH 14 in County Project 14-33; and

WHEREAS, the County and the City have included this Project in their Capital Improvement Programs and will jointly participate in the costs of said highway resurfacing and sanitary sewer structure repairs.

NOW, THEREFORE, it is agreed that the County and the City will share responsibilities and costs associated with County highway resurfacing, sanitary sewer structure repairs, and related activities as described in the following sections:

1. <u>County highway resurfacing</u>. The County shall be solely responsible for the costs of the milling and bituminous overlay resurfacing of CSAH 14 from Trunk Highway 62 to Trunk Highway 52.

2. <u>Sanitary Sewer – City Utility Repairs.</u> The City shall be responsible for all costs associated with the utility repairs to sanitary sewer systems in the Project. The City shall be responsible for inspecting and approving the utility work. Further, the City shall be responsible for the maintenance of all such facilities after the completion of the Project.

3. Plans, Specifications, and Award of Contract. The County shall prepare the complete milling and paving plans and specifications and contract documents for County Project 14-33 consistent with State Aid design standards and the Dakota County Transportation Plan. The City shall be responsible for inventorying and identifying necessary sanitary sewer system repairs and preparing plans and technical specifications to be incorporated into the County's plans and specifications. The repair plans shall be in accordance with City standards unless the City and County mutually agree on the alternative specifications. The County Board will award the contract for construction to the lowest responsible bidder in accordance with state law.

4. Payment. The County will administer the contract and act as the paying agent for all payments to the Contractor. Payments to the Contractor will be made as the project work progresses and when certified by the County Engineer. The County will bill the City for the City share of project costs. Upon presentation of an itemized claim by one agency to the other, the receiving agency shall reimburse the invoicing agency for its share of the costs incurred under this agreement within 35 days from the presentation of the claim. If any portion of an itemized claim is questioned by the receiving agency, the remainder of the claim shall be promptly paid, and accompanied by a written explanation of the amounts in question. Payment of any amounts in dispute will be made following good faith negotiation and documentation of actual costs incurred in carrying out the work. By submitting a written request from the Authorized Representative, the City agrees to pay their share of project costs in accordance with this Agreement.

5. Amendments. Any amendments to this Agreement will be effective only after approval by both governing bodies and execution of a written amendment document by duly authorized officials of each body.

6. Effective Dates. This Agreement will be effective upon execution by duly authorized officials of each governing body and shall continue in effect until all work to be carried out in accordance with this Agreement has been completed. In no event will this Agreement continue in effect after December 31, 2021, unless the parties mutually agree to an extension of the project term.

7. Change Orders and Supplemental Agreements. Any change orders or supplemental agreements that affect the Project cost participation must be approved by the Authorized Representatives of each Party prior to execution of work. Both Parties shall endeavor to provide

timely approval of change orders and supplemental agreements so as not to delay construction operations.

8. Final completion. Final completion of a construction project must be approved by both the County and the City.

9. Pavement Maintenance. Upon acceptance of a project by the County and City, the County shall be responsible for all pavement maintenance within County right of way unless necessitated by a failure of a City utility system or installation of new facilities.

10. Subsequent Excavation. After completion of a project, and after expiration of the warranty period regarding repair, if excavation within the highway right of way is necessary to repair or install water, sewer, or other city utilities, the City shall apply for a permit from the County and shall be responsible to restore the excavated area and road surface to its original condition at the time of disturbance. If the City fails to have the highway properly restored, the County Engineer may have the work done and the City shall pay for the work within 30 days following receipt of a written claim by the County.

11. Rules and Regulations. The County and the City shall abide by Minnesota Department of Transportation standard specifications, rules and contract administration procedures, and State statutes as applicable to carrying out the work contemplated in this Agreement unless amended by the contract specifications.

12. Indemnification. The County agrees to defend, indemnify, and hold harmless the City against any and all claims, liability, loss, damage, or expense arising under the provisions of this Agreement and caused by or resulting from negligent acts or omissions of the County and/or those of County employees or agents. The City agrees to defend, indemnify, and hold harmless the County against any and all claims, liability, loss, damage, or expense arising under the provisions of this Agreement for which the City is responsible, including future operation and maintenance of facilities owned by the City and caused by or resulting from negligent acts or omissions of the City and/or those of City employees or agents. All parties to this agreement recognize that liability for any claims arising under this agreement are subject to the provisions of the Minnesota Municipal Tort Claims Law; Minnesota Statutes, Chapter 466. In the event of any claims or actions filed against either party, nothing in this Agreement shall be construed to allow a claimant to obtain

separate judgments or separate liability caps from the individual parties. The County shall include the City as additional insured in the contract documents.

