

**City of West St. Paul
City Council Meeting Minutes
February 12, 2018 at 6:38 p.m.**

1. Call to Order

Mayor Halverson called the meeting to order at 6:38 p.m.

2. Roll Call

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

Absent: None

Others Present: City Manager Ryan Schroeder
Police Chief Manila Shaver
City Attorney Kori Land
Community Development Director Jim Hartshorn
Assistant Community Development Director Ben Boike
Finance Director Char Stark
City Clerk Shirley Buecksler

3. Pledge of Allegiance

4. Adopt the Agenda

Motion was made by Councilmember Vitelli and seconded by Councilmember Napier to move Items N and Q from the Consent Agenda to New Business for further discussion and to approve the agenda, as amended.

All members present voted aye. Motion carried.

5. OCWS Briefing

Mayor Halverson stated that the Council held a Work Session prior to the regular meeting to discuss the following:

- Closed meeting pursuant to MN Statute 13D.05 Subd. 3(b) for Attorney-Client Privileged Communication
- Review of Committee Bylaws

6. Citizen Comments

Karen Vavreck of 1229 Stryker Avenue, along with Kris Klein and Lisa Stevens, addressed the Council regarding the food drive scheduled for February 26th through April 5th. Ms. Vavreck said the kick-off event will be at Winter Fun Fest on Saturday, February 24th. For more information, contact Lisa Stevens, 1207 Bellows Street, West St. Paul.

7. Council Comments

Councilmember Fernandez said he attended the funeral service for Frances Nelson. He said he also attended the Henry Sibley boys' basketball game and the team was victorious over South St. Paul.

Councilmember Napier commented on the great staff at Walker Methodist, Westwood Ridge, who helped his mother after her fall. He also said that the South Robert Street Business Association will be sponsoring the Winter Fun Fest event at Harmon Park on February 24th.

Councilmember Iago commented on the proclamation that was planned for Frances Nelson and to be presented to her on January 22nd and the long life she had. Sadly, she passed away on the day of her 106th birthday, before the proclamation could be presented to her. Councilmember Iago thanked Police Chief Shaver and Fire Chief Pott for always catering to her every need and taking the time to listen to everything she had to say.

Mayor Halverson said she remembers Frances Nelson as a remarkably strong woman and that she took care of everything herself. Mayor Halverson also passed along her condolences to the family of Anna Montgomery, a young woman who passed away suddenly in her West St. Paul home on February 5th.

Councilmember Bellows said Frances Nelson was a lady and it was a privilege and a joy to know her. He said the City was very fortunate to have her as a resident of West St. Paul.

Councilmember Bellows said he has noticed recently that there are many pedestrians wearing dark clothing at night and causing near accidents because it's hard for drivers to see them. He suggested that people be watchful and wear some amount of light clothing if they are going to be walking at night.

Councilmember Bellows also spoke regarding accusations made by Park & Recreation Commissioner Jay DeLaRosby. Councilmember Bellows invited Mr. DeLaRosby to come to the February 26th Open Council Work Session and present any evidence he may have to support his claim or apologize to the effected Councilmembers.

8. Proclamations, Presentations and Recognitions

Mayor Halverson stated that the two new South Metro Fire Department Firefighters will be introduced at the City Council meeting on February 26, 2018.

9. Consent Agenda

Motion was made by Councilmember Vitelli and seconded by Councilmember Bellows to move Items N and Q to New Business for further discussion and resolved that the West St. Paul City Council does hereby approve the following:

- A. Appointments to Standing Committees, Advisory Commissions, and Public Agencies
- B. Appointment of Peter Strohmeier to the Planning Commission with a Term Expiring March 2020
- C. Previous Meeting Minutes:
 - City Council Meeting Minutes of January 8, 2018
 - Open Council Work Session Minutes of January 8, 2018
 - City Council Meeting Minutes of December 11, 2017
 - Open Council Work Session Minutes of December 11, 2017
- D. December 2017 Financial Reports
- E. Resolution No. 18-18, Accepting Donations to the City
- F. List of Claims for January 22, 2018
- G. List of Claims for February 12, 2018
- H. Final Payment for Crusader Avenue Sewer Lining Project 17-2
- I. City Licensing – Application for Exempt Gambling Permit (Raffle) for Inver Grove Heights B.E.S.T. Foundation for an Event to be Held at Southview Country Club, 239 Mendota Road East, on March 17, 2018
- J. City Licensing – Request for Corporate Name Change to Walmart Inc. in Connection with the Off Sale 3.2% Malt Liquor License for 1644 Robert Street South
- K. Rental Licenses
- L. Minor Work Orders with Eureka Construction, in the Amount of \$78,288.51, for Phase I of the Robert Street Improvement Project 11-3
- M. Resolution No. 18-19, Approving a Construction Funding Agreement with the Minnesota Department of Transportation for Trunk Highway No. 149 Project
- N. **Moved to New Business as Item 11A:** Settlement Agreement Regarding an Assessment Appeal for 165 Oakview Road from \$18,527.52 to \$15,000.00
- O. Consultant Contract with Bolton & Menk, Inc. for the Design of the 2019 Street Improvement Project, City Project 19-1, for an Hourly Not-to-Exceed Contract Amount of \$218,394
- P. Resolution No. 18-20, Approve Plans and Specifications and Authorize Ad for Bid for 2018 Street Improvement Project No. 18-1
- Q. **Moved to New Business as Item 11B:** Contract Revision with Kimley-Horn & Associates for the Marie/Oakdale Trail Project 18-4, for an Hourly Not-to-Exceed Contract Amount of \$156,550.00
- R. Resolution No. 18-21, Declaring Property Surplus

All members present voted aye. Motion carried.

10. Public Hearing

A. Conditional Use Permit – 1166 Robert Street

Hartshorn provided an overview of the Conditional Use Permit to allow a minor auto repair (car audio installation) business in a B3 district at 1166 Robert Street.

Mayor Halverson opened the Public Hearing at 7:04 p.m. Seeing no one wishing to speak, Mayor Halverson closed the Public Hearing at 7:04 p.m.

Motion was made by Councilmember Vitelli and seconded by Councilmember Bellows to deny the application for a Conditional Use Permit to allow a minor auto repair (car audio installation) business in a B3 district at 1166 Robert Street.

All members present voted aye. Motion carried.

B. Conditional Use Permit – 1709 Robert Street (Qdoba)

Mayor Halverson opened the Public Hearing at 7:06 p.m. Seeing no one wishing to speak, Mayor Halverson closed the Public Hearing at 7:06 p.m.

Motion was made by Councilmember Napier and seconded by Councilmember Pace to approve the Conditional Use Permit and adopt Resolution No. 18-23, Approving a Conditional Use Permit to Allow On Sale Liquor in a B3 District at 1709 Robert Street.

All members present voted aye. Motion carried.

C. Conditional Use Permit – 1400 Robert Street

Motion was made by Councilmember Vitelli and seconded by Councilmember Bellows to continue the Public Hearing on the Conditional Use Permit to construct a cell tower in a B3, General Business District, at 1400 Robert Street (Augustana Lutheran Church) to the February 26, 2018 City Council meeting.

All members present voted aye. Motion carried.

D. Ordinance Vacating Certain Drainage and Utility Easements at 68 Moreland Avenue East

Mayor Halverson opened the Public Hearing at 7:09 p.m. Seeing no one wishing to speak, Mayor Halverson closed the Public Hearing at 7:09 p.m.

Motion was made by Councilmember Bellows and seconded by Councilmember Vitelli to approve Ordinance No. 18-01, Providing for the Vacation and Certain Drainage and Utility Easements, at 68 Moreland Avenue East.

All members present voted aye. Motion carried.

E. First Reading – Rezoning Applications for Net Ministries

Councilmember Bellows recused himself from the room and from voting on this item.

Attorney Land introduced the following proposed ordinance for its first reading:

An Ordinance Rezoning 110 Crusader Avenue West, 1962 Stryker Avenue and 1990 Stryker Avenue to PRD, Planned Residential Development with R4, Multi-Family Underlying Zoning with Various Underlying Zoning

Mayor Halverson opened the Public Hearing at 7:17 p.m.

Charles Robbins, 118 Duck Pond Drive, addressed the Council in favor of the rezoning applications for Net Ministries.

David McSherry, 1900 Stryker Avenue, addressed the Council in favor of the rezoning applications for Net Ministries.

David Groppe, 110 Duck Pond Drive, addressed the Council in favor of the rezoning applications and in support of Net Ministries.

Mayor Halverson closed the Public Hearing at 7:20 p.m.

Motion was made by Councilmember Napier and seconded by Councilmember Iago to approve the rezoning applications for 110 Crusader Avenue West, 1990 Stryker Avenue, and 1962 Stryker Avenue and call for a second reading of the ordinance to be held at the City Council meeting on February 26, 2018.

Councilmembers Fernandez, Iago, Napier and Pace voted aye. Councilmember Vitelli voted nay. Motion carried.

Councilmember Bellows returned to the meeting.

