

**City of West St. Paul
Open Council Work Session Minutes
May 29, 2018**

1. Roll Call

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

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

Absent: None

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

2. Review and Approve the OCWS Agenda

Council approved the Work Session agenda.

3. Review the Regular Meeting Consent Agenda

Mayor Halverson removed Item I, Marthaler Park Master Plan, to be continued for discussion at the June 11, 2018 OCWS meeting. She suggested it also be added to the Regular Council agenda for June 11.

Council discussed Item G, Application for Outdoor Live Entertainment, and the Applicant's request to waive the permit fee. Council was in favor of approving the permit but not in favor of waiving the fee. Mayor Halverson asked Chief Shaver if he has been in contact with the neighbors. Chief Shaver said yes and that the Applicant has done things to mitigate the noise. He said the neighbors are aware of the work that has been done.

Council approved the Consent Agenda, as amended.

4. Agenda Item(s)

Motion was made by Councilmember Iago and seconded by Councilmember Napier to close the meeting at 5:02 p.m., pursuant to Minnesota Statute 13D.05 Subd. 3(c) for Attorney-Client Privileged Communication Related to the Evenstad Lawsuit Settlement.

All members present voted aye. Motion carried.

a. Closed Session Pursuant to Minnesota Statute 13D.05 Subd. 3(c) for Attorney-Client Privileged Communication Related to the Evenstad Lawsuit Settlement

Council also added this item to the Regular Council agenda as Item 9J, Approve Settlement of Evenstad Claim.

Present during the closed session were:

Mayor Halverson
Councilmembers John Bellows, Anthony Fernandez, Ed Iago,
Dave Napier, Bob Pace and Dick Vitelli
City Manager Ryan Schroeder
City Attorney Kori Land
Attorney Monte Mills - Greene, Espel
Claims Adjuster Phil Trebatoski - League of Minnesota Cities Insurance
Trust
City Clerk Shirley Buecksler

Council asked questions and received answers.

Motion was made by Councilmember Napier and seconded by Councilmember Pace to open the meeting at 5:08 p.m.

All members present voted aye. Motion carried.

Motion was made by Councilmember Napier and seconded by Councilmember Vitelli to close the meeting at 5:08 p.m., pursuant to Minnesota Statute 13D.05 Subd. 3(c) for Attorney-Client Privileged Communication Related to the Robert Street Taking of Property Lawsuit Settlement.

All members present voted aye. Motion carried.

b. Closed Session Pursuant to Minnesota Statute 13D.05 Subd. 3(c) for Attorney-Client Privileged Communication Related to the Robert Street Taking of Property Lawsuit Settlement

Present during the closed session were:

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

Council asked questions and received answers.

Motion was made by Councilmember Vitelli and seconded by Councilmember Napier to open the meeting at 5:35 p.m.

All members present voted aye. Motion carried.

c. Financial Policies

Stark provided an overview of the Financial Management Plan. This Financial Management Plan serves two main purposes: It draws together in a single document the City's major financial policies and provides an index of all other City policies as each are added as an appendix. The plan also establishes principles to guide both Staff and Councilmembers to make consistent and informed financial decisions.

This Financial Plan establishes City policy in the following areas:

- 1) Revenue Management
- 2) Cash and Investments
- 3) Reserves
- 4) Operating Budget and Compensation Philosophy
- 5) Capital Improvements Plan
- 6) Debt Management
- 7) Accounting, Auditing and Financial Reporting
- 8) Risk Management
- 9) Purchasing
- 10) Budget Adjustments

Councilmember Bellows asked if the City invests in Certificates of Deposit so that they are always insured; Stark said yes.

Councilmember Bellows questioned the policy statement regarding long term debt for current operations and asked if there is some particular concern or need to do this. Stark said there is no particular concern and that she has never had a reason

to issue debt for operations. She said stating it in written form does not show intent to use debt. Schroeder said different cities have different fund balance views. He said some cities have negative fund balances and many are at or near zero, and those cities are at risk of issuing debt for operations.

Councilmember Bellows said it seems, if the City is using long term debt for current operations under any circumstances, he would prefer not to see that written in the policy. Schroeder stated that, while it seems obvious, it is worth saying. Councilmember Bellows agreed.

Councilmember Iago asked if the changes made have been reviewed by the audit firm. Schroeder said the audit firm doesn't look at it unless there are any violations. Schroeder added that it could be reviewed by the audit firm but they may only say that the City has financial policies in place.

Councilmember Vitelli asked if there is a policy regarding prevailing wage and asked about the threshold. Attorney Land said this is included in an ordinance.

Schroeder asked, to the extent the Council is able, that we designate funds, excess fund reserves, or budget to the extent we can, targeting matrix or providing funds such as to show how to grow funds. He said Council will hear more on this.

