

**City of West St. Paul  
Open Council Work Session Minutes  
February 25, 2019**

**1. Roll Call**

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

Present: Mayor Dave Napier  
Councilmembers Lisa Eng-Sarne, Anthony Fernandez,  
John Justen and Bob Pace

Absent: Councilmembers Wendy Berry and Dick Vitelli (excused absences)

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

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

Councilmember Pace requested that Regular Council Item 11B, Temporary Rental License Application – 962 Livingston Avenue, be added to the OCWS agenda for discussion and clarification on rules and regulations.

Council added Item 4G, Temporary Rental License Application – 962 Livingston Avenue, and approved the OCWS agenda, as amended.

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

Council approved the Regular Meeting Consent Agenda, as presented.

**4. Agenda Item(s)**

**A. Appointment of Councilmember Eng-Sarne to Environmental Committee, Public Safety Committee and Thompson Park Advisory Board**

Council discussed the appointment of Councilmember Eng-Sarne to the Public Safety Committee, Environmental Committee (replacing Councilmember Pace) and the Thompson Park Advisory Board. Councilmember Eng-Sarne said she is looking forward to participating in these committees Environmental Commission with Councilmember Eng-Sarne.

**B. Update on House Bills**

House Bill	Senate Bill	Addresses	Status in House		Status in Senate
HF461	SF771	One Time LGA in WSP	Ref: Property and Local Tax		Ref: Taxes
HF651	SF395	Local Option Sales Tax in WSP	Ref: Property and Local Tax	2/25 Hearing	Ref: Taxes
HF1308		50% Cost Share of Lift Station and Force Main Replacement	Ref: Greater MN Jobs & Econ Dev. Finance		NA
HF582	SF700	\$10M to Met Council for Public I&I Grants	Ref: Environmental and Natural Resource Finance		Ref: Capital Investment
HF266	SF520	\$5M from Clean Water Funds for Private I&I Grants	Ref: Environmental and Natural Resource Finance		Ref: Environment and Nat Resource Policy and Legacy Finance
HF846		Creates Local Cost Share Funds for MNDOT Trunk Projects	Ref: Transportation Finance and Policy		NA
HF756	SF1161	Authorizes Municipalities to Enter into a Fire Protection District	Ref: Property & Local Tax Division		Ref: Taxes
	SF668	Authorizes the Creation of Fire Protection Special Taxing District	Ref: Vets and Military Affairs Finance and Policy		Ref: Taxes
HF325	SF305	Provides Reimbursement for Firefighters on Military Leaves			Ref: Vets and Military Affairs Finance Policy
HF359	SF321	Prohibits Use of PFC's in Fire Fighting Foam	Ref: Health & Human Services Policy		Ref: Commerce and Consumer Protection Finance and Policy

Mayor Napier said Representative Rick Hansen and Senator Matt Klein have been working hard on the City's behalf.

Councilmember Justen said he and Councilmember Eng-Sarne met with Representative Hansen and also with Senator Klein's staff member at the conference

and said the mood is cautiously optimistic. He said Governor Walz also spoke with them and said he's working hard to get Local Government Aid (LGA) back to where it was in 2008. Governor Walz told them that establishing a robust LGA is a big part of his budget.

Councilmember Justen said Senator Klein's Staff Legislative Assistant grew up in Mendota Heights and his intern is a West St. Paul resident, so they understand the situation with Robert Street.

Councilmember Eng-Sarne said a good branding item is to begin calling Robert Street by State Highway 952A, which reinforces the fact that it is a highway, not just a street in West St. Paul.

Councilmember Justen said he made a lot of connections with colleagues from other cities and there are many similarities. He said he attended the session on transportation which useful to see that all cities are struggling with different things and funds are not coming through the way they should.

Councilmember Eng-Sarne said the housing session she attended was good. She talked with Representative Alice Hausman who spoke about Homes for All, which is a statewide coalition that advances shared policy initiatives that lead to housing stability for all Minnesotans. Homes for All supports statewide investment across Minnesota's Housing Continuum. Councilmember Eng-Sarne said this is a priority for a lot of people. She said she also spent a lot of time connecting with advocates and lobbyists.

#### **C. Debrief on the February 21, 2019 Listening Session (Neighborhood Meeting)**

Mayor Napier said the February 21, 2019 Listening Session/Neighborhood Meeting was a good learning session. He thanked Chief Shaver for conducting the survey in Marketing & Communication Manager Dan Nowicki's absence. By stirring up the conversation by asking the audience why they answered survey questions the way they did was very helpful.