F. First Reading – Ordinance Regarding Accessory Structures

Attorney Land introduced the following proposed ordinance for its first reading:

An Ordinance Amending West St. Paul Zoning Ordinance Sections 153.380 and 153.051 Regarding Accessory Structures

Mayor Halverson opened the Public Hearing at 7:25 p.m. Seeing no one wishing to speak, Mayor Halverson closed the Public Hearing at 7:25 p.m.

Motion was made by Councilmember Iago and seconded by Councilmember Pace to call for a second reading of the ordinance to be held at the City Council meeting on February 26, 2018.

Councilmembers Bellows, Fernandez, Iago, Napier and Pace voted aye.
Councilmember Vitelli voted nay. Motion carried.

G. Conditional Use Permits/Site Plan/Plat – Southview Square Shopping Center

Hartshorn provided an overview of the Conditional Use Permit, Site Plan and Preliminary/Final Plat for Southview Square Shopping Center, 1857-1917 Robert Street.

Mayor Halverson opened the Public Hearing at 7:28 p.m.

Kathy Anderson, Architecture Consortium, addressed the Council.

Jeff Horstmann, Horstmann Enterprises, addressed the Council.

Mark Kronbeck, Alliant Engineering, addressed the Council.

Mayor Halverson closed the Public Hearing at 8:56 p.m.

Motion was made by Councilmember Bellows and seconded by Councilmember Iago to adopt Resolution No. 18-24, Approving a Conditional Use Permit to Allow a Used Merchandise Store in a B4 District at 1857-1917 Robert Street, SASCO Investments, LLLP.

All members present voted aye. Motion carried.

Motion was made by Councilmember Bellows and seconded by Councilmember Iago to adopt Resolution No. 18-25, Approving a Conditional Use Permit to Allow a Drive-Through Lane in a B4 District at 1857-1917 Robert Street, SASCO Investments, LLLP.

All members present voted aye. Motion carried.

Motion was made by Councilmember Pace and seconded by Councilmember Bellows to adopt Resolution No. 18-26, Approving a Site Plan for Modifications at the Southview Square Shopping Center at 1857-1917 Robert Street, SASCO Investments, LLLP, subject to amendments removing two islands from the site plan, removing tree plantings in specified islands, and irrigation required under newly constructed islands only.

All members present voted aye. Motion carried.

Motion was made by Councilmember Bellows and seconded by Councilmember Fernandez to adopt Resolution No. 18-27, Approving the Final Plat for 1857-1917 Robert Street, SASCO Investments, LLLP.

All members present voted aye. Motion carried.

11. New Business

A. Settlement Agreement Regarding an Assessment Appeal for 165 Oakview Road from \$18,527.52 to \$15,000.00 (Moved from Consent Agenda, Item N)

Motion was made by Councilmember Vitelli and seconded by Councilmember Iago to reduce the settlement for 165 Oakview Road from \$18,527.50 to \$15,000.00, to authorize the Finance Director to notify the County Assessor of the reduction, and to authorize the Mayor and City Manager to execute the necessary documents to effectuate the settlement.

All members present voted aye. Motion carried.

B. Contract Revision with Kimley-Horn & Associates for the Marie/Oakdale Trail Project 18-4, for an Hourly Not-to-Exceed Contract Amount of \$156,550.00 (Moved from Consent Agenda, Item Q)

Motion was made by Councilmember Napier and seconded by Councilmember Vitelli to approve a contract revision with Kimley-Horn & Associates for the Marie/Oakdale Trail Project 18-4 for an hourly not-to-exceed contract amount of \$156,550.00.

All members present voted aye. Motion carried.

12. Old Business

A. Final Reading – Rezoning of 1660 Robert Street

Motion was made by Councilmember Vitelli and seconded by Councilmember Iago to approve Ordinance No. 18-02, An Ordinance Rezoning 1660 Robert Street South from B4, Shopping Center to PD, Planned Development with B4, Shopping Center Underlying Zoning.

All members present voted aye. Motion carried.

B. Final Reading – Rezoning of 68 Moreland Avenue East

Motion was made by Councilmember Bellows and seconded by Councilmember Vitelli to approve Ordinance No. 18-03, An Ordinance Rezoning 68 Moreland Avenue East from B3, General Business to PD, Planned Development with B3, General Business Underlying Zoning.

All members present voted aye. Motion carried.

13. Adjourn

Motion was made by Councilmember Fernandez and seconded by Councilmember Iago to adjourn the meeting at 8:08 p.m.

All members present voted aye. Motion carried.

Jenny Halverson
Mayor
City of West St. Paul