13. Employees of Parties. Any and all persons engaged in the work to be performed by the County shall not be considered employees of the City, for any purpose, including Worker's Compensation, and any and all claims that may or might arise out of said employment context on behalf of said employees while so engaged. Any and all claims made by any third party as a consequence of any act or omission on the part of the County's employees while so engaged on any of the work contemplated herein shall not be the obligation or responsibility of the City. Any and all persons engaged in the work to be performed by the City shall not be considered employees of the County for any purpose, including Worker's Compensation, and any and all claims that may or might arise out of said employment context on behalf of said employee while so engaged. Any and all claims made by any third party as a consequence of any act or omissions of the part of the City's employees while so engaged on any of the work contemplated herein shall not be the obligation or responsibility of the County.

14. Audits. Pursuant to Minnesota Statutes Sec 16 C. 05, Subd. 5, any books, records, documents, and accounting procedures and practices of the County and the City relevant to this Agreement are subject to examination by the County or the City and either the Legislative Auditor or the State Auditor as appropriate. The County and the City agree to maintain these records for a period of six years from the date of performance of all services covered under this Agreement.

15. Integration and Continuing Effect. The entire and integrated agreement of the Parties contained in this Agreement shall supersede all prior negotiations, representations or agreements between the City and the County regarding the Project; whether written or oral. All agreements for future maintenance or cost responsibilities shall survive and continue in full force and effect in accordance with the Dakota County Transportation Plan after completion of the construction provided for in this Agreement.

16. Authorized Representatives. The authorized representatives for the purpose of the administration of this Agreement are:

Mark Krebsbach (or successor) Dakota County Engineer 14955 Galaxie Avenue Apple Valley, MN. 55124 (952) 891-7100 mark.krebsbach@co.dakota.mn.us	Ross Beckwith (or successor) City of West St. Paul Public Works Director 1616 Humboldt Avenue West St. Paul, MN. 55118 (651) 552-4130 rbeckwith@wspmn.gov

All notices or communications required or permitted by this Agreement shall be either hand delivered or mailed by certified mail, return receipt requested, to the above addresses. Either party may change its address by written notice to the other party. Mailed notice shall be deemed complete two business days after the date of mailing.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS THEREOF, the parties have caused this Agreement to be executed by their duly authorized representative.

CITY OF WEST ST. PAUL

RECOMMENDED FOR APPROVAL:

_____ By _____
Public Works Director Mayor

(SEAL)

By _____
City Manager

Date_____

COUNTY OF DAKOTA

RECOMMENDED FOR APPROVAL:

_____ By:_____
County Engineer Physical Development Director

Date:_____

APPROVED AS TO FORM:

_____
Assistant County Attorney Date
KS_____

COUNTY BOARD RESOLUTION

No. 20-xxx Date: February 25, 2020

DRAFT

CITY OF WEST ST. PAUL

City Council Report

To: **Mayor and City Council**

Through: **Ryan Schroeder, City Manager**

From: **Melissa Sonnek, City Planner**

Date: **March 9, 2020**

Rental Licensing

BACKGROUND INFORMATION:

2020 rental licenses – background required

According to the rental dwelling ordinance, the city requires a background investigation for each new rental property applicant. In addition, the Police Department and Code Enforcement reviews calls for service to the properties to help identify potential problem properties.

The Community Development Department reviewed the application, inspection report, rental density, and code compliance requirements.

The background investigation, inspection report, and code compliance review on the properties listed below did not identify any incidents that would result in a denial of the rental license.

APPLICATIONS FOR APPROVAL:

969 Smith Avenue (Apartment – New Owner)
999 Smith Avenue (Apartment – New Owner)
887/889 Smith Avenue (Apartment – Renewal)
883/885 Ottawa Avenue (Apartment – Renewal)
475 Butler Avenue East (Apartment – Renewal)

233 Bernard Street West (Triplex – Renewal)
931 Smith Avenue (Triplex – Renewal)
903 Manomin Avenue (Triplex – Renewal)
879 Smith Avenue (Triplex – Renewal)

935/937 Bellows Street (Duplex – Renewal)
412/416 Arion Street East (Duplex – Renewal)
162/164 Annapolis Street West (Duplex – Renewal)
413/417 Stanley Street East (Duplex – Renewal)
226/228 Dakota Street (Duplex – Renewal)
1120 Humboldt Avenue (Duplex – Renewal)
373 Bernard Street East (Duplex – Renewal)
1100 Gorman Avenue (Duplex – Renewal)
152 Belvidere Street West (Duplex – Renewal)
1015 Cherokee Avenue (Duplex – Renewal)
935 Charlton Street (Duplex – Renewal)
763 Dodd Road (Duplex – Renewal)