Mayor Napier suggested that everyone speak up at the next Neighborhood Meeting to get more information from residents that Council can use at the Strategic Planning Meeting.

Councilmember Justen asked if the survey questions are the same as were asked in previous years and suggested asking the question whether they are a renter or owner. He said he would like to rework the questions for next year. Mayor Napier agreed.

Councilmember Fernandez said we need to break through to the next level of user in our community.

Le said the survey questions are reviewed each year but that no feedback was received from Council. She added that if questions are changed, year-over-year trends would not be available.

Councilmember Eng-Sarne suggested using Survey Monkey to reach all residents. Le said results wouldn't be back in time for the Strategic Planning Meeting on March 2.

Councilmember Fernandez said he would prefer that the Neighborhood Meetings be branded by ward.

Councilmember Pace said using Survey Monkey is a great idea and agreed with Councilmember Fernandez that we need to get to the next layer for more feedback.

Mayor Napier said the key is that we reach as many residents as we can. He said we can only make sure that we're reaching out to everyone, letting them know when we do the Survey Monkey, and that it's not too late to respond because the strategic plan is a document that can be edited from time to time. He said the survey is an opportunity to reach everyone, as are the three meetings without specific wards.

Mayor Napier suggested placing signs in the boulevard to remind residents about the meetings.

Councilmember Fernandez asked if residents will receive the notice about the Survey Monkey if they are already signed up for notifications from the City. Le said yes and said they will also receive information through social media.

Fire Chief Pott clarified that there are approximately 800 hydrants in West St. Paul or about 1,500 total between West St. Paul and South St. Paul, not 10,000 as was stated at the Neighborhood Meeting.

#### **D. Strategic Plan Update and Review Agenda**

Councilmember Eng-Sarne said Pamela Whitmore, League of Minnesota Cities, would like to hear from everyone regarding the morning discussion on March 2.

Mayor Napier said if Councilmembers want to have an influence or impact on what is discussed on March 2 reach out to Ms. Whitmore so she can provide the best training. He said he suggested the personality tool which, as a Councilmember, helped him understand what role his position played in the community.

Mayor Napier said the agenda for March 2 looks good and reminded everyone to come ready to go on Saturday.

#### **E. Right of Way Obstruction Permit, No Parking Ordinance Language Addition**

Chief Shaver said for one reason or another, a West St. Paul resident may want or need to place a construction dumpster or storage unit in the roadway. Placing obstructions in the roadway may have consequences with parking, street repair or maintenance, driver sight lines, and other issues. As such, the City has an interest in knowing when an object will be placed in the right-of-way. The City does not have a system or software to track this activity but, instead, like most communities, relies on the County's right-of-way software. For a \$125 fee, West St. Paul residents can go onto the Dakota County website and apply for a Right-of-Way Obstruction Permit. The software notifies City Staff of the application and Staff can mitigate any potential issue beforehand.

One potential issue with a Right-of-Way Obstruction Permit is the inability of a permit holder to place a dumpster or storage pod in a desirable location because of public parking on City streets. For example, a rubbish hauler is on site to place a dumpster in front of a home being repaired, but cannot due to vehicles being legally parked there. Likewise, once a dumpster is full and the rubbish hauler responds to retrieve it, the dumpster cannot be loaded due to a vehicle parked too close to it. It is anticipated permit holders would call for City staff to respond and solve these issues, but there is nothing in City Code providing staff with any type of authority.

While the Engineering Department has not found this to be an overwhelming issue, with the recent increase in parking issues and the growing number of vehicles being parked on City streets, this issue may occur with more frequency.

The Police Department has been requested to examine this issue and prepare a proposal to mitigate potential concerns. To accomplish this, Police Department Staff will be working with the Engineering Department and the City Attorney to develop draft ordinance language to allow for a temporary no parking area. In general, the new language would allow for a resident, with an approved Right-of-Way Obstruction Permit, to purchase 'no parking' signs from the City. If the 'no parking' signs are posted as described and at the permit holder's request, the Police Department would have the authority to tow any vehicles found in violation. Of course, the responding Officer would attempt to resolve the matter without having to tow, but there might be the need to have the authority to do so. If a permit holder chooses or fails to purchase the 'no parking' signs, the permit holder does so at their own risk of being able to use a particular right-of-way space.

The City would need to purchase an ample supply of signs (\$3.00 to \$5.00 each) to have on hand, and City staff would have to conduct the sale of the signs and document which permit holder has purchased the signs.

Chief Shaver said it is important for the Engineering Department to know what is happening in the right-of-way. He said residents would be able to purchase signs, one

for every 20 feet, and post them property in the boulevard where they want the dumpster or storage pod. If Council is in agreement, Chief Shaver said he will work with Beckwith and the City Attorney to form some language in the parking section of the City Code.