The objectives of this Financial Plan are:

- To provide both short term and long term future financial stability by ensuring adequate funding for providing services needed by the community;
- To protect the City Council's policy-making ability by ensuring that important policy decisions are not dictated by financial problems or emergencies to prevent financial difficulties in the future;
- To provide sound principles to guide the decisions of the City Council and management;
- To employ revenue policies which prevent undue or unbalanced reliance on certain revenues, distribute the cost of municipal services fairly, and provide adequate funding to operate desired programs;
- To provide essential public facilities and prevent deterioration of the City's public facilities and infrastructure;
- To protect and enhance the City's credit rating and prevent default on any municipal debt; and
- To create a document that staff and Councilmembers can refer to during financial planning, budget preparation and other financial management issues.

Councilmember Bellows thanked Stark and Schroeder and said this information was helpful.

d. Vacant Property Registration Ordinance

Hartshorn said that the Council reviewed a draft ordinance regarding the adoption of a vacant property registry last fall. The primary purpose for the registry is to obtain ownership info should there be any code or public safety issues while the property is vacant. He said Council reacted in favor of the proposed ordinance but requested that there be no fee to register and include exceptions for snowbirds and for military personnel.

Hartshorn said the draft ordinance does not require a fee. The owner has 60 days once it becomes vacant to submit an application and it also allows exemptions for snowbirds and military.

Councilmember Iago asked how this information will be sent out to the public. Hartshorn said there would be mailings and newspaper publications, as well as information on the City's website.

Councilmember Napier asked if there is a benefit in knowing that a home is vacant. Chief Shaver said Officers could pay extra attention to those homes.

Councilmember Napier said his concern is that some people may have concern about their homes being broken into and may not want others to know that they are in the process of transitioning and the home is vacant.

Mayor Halverson asked if this information would be in a confidential database. Attorney Land said it couldn't be non-public but that the list would not be advertised. She said, if someone asked for the list, it would have to be given to them. Councilmember Napier said this is the concern.

Councilmember Fernandez said he is not in favor of it for multiple reasons. He doesn't think it's a crime to have a vacant home. He said he doesn't see a specific need for this right now.

Councilmember Vitelli said the word "vacant" needs to be defined. He added that if someone goes to Florida for three months, he wouldn't consider their home vacant.

Councilmember Napier said this information would be helpful to the Fire Department in an emergency. He said there are cases where it would be helpful to know that a property is vacant, but it's the public information piece that is a concern to him.

Hartshorn said the advantage is knowing the owner of the property because County records are not always up-to-date.

Councilmember Bellows said he doesn't see a risk of having a list of vacant properties.

Councilmember Pace said, whether it's commercial or private property, if there are violations at the property, he doesn't see a problem with having a list. Even if the property is listed as vacant, Councilmember Pace said the Fire Department would still consider that there may be people inside. Chief Pott agreed.

Mayor Halverson said the issue is when owners do not maintain their property. She asked if County records are accurate. Hartshorn said no, that there are properties that have changed ownership six months before and, many times, the property goes back to the bank and it can take quite some time to find the owner.

Attorney Land said she could train staff on using some free informational tools and Council agreed.

e. Temporary Homeless Shelter Ordinance

Hartshorn said the City became aware of several churches in West St. Paul this past winter who were participating in providing temporary shelter for the homeless. The Zoning Ordinance does not currently have language regulating this use. As a result, Staff has drafted an ordinance which would allow temporary homeless shelters in the R1 and B3 districts through an Interim Use Permit (IUP) (Augustana Lutheran is located in a B3 district, all other churches are located in an R1 district). The IUP process requires an annual application through the City. The first application would require Planning Commission and Council review with subsequent years allowing for administrative review if the application is identical to the previous year and if there were no issues during the previous year.

In addition to requiring an IUP, the proposed language would require the following requirements in the R1 districts:

- (1) The principal use on the site is not a single-family or two-family use;
- (2) The interim use is accessory to the principal use on the site and is located within an existing structure;
- (3) The interim use is only operated during the months of November, December, January, February and March;
- (4) The interim use is only operated for 15 consecutive days and no more than 30 days total during the permitted months identified above;
- (5) A fire inspection is required prior to occupancy and the applicant must satisfy all the requirements of the Fire Department;

- (6) A building code inspection is required prior to occupancy and the applicant must satisfy all the requirements of the Building Official;
- (7) The number of temporary residential occupants allowed shall be determined by the Fire Marshal pursuant to the Fire Code, but such number shall not exceed 50 occupants;
- (8) The homeless shelter program shall have at least one adult staff person present and awake at all times who is capable of and responsible for organizing an evacuation, should it be necessary; and
- (9) The principal use and the interim use shall possess all federal, state and local licenses and permits required prior to occupancy.

Shelters would be required to meet the same requirements outlined above in the B3 districts. In addition, in the B3 districts, the principal use on the site cannot be single-family, a business or a commercial use.

Mayor Halverson asked why it is limited to November through March. Attorney Land said these are the months when Matrix operates and that they are the only official program in Dakota County. She said it was crafted around their needs in our community. She also said they only operate for two weeks at a time at each facility.