1808 Humboldt Avenue (Townhome – Renewal)

425 Butler Avenue East (Single Family – Renewal)
825 Allen Avenue (Single Family – Renewal)
1085 Robert Street (Single Family – Renewal)
220 Butler Avenue West (Single Family – Renewal)
1019 Seminole Avenue (Single Family – Renewal)
1080 Gorman Avenue (Single Family – Renewal)
917 Cherokee Avenue (Single Family – Renewal)
484 Annapolis Street West (Single Family – Renewal)
108 Arion Street West (Single Family – Renewal)
907 Smith Avenue (Single Family – Renewal)
821 Allen Avenue (Single Family – Renewal)
327 Hurley Street West (Single Family – Renewal)
186 Mainzer Street (Single Family – Renewal)
1069 Dodd Road (Single Family – Renewal)
1141 Cherokee Avenue (Single Family – Renewal)
1116 Cherokee Avenue (Single Family – Renewal)
1152 Hall Avenue (Single Family – Renewal)
1139 Kruse Street (Single Family – Renewal)
837 Bidwell Street (Single Family – Renewal)

FISCAL IMPACT:

		Amount
Fund:	**101**	
Department:	**30000**	
Account:	**32170**	**$ 5,652.50**

STAFF RECOMMENDATION:

Staff recommends City Council approve the rental license applications.

CITY OF WEST ST. PAUL

City Council Report

To: **Mayor and City Council**

Through: **Ryan Schroeder, City Manager**

From: **Ross Beckwith, Public Works & Parks Director/City Engineer**

Date: **March 9, 2020**

Special Benefits Appraisal for 2021 Street Improvements Project 21-1

BACKGROUND INFORMATION:

The 2021 Street Improvements Project includes reconstruction of Moreland Avenue from Delaware Avenue to Robert Street. The full street reconstruction will include new watermain and sanitary sewer lining. This project will be assessed in accordance with the City's Public Improvement and Special Assessment Policy. It is standard practice to get a special benefits appraisal completed at the front of assessed projects.

FISCAL IMPACT:

Engineering staff recently solicited proposals from two appraisal companies. Only one company, BRKW, submitted a proposal for $13,500. BRKW successfully provided the City a special benefits appraisal for the Livingston Avenue 2019 Street Improvements Project at a similar cost.

STAFF RECOMMENDATION:

Staff recommends that City Council award a contract to BRKW, Inc. for special benefit appraisal services for City Project 21-1 in the amount of $13,500.

CITY OF WEST ST. PAUL

City Council Report

To: **Mayor and City Council**

Through: **Ryan Schroeder, City Manager**

From: **Kori Land, City Attorney**

Date: **March 9, 2020**

Fire Code and Electronic Submission Ordinance

BACKGROUND INFORMATION:

The Minnesota Fire Code requires local Fire Departments to obtain reports related to the inspection, testing, and maintenance of fire protection systems located within the jurisdiction. The Fire Department can specify in ordinance how those reports shall be submitted. Currently, both West St. Paul and South St. Paul are silent regarding submission requirements for reports.

The South Metro Fire Board requests that both the City of South St. Paul and the City of West St. Paul enact the attached ordinance requiring reports to be submitted electronically pursuant to the Fire Chief's instructions.

FISCAL IMPACT:

NONE

STAFF RECOMMENDATION:

Approve the Ordinance on first reading.

ATTACHMENT:

An Ordinance Enacting Section 91.14 of the West St. Paul City Code Regarding Electronic Submission of Inspection Records

CITY OF WEST ST. PAUL
DAKOTA COUNTY, MINNESOTA

ORDINANCE NO.

AN ORDINANCE ENACTING SECTION 91.14 OF THE WEST ST. PAUL CITY CODE REGARDING ELECTRONIC SUBMISSION OF INSPECTION RECORDS

The City of West Saint Paul does ordain:

SECTION 1. ENACTMENT. West St. Paul City Code Section 91.14 relating to system inspection records is hereby enacted as follows:

Sec. 91.14 System Inspection Records.

Contractors who perform inspection, testing and/or maintenance services on fire protection systems within the City of West St. Paul are required to electronically submit all reports, as defined in the Minnesota State Fire Code, to the South Metro Fire Department using a method approved by the Fire Chief within 30 days following the date of inspection, testing, or maintenance.

SECTION 2. SUMMARY PUBLICATION. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

> The ordinance requires fire protection systems contractors to electronically submit inspection records to the South Metro Fire Department.

SECTION 3. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed by the City Council of the City of West St. Paul, Minnesota, this _____ day of _____, 2020.

Attest:

_____ _____

David J. Napier, Mayor Shirley R Buecksler, City Clerk

CITY OF WEST ST. PAUL

City Council Report

To: **Mayor and City Council**

Through: **Ryan Schroeder, City Manager**

From: **Brian Sturgeon, Chief of Police**

Date: **March 9, 2020**

1st Reading – Ordinance Amendment Relating to Pawn Brokers

BACKGROUND INFORMATION:

City ordinance 111.07(A)(2) relates to the required use of Automated Pawn System (APS) to report transactions pawn brokers and precious metal dealers complete. This database is used by law enforcement to query stolen items in an attempt to locate the items, hold individuals accountable and return property back to their rightful owner.