Mayor Napier asked if residents could use these signs for vehicles parking at a party at their home. Chief Shaver said we could look at language and some legal research to be sure we are doing this properly.

Chief Shaver said the cost of a Right-of-Way Obstruction Permit would be \$50 for residents and signs \$3.50 each. Mayor Napier said he wouldn't want a fee attached to it.

Chief Shaver said Staff will bring this back to Council for a first and second reading.

#### **F. Sidewalk District/Funding Analysis**

Beckwith said the City's Pedestrian and Bicycle Master Plan from 2011 includes a map which identifies priority projects. He said that many of these projects have been completed or are in the queue for construction and result in providing an off street connection from one end to the other (ex. sidewalk on one side). However, they may not be the total build (ex. trail on one side and sidewalk on the other) as stated in the plan. In order to identify a total cost and then how to fund it the first step is to re-examine the goals which are currently in the plan.

Beckwith said there are missing links in the priority project map which are needed to make a basic connection from A to B. Gaps in the system include:

- Livingston Avenue to Oakdale Avenue via grade separated crossing at Robert Street
  - Dakota County is looking to make this connection as part of the River to River Greenway Trail. The City received a \$2.2M grant for the crossing and the County will provide the remaining funding. Construction is likely in 2020 or 2021.
- Bidwell Street from Thompson Avenue to Butler Avenue
  - The City recently re-applied for Safe Routes to School Grant but was unsuccessful. The project includes a concrete walk on the east side of Bidwell Street. This is about a \$1M project.
- Butler Avenue from Delaware Avenue to Smith Avenue and from Stassen Lane to Trunk Highway 52
  - There is no sidewalk along these two stretches; otherwise, the link is connected. This is about a \$600k to \$990k project, depending on right-of-way needs and/or retaining walls and fencing. Keep in mind this only gets us a connection along that corridor. The plan states that the ultimate build on Butler Avenue should be a trail on the south side and a sidewalk on the north side. A trail on the south side would cost \$3M

to \$4M due to the permanent and temporary right-of-way needs and/or retaining walls.

- Thompson Avenue from Robert Street east should get the majority of a trail/walk installed with the redevelopment of the YMCA and golf course properties. The remaining 720 feet between the two would cost between \$180k and \$280k.
- The River to River Trail through Garlough Park and Marthaler Park
  - The City received a Dakota County SHIP grant in 2017 to complete the feasibility study for this trail section. The segment through Garlough Park will cost about \$250k and the segment in Marthaler from Kraft Road to just west of the existing parking lot will cost about \$150k. The final segment from the parking lot to the corner of Humboldt and Wentworth is part of the Marthaler Park master plan and estimated to cost about \$300k. The master plan also calls for a trailhead building at a cost of \$500k. Dakota County has pledged a \$500k cost share for the Marthaler segment and trailhead building.

Other major segment gaps:

- Delaware Avenue from Dodd Road to Marie Avenue
  - Dakota County will be looking at this project starting in about five years for a project likely in eight to ten years. A reconstructed Delaware Avenue would include trail on one or both sides; County standard is both sides.
  -

2019 proves to be a big construction year for completing some major stretches of the plan:

- Marie Avenue will get a ten-foot trail on the south side of Robert Street to Oakdale Avenue.
- Oakdale Avenue will get a ten-foot trail on the east side of Mendota Road to Wentworth Avenue.
- Livingston Avenue will get a five-foot concrete walk between Mendota Road and Wentworth Avenue.
- Wentworth Avenue will get an eight-foot trail on the north side from Delaware Avenue to Humboldt Avenue on the south side of Charlton Street to the City's Sports Dome.

A few roadblocks to installing sidewalk/trail in established areas are the removal of boulevard trees, winter maintenance and relocation of private utilities.

Adding trail or sidewalk in established residential/commercial may be thought of as just excavating, adding gravel and paving. However, there is also curb replacement, pedestrian ramps, turf restoration and replacement of a portion of every driveway you cross in order to meet ADA standards. In addition, there is surveying, design, staking, inspection and materials testing. This assumes that we have adequate right-of-way and the slopes are flat behind the curb, two factors which are seldom true. Once we

add right-of-way costs and/or retaining walls, we're seeing projects come in around \$250 to \$400 per linear foot or \$1.3M to \$2.1M per mile.

Federal grants are a great way to offset costs, however, they come with their own set of requirements for design, construction, materials testing and project administration which increases the overall project cost and delivery timeline.