Mayor Halverson asked if they can handle up to 50 occupants. Attorney Land suggested not putting a limit on the amount of occupants; instead, it should be left up to Fire Code.

Councilmember Fernandez asked if a Conditional Use Permit would be allowed to allow more occupants. Mayor Halverson said if it's limited by Fire Code, then this wouldn't be an issue and it would be self-restricted by the Fire Code.

Councilmember Iago said there are many issues. He said the County has a problem and hired Matrix to solve it, but there is no solution for it to get any better. He said, if we pass an ordinance, it should have a sunset clause for two years. Councilmember Iago stated that, as far as the fire inspection goes, some language should be changed because South Metro Fire Department requirements change occasionally. He suggested adding that all public safety departments have full access to these facilities. Councilmember Iago said they need access so they can verify that ordinances are being followed. In order to help the County, Councilmember Iago said there should be some additional data gathered. He suggested these three things: age of party, sex of party, and where they last resided. He said there should also be a statement that someone should be awake and responsible at the facility when there are people residing there. He questioned if they are trained to be capable and responsible and what the qualifications are.

Councilmember Iago said there are other churches in the city that only take single people. He said it is different if they take families. He said there is a great deal of

difference for those who take families and those who only take single persons and that this should be addressed. He said the document needs a lot more work.

Mayor Halverson said she doesn't think the document needs any additional work but agreed that the South Metro Fire requirements makes sense. She said public safety access would be the same as any other place. She asked Chief Shaver and Chief Pott if they would need a specific clause regarding access. Chief Shaver said it would depend on the type of regulations the Council puts in the ordinance and whether the Council wants them to determine if they're being occupied or not.

Mayor Halverson said she doesn't think we need data on the people residing there. She said they need help and that homelessness, in general, is a much larger conversation. Mayor Halverson said we should be working to a larger solution but that, in the interim, we need to give people a safe place to stay. She said she doesn't see that as a reason to stop doing this in the meantime.

Councilmember Iago said it needs to be a realistic ordinance. Mayor Halverson said that shouldn't prohibit this ordinance from being passed.

Councilmember Vitelli asked what Councilmember Iago wants the County to do about the homeless situation. Councilmember Iago said the County should look at homelessness on a broader sense rather than hiring one organization to put people in places here.

Councilmember Vitelli said the key word is "temporary" shelter. He said it is meant to get people inside from the cold weather and that this is a humanitarian effort. Councilmember Vitelli said this is something we can do to allow churches to help get people off the street.

Councilmember Fernandez said he knows some people who work in this field and that what Councilmember Iago was referring to is layering in the social service component. He said a lot of homeless shelters across the country use breathalyzers. He said he's not sure what the churches here are doing about that. Councilmember Fernandez also said there are people who prey on others in this situation and some bad things could happen. He is wondering what churches and Matrix are doing to ensure the safety of people residing there. Attorney Land said she is unsure if Matrix has that requirement.

Councilmember Bellows said this is a problem beyond Dakota County and West St. Paul. He said all this ordinance does is to allow organizations who are willing to provide services for people on a temporary basis. He said to do so in a safe and appropriate manner is going to fall on the churches.

Councilmember Bellows questioned Item (5) "A fire inspection is required prior to occupancy and the applicant must satisfy all the requirements of the Building

Official.” He said he is concerned about the term, “requirements,” and what that means. He asked if that is the correct word to use. Councilmember Bellows asked if it should be the Fire Department to inspect and ensure all applicable ordinances are met. Attorney Land said the word “requirements” was chosen intentionally so the Fire Department can make decisions during their inspections.

Chief Pott said part of the problem is that they are using the facility with an intended use for something completely different from the sleeping of people. By the Fire Code, it prohibits that type of use in the facility. Chief Pott said, to make last season acceptable, they talked to other communities and generated a list of ten or 12 items – smoke detection, carbon monoxide detection, an awake and competent person, etc. He said the use of the facility is not in compliance with the Fire Code and that, last year, they developed a list of items. He said Matrix supported it and that’s the list they intend to fall under Item 5.

Councilmember Bellows said his concern is that someone could use it to utilize a challenge against the ordinance. He asked if we are putting the Fire Department in any kind of difficult situation when they come in to inspect the facility. Attorney Land said that’s a risk but she’s not sure how big of a risk it is. She said it could open us up by allowing something that wouldn’t otherwise be allowed by the Fire Code.

Councilmember Napier said he would rather be a part of the solution. He said that Council can always revisit the ordinance if it’s not working. He added that he supports the ordinance.

Councilmember Fernandez said, if we are crafting a specific ordinance around Matrix, he would like to know their requirements for shelters and that this should have been included.

Mayor Halverson suggested a list of guidelines be included in the next Friday news from the City Manager.


f. Outreach Initiative Update

This item was not discussed.

5. Adjourn

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

All members present voted aye. Motion carried.



Jenny Halverson
Mayor
City of West St. Paul