Minneapolis Police Department developed and implemented a reporting system numerous years ago that was adopted by most cities in Minnesota and eastern Wisconsin including West St. Paul. Our current ordinance specifically states that pawn brokers and precious metal dealers must use this specific system to report all transactions.

Minneapolis has since sold this system to a private company called Business Watch International who renamed it to BWI Rapid. There have been many changes to the processes and subscribership. The system is currently used by only a handful of cities in Minnesota.

The most popular system being utilized in the Twin Cities is one called LeadsOnline. This system is a nationwide reporting system that is much more user friendly and overall is a better tool for the Police Department than the former system. A majority of our stolen property that goes through a pawn dealer occurs in St. Paul and St. Paul utilizes LeadsOnline.

Pawn America and West St. Paul Gold and Silver Exchange has been uploading all transactions into LeadsOnline since January 1, 2020, and has ceased entering items into the BWI Rapid system due to problems with subscribership and our desire to move away from BWI Rapid.

Both systems require a subscription agreement from the Police Department but are free to businesses. The current fee for LeadsOnline is $2,400 per year, but those cost are recovered by pawn and sale transaction fees that Pawn America and West St. Paul Gold and Silver Exchange are required to submit to the city. For instance, in January of 2020 those fees were just over $2,100.00.

We currently have a subscription with LeadsOnline and is a budgeted membership line item so there are no cost implications with the requested change in our ordinance.

The change in the ordinance we are requesting would make the required use of a reporting system more generic in terms of a specific system. The ordinance would require the use of a reporting system that is approved by the Police Department and does not specify a specific system.

Technology is changing constantly. With these changes, we are requesting less specific requirements regarding reporting systems in this ordinance.

FISCAL IMPACT:

		Amount
Fund:		**None**
Department:		
Account:		

STAFF RECOMMENDATION:

Review the recommended changes to the ordinance and provide feedback. If the 1st reading is passed as written or with changes, the 2nd reading with the required public hearing will be at the next Council meeting.

CITY OF WEST ST. PAUL
DAKOTA COUNTY, MINNESOTA

ORDINANCE NO._____

AN ORDINANCE AMENDING SECTION 111.07 OF THE WEST ST. PAUL CITY CODE REGARDING AN AUTOMATED PAWN SYSTEM FOR PAWNBROKERS AND PRECIOUS METAL DEALERS

The City of West Saint Paul does ordain:

SECTION 1. West St. Paul City Code Section 111.07(A)(2) relating to the required use of an automated pawn system is hereby amended as follows:

(A) *Purpose*.

(1) The City Council finds that pawnbrokers and precious metal dealers potentially provide an opportunity for the commission of crimes and their concealment because these businesses have the ability to receive and transfer stolen property quickly and easily. The City Council also finds that consumer protection regulation is warranted in transactions involving pawnbrokers and precious metal dealers. The City Council further finds that the pawnbroker and precious metal industries have outgrown the city's current ability to effectively or efficiently identify criminal activity related to pawnshops and precious metal dealers. The purpose of this section is to prevent pawnbroker and precious metal businesses from being used as facilities for the disposition of illegally-obtained property, to aid in the identification of individuals involved in criminal activities through the timely collection and sharing of transaction information, and to ensure that the businesses comply with basic consumer protection standards, thereby protecting the public health, safety and general welfare of the citizens of the city.

(2) To help the Police Department better regulate current and future pawnbroker and precious metal businesses, decrease and stabilize costs associated with the regulation of the pawnbroker and precious metal industries, and increase identification of criminal activities in the pawnbroker and precious metal industries through the timely collection and sharing of pawnbroker and precious metal transaction information, this section also implements and establishes the required use of ~~the~~ an ~~A~~automated ~~P~~pawn ~~S~~system (APS), as approved by the Police Department.

SECTION 2. West St. Paul City Code Section 111.07(F)(11) relating to the daily reports to the Police Department using automated pawn system is hereby amended as follows:

(F) *General license restrictions and conditions*.

(11) *Daily reports to Police Department using APS*. All required transaction record data must be transmitted electronically to the ~~State~~ Police Department at the close of each business day using ~~the current version of~~ APS. If the licensee is unable to report using APS due to technology failures

or interruptions, then all required records, including printed copies of all reportable transactions along with the required photographs or video tape for that day, must be maintained at the licensed premises and be made immediately available for inspection upon request by a police officer. If the electronic transmission failure is determined to be in the licensee's system, the licensee must take all reasonable steps including the replacement of its computer system and related components in order to return the electronic reporting system to working condition as soon as possible. If the nonfunctioning system or repair will require more than ten days to return the system to a working condition, the licensee must notify the Police Department. Failure by the licensee to correct a problem with its computer or other systems causing the licensee's inability to electronically transmit required transaction data to APS or failing to notify the Police Department of the malfunction within ten days is a violation of this section. Regardless of the origin of the technical problems that prevented the licensee from transmitting the required reports electronically, upon correction of the problem, the licensee must electronically transmit every reportable transaction to APS from each business day that the problem existed.