The 2019 sidewalk and trail projects previously mentioned come with a price tag of over \$4M. About \$2M of that comes from federal grants and the remainder is funded by Dakota County and the City.

The Livingston Avenue sidewalk from Mendota Road to Wentworth Avenue will cost approximately \$190,000. The current assessment policy states that 100% of new sidewalk will be assessed to all properties along the street. There is no lighting or sidewalk proposed north of Wentworth Avenue and the assessment is \$63 per foot. In 2018, the Bernard Street assessments were \$60 per foot.

The current Livingston Avenue assessment between Mendota Road and Wentworth Avenue is \$70 per foot.

- Assessing 100% of sidewalk adds \$19/foot
- Assessing 50% of sidewalk adds \$10/foot and City finances an additional \$95,000
- Assessing 25% of sidewalk adds \$5/foot and City finances an additional \$142,500
- Assessing 0% of the sidewalk means the City finances an additional \$190,000

Beckwith asked Council what level of connectivity they want in the community. He said the bid opening was last Thursday and bids came in \$500k under expectations.

Councilmember Fernandez said he would like to see everything built because it's one of the things that separates this community from other first ring suburbs and said West St. Paul is way behind. He said, for the investment the City will make, homeowners are going to make it up in property value. He also said that the smaller streets are just as important as the larger streets. Emerson and Thompson in Ward 2 are difficult to walk without being in danger with traffic. Councilmember Fernandez said now is the time to do all of it and not stop until we get it.

Councilmember Pace agreed with Councilmember Fernandez except for the money. He said Butler needs to be connected with all the smaller areas filled in.

Councilmember Fernandez said he wants to see a plan for all sidewalks in the community so Council can see the whole perspective, after which it can be scaled back as needed. He said this is long overdue. Councilmember Fernandez said if half of the funding is from Federal funds, then there could be a possibility for more money.



Mayor Napier said he thinks that this will be one of Council's priorities set during the Strategic Planning Meeting. He agreed that we are behind on this and have dangerous roads for walking in our community. Even though we don't have funding for all sidewalks, Mayor Napier said that Staff is good at finding funding and grant options and will know that Council is interested in doing this.

Mayor Napier encouraged Council to look it over and look at the map before the March 2 meeting.

Councilmember Justen asked if the map could be done in two colors instead of two shades of purple. Beckwith said he will update the map.

Councilmember Pace said Emerson near the senior high-rises, about 75% of resident comments are that they cannot walk to Robert Street, Emerson, and Lothenbach. He said there are a few more streets with apartments and senior living with no way to walk to Robert Street.

Councilmember Fernandez asked where we are with combining a pool and sidewalk for a citywide assessment. City Attorney Land said the math needs to be redone. Councilmember Fernandez said there seems to be consensus that Council wants to look at this and consider it. He said he would like to expedite it.

Councilmember Napier said the last time it was discussed as a Council everyone was on board with the citywide assessment.

Councilmember Justen said if we make the assessment move as soon as we can, it should help us move through these quicker.

Mayor Napier said it will be discussed at the Strategic Planning Meeting and will include some issues for Staff to work on, also.

#### **G. Temporary Rental License Application – 962 Livingston Avenue**

Information provided in the February 25, 2019 report to Council included:

On January 17, 2019, Staff saw a rental listing for the property at 962 Livingston Avenue; shortly thereafter, Staff sent a compliance letter to the listed owner stating that there were no rental licenses available for that block.

Less than a month later, Staff received a Rental License application for the same property. After Staff informed the property owner of the fact that there were no rental licenses available, the property owner communicated that she had recently taken a job in Texas, had already hired a management company and had a signed lease for a tenant scheduled to move in March 1.

Ms. Crystal Kuehn purchased the property at 962 Livingston Avenue in late 2017 and has occupied the property since; only now, with a work situation requiring that she re-locate to Texas, did she consider temporarily renting out the home. Ms. Kuehn has stated that she intends to move back into the Livingston property at some point.

After further discussions with both the property management company, it was mentioned to Staff that the management company was unaware of any density maximums for rental licenses and assumed that West St. Paul's regulations were the same as the City of St. Paul.

Despite the property manager's lack of due diligence, Staff believes that the situation of the property owner fits the original intent of the Provisional Rental License language.

The standard background investigation, property inspection, and code compliance review on the property did not identify any incidents that would concern Staff. Although not required by the City Code, Staff did mail out unofficial notices to all of the surrounding homes within 150 feet of the subject property, as would be done with zoning variances.

According to the Rental Dwelling Ordinance 150.037 L(3-4), if the number of rental properties meets or exceeds the permitted number of rental properties per defined block, a property owner may request a temporary license to allow an additional rental property for that block.

