

**City of West St. Paul
Open Council Work Session Minutes
July 8, 2019**

1. Roll Call

Mayor Napier called the meeting to order at 5:30 p.m.

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

Absent: None

Also Present: City Manager Ryan Schroeder
City Attorney Kori Land
Interim Police Chief Brian Sturgeon
Fire Chief Mark Juelfs
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

Council approved the OCWS Agenda, as presented.

3. Review the Regular Meeting Consent Agenda

Mayor Napier moved Citizen Comments from Item 12, to Item 6A, with Council Comments following as Item 6B.

Councilmember Eng-Sarne asked if Mayor Napier would like her to present the two awards; Mayor Napier said yes.

Council approved the Regular Meeting Agenda, as amended, and the Consent Agenda, as presented.

4. Agenda Item(s)

- A. Closed Session Pursuant to Minnesota Statute 13D.05 Subd. 3(b) for Attorney-Client Privileged Communication to Discuss Marie Oakdale Trail Project for 1910-1940 Oakdale Avenue and 178 Marie Avenue East**

Motion was made by Councilmember Vitelli seconded by Councilmember Eng-Sarne to close the meeting at 5:33 p.m.

All members present voted aye. Motion carried.

Council asked questions and received answers.

Motion was made by Councilmember Berry and seconded by Councilmember Vitelli to re-open the meeting at 6:05 p.m.

All members present voted aye. Motion carried.

B. Approval of Legal Services Contract

At their June 24, 2019 meeting, City Manager Schroeder said City Council directed that this item come back to OCWS for discussion. What is proposed is a five year contract that would be effective January 1, 2020. Important to note, Schroeder said, is that the fees in this contract and all else are set for five years but the contract has a 60-day out for the City at any time. Schroeder said litigation for non-League represented litigation is a new item at \$165.00 per hour. He noted that similar litigation with Kennedy and Graven was \$210.00 so for the same work, the City will pay less under this contract. Schroeder said this is a very reasonable deal, compared to where the City has been in the last five years with other acquisition projects.

Schroeder commented that the City of Inver Grove Heights does not have a retainer, which may be why their hourly rate is lower. Some body of work is done within the retainer. He said that West St. Paul has contracted out at times with other firms and those are generally at \$150.00 per hour. Schroeder said relative to fees, he is comfortable that this is market, give or take. He added that he would not be uncomfortable with a five-year term, due to the 60 day out.

Mayor Napier asked if a phone call to the City Attorney is included under the retainer. Attorney Land said yes.

Councilmember Justen said that this is a significant expenditure and, generally, the City would go out for bid on large expenditures. He questioned if the City is obligated to obtain bids for this item when we commit to this level of expense. Mayor Napier said he thought it was done a few years ago. Schroeder said he is not aware that it has been done.

Councilmember Vitelli said the City had hired an attorney in-house but it didn't work out well. He said we have bid in the past and the result with lower bids is it may increase over time. Councilmember Vitelli said he has been extremely happy with the LeVander, Gillen and Miller firm.

Mayor Napier said he appreciates that Schroeder went outside the community for comparisons.

Mayor Napier and Councilmembers Pace and Fernandez said they are comfortable with where we are. Councilmember Pace asked if the contract could be added to tonight's Consent Agenda.

Councilmember Justen said it's good to look at this from the business side but that he understands this is a different scenario.

Mayor Napier said it was good to discuss this item and added that continuity, consistency and the City Attorney's knowledge in our community is important to this city.

Schroeder said the original proposal was different than what is presented tonight but that it has already been worked through. Attorney Land said it has already been negotiated.

Schroeder said that institutional memory holds a lot of value here, particularly that the City has had some turnover in some of that memory, with both Chief Bud Shaver and Assistant City Manager/HR Director Sherrie Le retiring.

Mayor Napier added the Approval of Legal Services Contract to tonight's Council agenda under New Business, Item C.

5. Adjourn

Motion was made by Councilmember Justen and seconded by Councilmember Fernandez to adjourn the meeting at 6:16 p.m.

All members present voted aye. Motion carried.



David J. Napier
Mayor
City of West St. Paul