SECTION 3. SUMMARY PUBLICATION. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

The Police Department collects and shares pawnbroker and precious metal transaction information to identify criminal activities in the pawnbroker and precious metal industries. The collection of this data is done through an automated pawn system. The Police Department will be changing from the current Automated Pawn System that is used to collect and store such data to another system.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed by the City Council of the City of West St. Paul, Minnesota, this _____ day of _____, 2020.

Ayes: Nays:

Attest:

_____ _____

David J. Napier, Mayor Shirley R. Buecksler, City Clerk

CITY OF WEST ST. PAUL

City Council Report

To: **Mayor and City Council**

Through: **Ryan Schroeder, City Manager**

From: **Brian Sturgeon, Chief of Police**

Date: **March 9, 2020**

1st Reading – Ordinance Amendment Related to Body Art

BACKGROUND INFORMATION:

Cosmetic tattooing is becoming popular in today's society. Microblading (eyebrow), eyelid, and lip colorization, blending of scar tissue, and colorization of the areola area after reconstructive surgery are the ways cosmetic tattooing is being utilized. These procedures are being conducted in salons as well as in standalone establishments.

These procedures are very different than "regular" body art tattooing. Traditional body art tattooing utilized a "tattoo gun" that deposits pigment deep in the layers of skin creating a permanent effect. Cosmetic tattooing utilizes a special pen that deposits ink pigments in the top layers of the skin. These ink deposits are generally not permanent. An individual usually follows up after a certain period of time in order to maintain their desired cosmetic outcomes.

The Minnesota Department of Health currently regulates cosmetic tattooing including licensure of the providers.

Our current City ordinance does not allow for cosmetic tattooing except through the issuance of a body art license. The locations that body art establishments can operate are limited in the City of West Saint Paul.

Staff has been asked to review the current ordinance from individuals that would like to perform cosmetic tattooing within the city, specifically at Sola Salon.

Cosmetic tattooing has grown considerably with changes in technology, making this procedure more readily available. We have before Council this evening recommended changes to the Body Art Establishment ordinance that would allow an exemption to the City licensing requirements for cosmetic tattooing.

FISCAL IMPACT:

		Amount
Fund:		**None**
Department:		
Account:		

STAFF RECOMMENDATION:

Discuss the recommended changes and provide input as to the direction Council would like to pursue regarding the regulating of cosmetic tattooing within the City of West Saint Paul. If Council would like to pursue the ordinance amendment, a 2nd reading and public hearing will be placed on an upcoming Council agenda.

CITY OF WEST ST. PAUL
DAKOTA COUNTY, MINNESOTA

ORDINANCE NO._____

AN ORDINANCE AMENDING SECTION 111.06 OF THE WEST ST. PAUL CITY CODE REGARDING EXCEPTION TO BODY ART ESTABLISHMENT ORDINANCE FOR COSMETIC TATTOOING

The City of West Saint Paul does ordain:

SECTION 1. AMENDMENT. West St. Paul City Code Section 111.06 relating to Body Art Establishments is hereby amended as follows:

Sec. 111.06 BODY ART ESTABLISHMENTS

(D) Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BODY ART ESTABLISHMENT or ESTABLISHMENT. Any structure or venue, whether permanent, temporary or mobile, where body art is performed, except as provided in § 111.06(J). Mobile establishments include vehicle mounted units, either motorized or trailered, and readily moveable without dissembling and where body art procedures are regularly performed in more than one geographic location.

MICROPIGMENTATION OR COSMETIC TATTOOING. The use of tattoo~~s~~ ink or other pigmentation for semi-permanent or permanent makeup (often referred to as "microblading") or to hide or neutralize skin discolorations.

(J) Exception. A business is not required to obtain a Body Art Establishment license if it is engaged solely in Cosmetic Tattooing limited to permanent or semi-permanent cosmetic procedures where pigmentation is implanted into and under the skin to create permanent or semi-permanent coloration to the lips, eyelids, eyebrows, hairline, scarred tissue, or areola area, and the business does not perform other forms of Body Art as defined by this ordinance.

SECTION 2. SUMMARY PUBLICATION. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

> The ordinance creates an exception to the Body Art Establishment license requirement for a business performing only Cosmetic Tattooing.

SECTION 3. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed by the City Council of the City of West St. Paul, Minnesota, this _____ day of _____, 2020.