Conditions require that the property owner must hire a licensed professional property management company to manage the property. The Council may grant or deny a temporary license in its sole discretion. Persons requesting a temporary license must make an annual application to the City. No property owner shall hold a temporary license for the same property for more than two consecutive years.

Councilmember Pace said, when he read the resident's letter, he was disappointed that the owner wasn't planning to be at the Council meeting. He said he would like to visit the density and review the ordinance again. Councilmember Pace said his personal opinion is that he wouldn't change anything but if we think we are going to do this, we need to revisit the ordinance.

Mayor Napier said he thinks the owner is sending the property manager to the meeting.

At the Council meeting, Mayor Napier said he would like to hear Hartshorn's reasoning for the recommendation. Hartshorn said it's very close to how the ordinance reads. If the owner is moving because of work, he said the ordinance states that it must be listed for sale because owners moving out of state for work don't usually

return; however, this owner said she will be back in two years. Hartshorn said she is intending to rent it out during that time and said the provision is good for two years.

Councilmember Justen said if she doesn't come back in two years, we can immediately revoke the temporary license. Hartshorn agreed.

Mayor Napier said the question is whether this is something the Council believes will set precedent for future. He questioned if it is in the spirit of how the ordinance was written. He said we have density there for a reason but we also have the right to set it up as a two year rental.

Councilmember Fernandez said what should be discussed at the Council table is one of the facts of findings was she was unable to sell her home due to the housing market crash at the time. He said we shouldn't keep ordinances on the books that refer to a timely situation such as the market crash. He said we need to re-examine the entire ordinance.

Councilmember Fernandez asked how many other people have applied and been denied. Hartshorn said there have been quite a few. Councilmember Fernandez said we are being arbitrary by using old language in the ordinance.

Attorney Land said the ordinance has been updated. She said the owner can have a temporary license for a year or two at the most. She added that the only time someone has applied and was denied was when they bought and intended for it to be rental but the owner didn't realize the licenses were all taken for that area.

Councilmember Justen asked if the City has dealt with this property manager before. Hartshorn said he told the owner no at first. For every one of these that the Council sees, Hartshorn said his Staff turn down three or four of them. According to a Dakota County survey, Hartshorn said we were at 45% of multi-family properties but we are now down to 40%. He said he attributes this to the density and said it's working.

Mayor Napier encouraged Council to have this conversation at the Council table.

Hartshorn said this was a red flag because they were caught renting the property.

Councilmember Eng-Sarne asked for what reason should this be denied, other than that it's outside of density.

Hartshorn said the only thing in the ordinance is the fact that she is listing the property while she's out of state but she's not listing it for sale.

City Attorney Land told Council that they can stand by the density requirement rule and said they don't need to give an exception.

Councilmember Pace asked how the owner can attend the classes for rental property owners if she is out of state. City Attorney Land said the management company can attend classes as the representative for the owner.

Councilmember Justen suggested that specific language be included to verify that they understand that they need to attend classes. Councilmember Pace agreed.

Councilmember Pace said he appreciates Councilmember Eng-Sarne's comments but that he wants to be sure this property is a professional property manager.

Hartshorn said Council could ask the property manager if he manages properties in other communities.

City Attorney Land said Staff has the discretion to say no. Mayor Napier said the key is Staff's discretion and that we owe our community to be sure it fits in the spirit of our community and what we want to accomplish.

Mayor Napier discussed the food drive challenge between West St. Paul and South St. Paul. He said the challenge is to see who can collect more food for Neighbors, Inc. The loser will have to wear the opposing high school's hockey jerseys at their next Council meeting. He said West St. Paul has won the last two to three years. Volunteers are leading this effort and by us doing this challenge, Mayor Napier said it shows that we are behind them, as well. He said this is a fun way to energize both communities.

Mayor Napier said he also talked with Planning Commission Chair Morgan Kavanaugh who is also planning to challenge the South St. Paul Planning Commission.

Mayor Napier said Neighbors, Inc. is located in South St. Paul but they are bringing these two communities together to fight for this. He said Neighbors receives their funding from Heartland Second Harvest but that they are currently at risk of losing their funding.

Council agreed that they are all on board with the challenge.

**5. Adjourn**

Motion was made by Councilmember Pace and seconded by Councilmember Justen to adjourn the meeting at 6:11 p.m.

A handwritten signature in black ink, appearing to read "David J. Napier". The signature is fluid and cursive, with a large initial "D" and "N".

David J. Napier  
Mayor  
City of West St. Paul