Attest:

_____ _____

David J. Napier, Mayor Shirley R Buecksler, City Clerk

CITY OF WEST ST. PAUL

City Council Report

To: **Mayor and City Council**

Through: **Ryan Schroeder, City Manager**

From: **Ross Beckwith, Public Works & Parks Director/City Engineer**

Date: **March 9, 2020**

First Reading – Vacating Easements along Robert Street

BACKGROUND INFORMATION:

As part of the Suite Living development project along the east side of Robert Street, south of Hurley Street, the new owner, Landco Investments of West St Paul LLC, has petitioned the City to vacate three easements for public sidewalk, landscape, wall, drainage and utilities in exchange for one easement. Easements are vacated by ordinance, requiring two readings, one of which is a public hearing. In addition, notice must be provided to the adjacent property owners informing them of the hearing. The public hearing date will be March 23, 2020.

FISCAL IMPACT:

N/A

STAFF RECOMMENDATION:

Staff recommends that the City Council review the attached ordinance and approve the first reading.

Attachment: Ordinance Vacating Easements

CITY OF WEST ST. PAUL
DAKOTA COUNTY, MINNESOTA

ORDINANCE NO._____

AN ORDINANCE VACATING EASEMENTS
LOCATED WITHIN THE
CITY OF WEST ST. PAUL, MINNESOTA

The City Council of West St. Paul does ordain:

SECTION 1. Pursuant to West St. Paul City Code § 95.55 and Minn. Stat. § 412.851, on petition of the majority landowner, with a majority vote of its members, the City Council may vacate any street, alley, public grounds, public way or any part thereof within the City by Ordinance; and

WHEREAS, Landco Investments of West St Paul LLC, a Wyoming limited liability company, petitioned to vacate the easements over its property situated in West St. Paul, Minnesota 55118, which are legally described on the attached Exhibit A ("Existing Easements"); and

WHEREAS, the City wishes to vacate the Existing Easements in exchange for a new easement described on the attached Exhibit B; and

WHEREAS, a notice of a public hearing on said vacation was duly published and posted in accordance with applicable Minnesota Statutes and a public hearing was held on said vacation at the City of West St. Paul, 1616 Humboldt Avenue, West St. Paul, Minnesota; and

WHEREAS, the City Council of West St. Paul then proceeded to hear all persons interested in said vacation and all persons interested were afforded an opportunity to present their views and objections to the granting of said vacation; and

WHEREAS, the City Council of West St. Paul has determined that the vacation would be in the public interest.

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

1. That the City of West St. Paul, pursuant to West St. Paul City Code § 95.55 and Minn. Stat. § 412.851, hereby vacates the easements situated in the City of West St. Paul, County of Dakota, State of Minnesota, legally described on the attached Exhibit A.

2. That said vacation has no relationship to the City's Comprehensive Plan and therefore the West St. Paul City Council has dispensed with the requirements of Minn. Stat. § 462.356,

Subd. 2, that may require the West St. Paul Planning Commission to perform a Comprehensive Plan compliance review of said vacation that may constitute a disposal of real property pursuant to § 462.356, Subd. 2.

3. That the City Clerk shall prepare a certified copy of this ordinance to be presented to the Dakota County Auditor reflecting the completion of the proceedings herein. The certified ordinance shall then be recorded with the Dakota County Recorder.

BE IT FURTHER RESOLVED, a new easement will be established and accepted by the City as described on the attached Exhibit B.

BE IT FURTHER RESOLVED, that the vacation of the Existing Easements is contingent upon the execution of the new easement by Landowner.

SECTION 2. SUMMARY PUBLICATION. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

> Landco Investments of West St Paul LLC requested the multiple easements, for public sidewalk, landscape, wall, drainage and utility purposes, on its property be vacated in exchange for one easement. The easements are generally located east of Robert Street between Hurley and Haskell Streets, in West St. Paul, MN.

SECTION 3. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed by the City Council of the City of West St. Paul, Minnesota, this _____ day of _____, 2020.

Ayes: Nays:

Attest:

_____ _____

David J. Napier, Mayor Shirley R Buecksler, City Clerk

EXHIBIT A
LEGAL DESCRIPTION OF
EASEMENTS TO BE VACATED

Easement No. 1

An easement for public sidewalk, landscape, wall, drainage and utility purposes as given, granted and conveyed per Document No. **3152737**, Office of the Dakota County Recorder, dated September 9, 2016, recorded September 29, 2016, more particularly described as follows:

> The West 1.00 feet of that part of Lot 1, AUDITOR'S SUBDIVISION NO. 36, Dakota County, Minnesota lying southerly of a line run from a point on the westerly line of said Lot 1 distant 9.00 feet southerly of the northwest corner of said Lot 1 to a point on the northerly line of said Lot 1 distant 9.00 feet easterly of said northwest corner.
>
> Together with the West 1.00 feet of Lots 2 and 3, AUDITOR'S SUBDIVISION NO. 36, Dakota County, Minnesota.

Easement No. 2

An easement for public sidewalk, landscape, wall, drainage and utility purposes as given, granted and conveyed per Document No. **3305186**, Office of the Dakota County Recorder, dated April 10, 2019, recorded May 16, 2019, more particularly described as follows:

> A perpetual easement for public sidewalk, landscape, wall, drainage and utility purposes over, under, across and through that part of the North 5.00 feet of the South 118.30 feet of the West 1.70 feet of Lot 5, WASHINGTON HEIGHTS ADD. TO ST. PAUL, according to the plat thereof on file and of record in the office of the Register of Deeds in and for Dakota County, Minnesota.

Easement No. 3

An easement for public sidewalk, landscape, wall, drainage and utility purposes as given, granted and conveyed per Document No. **3305188**, Office of the Dakota County Recorder, dated April 10, 2019, recorded May 16, 2019, more particularly described as follows:

> A perpetual easement for public sidewalk, landscape, wall, drainage and utility purposes (except that this easement does not permit the construction of a wall within any driveway existing on the date this easement commences) over, under, across and through the West 1.00 feet of the South 118.30 feet of Lot 5, WASHINGTON HEIGHTS ADD. TO ST. PAUL, according to the plat thereof on file and of record in the office of the Register of Deeds in and for Dakota County, Minnesota.
>
> Together with a perpetual easement for public sidewalk, landscape, wall, drainage and utility purposes (except that this easement does not permit the construction of a wall within any driveway existing on the date this easement commences) over, under, across

and through the West 1.0 feet of that part of the South 145.00 feet of said Lot 5 lying northerly of the South 123.30 feet thereof.

Together with a perpetual easement for public sidewalk, landscape, wall, drainage and utility purposes (except that this easement does not permit the construction of a wall within any driveway existing on the date this easement commences) over, under, across and through that part of said Lot 5 lying easterly of the West 1.00 feet thereof and southwesterly of a line run from a point on the westerly line of said Lot 5 distant 8.80 feet northerly of the southwest corner of said Lot 5 to a point on the southerly line of said Lot 5 distant 8.80 feet easterly of said southwest corner.

EXHIBIT B
FORM OF NEW PERMANENT EASEMENT

PERMANENT EASEMENT

THIS INSTRUMENT is made by Landco Investments of West St Paul LLC, a Wyoming limited liability company ("Grantor"), in favor of City of West St. Paul, a Minnesota municipal corporation ("Grantee").

Recitals

A. Grantor is the fee owner of the following legally described property in Dakota County, Minnesota:

Lot 1, Block 1, Suite Living Senior Care of West Saint Paul

(the "Property").

B. Grantor desires to grant to Grantee a permanent easement over a portion of the Property, according to the terms and conditions contained herein.

Terms of Easement

1. Grant of Easement. For good and valuable consideration, the receipt and sufficiency of which are acknowledged by Grantor, Grantor grants and conveys to the Grantee a permanent easement for public sidewalk, landscape, wall, drainage and utility purposes over, under, across and through that part of the Property described and depicted on Exhibit A, attached hereto and incorporated herein.

2. Scope of Easement**.** The permanent easement which is granted herein includes the right of the Grantee, its contractors, agents, employees and invitees to enter the easement areas at all reasonable times for the purpose of locating, constructing, reconstructing, operating, maintaining, inspecting, altering, repairing and using public sidewalk, wall, landscape, storm sewer, sanitary sewer and water facilities, surface drainage ways and other public facilities or improvements in the described easement area.

3. Warranty of Title. The Grantor warrants that it is the owner of the Property in fee simple, that it has the right, title and capacity to convey the easement herein to the Grantee, and that any judgments or liens against parties with the same or similar name as the Grantor are not against the Grantor.

4. Environmental Matters. The Grantee shall not be responsible for any costs, expenses, damages, demands, obligations, including penalties and reasonable attorney's fees, or losses resulting from any claims, actions, suits or proceedings based upon a release or threat of release of any hazardous substances, pollutants, or contaminants that may have existed on, or that relate to, the easement area or Property prior to the date of this instrument.

5. Binding Effect. The terms and conditions of this instrument shall run with the land and be binding on the Grantor, its successors and assigns.

STATE DEED TAX DUE HEREON: NONE

[The remainder of this page was intentionally left blank.]

Dated this _____ day of _____, 2020.

GRANTOR:
LANDCO INVESTMENTS OF WEST ST PAUL LLC

By: _____
Name: _____
Its: _____

STATE OF _____)
) ss.
COUNTY OF _____)

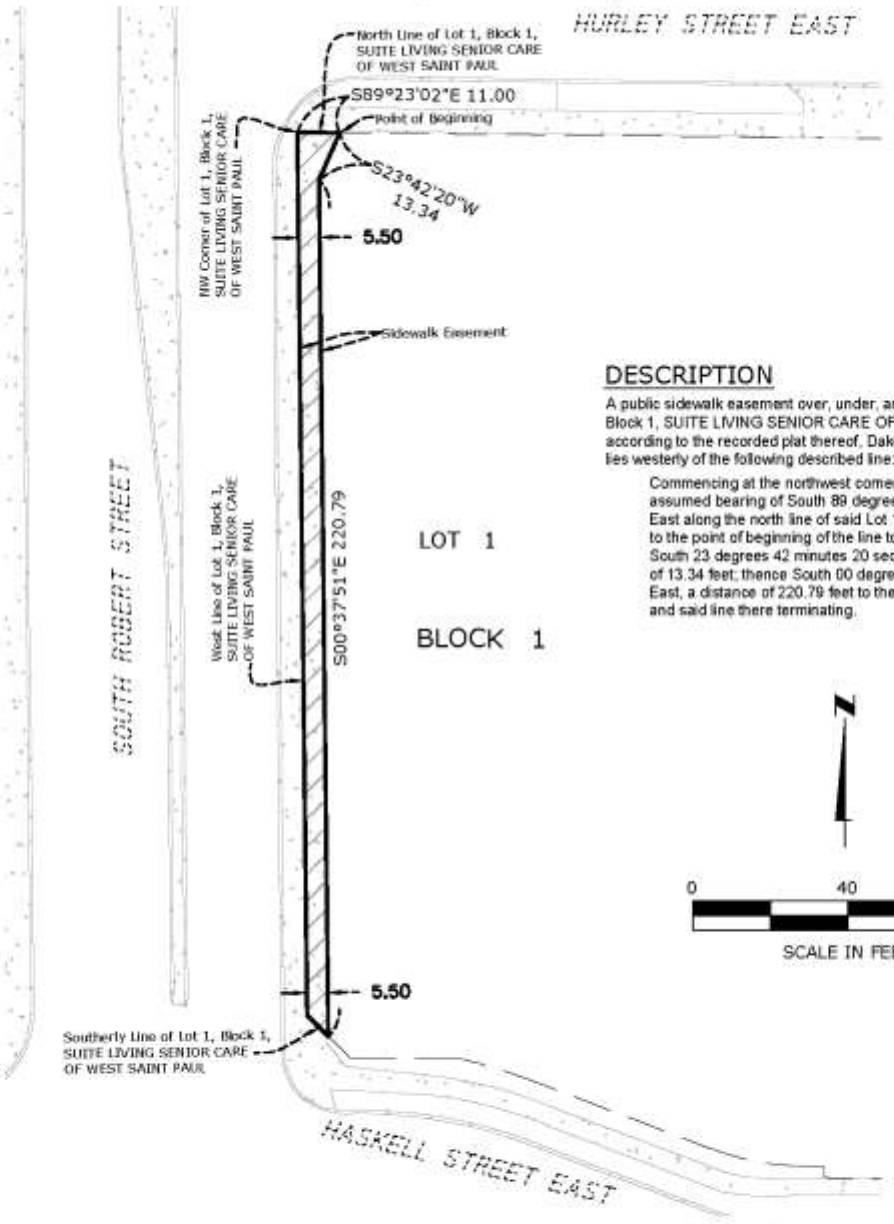
On this _____ day of _____, 2020, before me a Notary Public within and for said County, personally appeared _____ to me personally known, who being by me duly sworn, did say that s/he is the _____ of Landco Investments of West St Paul LLC, a Wyoming limited liability company, the entity named in the foregoing instrument, and that said instrument was signed on behalf of said entity by authority of its Board of Governors and said _____ acknowledged said instrument to be the free act and deed of the entity.

_____
Notary Public

This instrument drafted by
And after recording, please return to:
Korine L. Land (#262432)
West St. Paul City Attorney
LeVander, Gillen & Miller, P.A.
633 South Concord Street, Suite 400
South St. Paul, Minnesota 55075

EXHIBIT A
LEGAL DESCRIPTION AND DEPICTION OF EASEMENT

Sidewalk Easement
Lot 1, Block 1, SUITE LIVING SENIOR CARE OF WEST SAINT PAUL
West Saint Paul, Dakota County, Minnesota



DESCRIPTION

A public sidewalk easement over, under, and across that part of Lot 1, Block 1, SUITE LIVING SENIOR CARE OF WEST SAINT PAUL, according to the recorded plat thereof, Dakota County, Minnesota, that lies westerly of the following described line:

Commencing at the northwest corner of said Lot 1, thence on an assumed bearing of South 89 degrees 23 minutes 02 seconds East along the north line of said Lot 1, a distance of 11.00 feet to the point of beginning of the line to be described; thence South 23 degrees 42 minutes 20 seconds West, a distance of 13.34 feet; thence South 00 degrees 37 minutes 51 seconds East, a distance of 220.79 feet to the southerly line of said Lot 1 and said line there terminating.

MINNESOTA CERTIFICATION

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Dated this 17th day of February, 2020.

Rory L. Synstelien Minnesota License No. 44565

CivilSite GROUP
4931 W. 35TH ST. SUITE 200
ST. LOUIS PARK, MN 55416
CivilSiteGroup.com

Drawn By: CEJ
Project No. 19076 SHEET 1 OF 1