

The regular meeting of the West St. Paul City Council was held on Monday, May 12, 2008 at 7:00 p.m. in the Council Chambers of the Municipal Center, 1616 Humboldt Avenue, West St. Paul.

Roll Call:

The roll being called, the following members were:

Present: Mayor Zanmiller, Clpns. Tessmer, Lewis, Englin, Wright, VanMoorlehem, and Iago.

Absent: None.

Also Present: City Manager John Remkus; City Attorney Kori Land; Police Chief Manila Shaver; Parks, Recreation and Public Works Director Matt Saam; Community Development Director Jim Hartshorn; Acting Finance Director Mark Schaeftbauer; and Deputy City Clerk Diane Meissner.

APPROVAL OF AGENDA:

ON MOTION of Clpn. Wright, seconded by Clpn. Lewis, resolved to adopt the agenda for May 12, 2008 with the following change/addition: Mayor Zanmiller moved ATF Memorandum of Understanding for eTrace Firearms Tracking System from Consent to Public Safety; and added Authorization to File a Petition for Review to the Supreme Court, to Administration/Finance. Ayes: 6 Nays: 0

PROCLAMATIONS AND RECOGNITIONS

ISD 197 Proposed 2008-2010 Goals Update – Supt. Jay Haugen

ISD 197 Superintendent of Schools, Jay Haugen, gave a presentation on the District's new Four New Goals for 2008-2012 which included Testing – Measurable achievement for every student and subgroup; Excellence – Acceleration of widespread excellence and individual strength development; Stewardship – Focused, transparent stewardship of resources; and Climate – Creating a positive, respectful learning climate for all students.

Mayor Zanmiller thanked Mr. Haugen for his presentation.

Acknowledge Donation of Bullet Proof Canine Vest

Police Officer Carl Elam indicated that Dr. Thomas Skadron of the Skadron Animal Hospital, was concerned that something might happen to Mike, the police dog in the K-9 program, and placed a donation jar at the animal hospital to collect funds to purchase a bullet proof canine vest for him. Within a few days and after a donation from LeVander, Gillen & Miller, the City's attorneys, they were able to raise \$700 to purchase the vest. The Mayor thanked Dr. Skadron, his employees and customers, and the City Attorney's office for their generosity.

CITIZEN COMMENTS

Mark Mohr, 1466 Charlton, asked why the minutes from the last Council meeting were not on tonight's agenda, and he was informed that they were not finished.

COUNCIL COMMENTS

Clpn. Lewis commented that yesterday was the 150th birthday of the State of Minnesota and that

Clpn. Iago stated there was a neighborhood meeting held at Harmon Fields led by Police Chief Shaver concerning problems in that area that have been brought to the Council's attention. He wanted to assure those residents in that area that the City is aware of their concerns and this matter will be going before the Council in the very near future as to solutions.

Clpn. Tessmer noted that on Wednesday, May 14, at 4:15 p.m. at the high school varsity baseball field, the West St. Paul Athletic Association is inviting all the youth that have been involved in their programs to come to the game. There will be hot dogs and pop provided.

CONSENT AGENDA

ON MOTION of Clpn. VanMoorlehem, seconded by Clpn. Wright, resolved to adopt the following Consent Agenda items:

1. Approve City Licenses:

BUSINESS LICENSE APPLICATIONS:

Altare Signs Inc, Burnsville - Sign Erection

Befort Roofing, St. Paul - General Contractor

Kmart - Tobacco

Blacktop Driveway Co. Inc., St. Paul - Blacktop

Hastings & Associates, MH - General Contractor

Imperial Developers Inc., Eagan - General Contractor

MGM Liquor - Tobacco

Rite-Way Waterproofing, Lino Lakes - General Contractor

Mary Hellen Sperl, 1254 Charlton Avenue - Farmer's Produce, 5/10/08 -
10/31/08

RENTAL LICENSE APPLICATION:

411 Bernard Street East

2. Approve List of Claims
3. Call Assessment Hearing for 2008 Street/Alley Improvements - Project #08-01:
On Motion of Clpn. VanMoorlehem Seconded by Clpn. Wright

RESOLUTION NO. 08-50

**CALL HEARING ON PROPOSED ASSESSMENT
2008 STREET/ALLEY IMPROVEMENTS
PROJECT NO. 08-01**

WHEREAS, by a resolution passed by the Council on April 14, 2008, the Deputy City Clerk was directed to prepare a proposed assessment of the cost of the improvement of Emerson Avenue, Preserve Area, Darla Court, Chardel Court and various alleys; by street reconstruction; and

WHEREAS, the Deputy City Clerk has notified the Council that such proposed assessment has been completed and filed in her office for public inspection.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST ST. PAUL, MINNESOTA:

1. A hearing shall be held on the 9th day of June, 2008 in the Municipal Center Council

remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before December 15 or interest will be charged through December 31 of the succeeding year.

Adopted by the City Council of the City of West St. Paul this 12th day of May, 2008.

Ayes: 6 Nays: 0

John A. Zanmiller, Mayor

Attest: _____
Diane K. Meissner
Deputy City Clerk

- 4. Approve April, 2008 Bank Reconciliation
- 5. Accept Bullet Proof Canine Vest Donation:
On Motion of Clpn. VanMoorlehem

Seconded by Clpn. Wright

RESOLUTION NO. 08-51

RESOLUTION ACCEPTING DONATION
FROM SKADRON ANIMAL HOSPITAL

WHEREAS, Dr. Thomas Skadron of the Skadron Animal Hospital, his customers and the City Attorneys, LeVander Gillen & Miller, has donated a total of \$700 to purchase a bullet proof canine vest for the K-9 Program, and

WHEREAS, the Mayor and City Council acknowledges their generosity and extends their appreciation to them for the donation.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council accepts the donation of \$700 for the Canine Bullet Proof Vest on behalf of the City of West St. Paul.

Adopted by the City Council of the City of West St. Paul this 12th day of May, 2008.

Ayes: 6 Nays: 0

John A. Zanmiller, Mayor

Attest: _____
Diane K. Meissner
Deputy City Clerk

- 6. Adjustment to Acting City Manager Compensation
- 7. Request for Annual Organization License and Premises Permit Application Approval by Sibley Hockey Booster Club to Conduct Pulltabs and Tipboards at the Fireside Lounge, 1288 South Robert Street; Marty's Bar, 189 W. Winona; and West Side Lanes, 1625 South Robert Street.
- 8. Criminal Justice Data Communications Network Agreement (Bureau of Criminal Apprehension Bandwidth Joint Powers Agreement).

Ayes: 6 Nays: 0

Mayor Zanmiller asked if staff had checked with Met Council to see if they are going to re-establish routes with the increased ridership and he noticed the approval resolution did not mention any financial arrangement.

Director Saam replied that he had not contacted Met Council about additional routes, but that the financial issue is covered under the original Franchise Agreement.

Steve Nystedt, Dakota County Facilities Manager, spoke in support of the two shelters and although they appreciated the City's requirement that no smoking advertisements be placed on the shelters, he would like to see alcohol advertisements be banned as well considering the Dakota County clientele that will be using these shelters.

City Attorney Land noted that there is a provision in the Franchise Agreement with CBS that the Council can institute additional conditions as needed.

The Mayor asked if there was anyone else present who wished to speak on the matter; no one wished to do so. The Mayor closed the hearing.

On Motion of Clpn. VanMoorlehem

Seconded by Clpn. Tessmer

RESOLUTION NO. 08-52

**RESOLUTION APPROVING ADDITIONAL TRANSIT SHELTER
LOCATIONS UNDER THE EXISTING FRANCHISE
ORDINANCE WITH CBS OUTDOOR**

WHEREAS, the City of West St. Paul has an existing franchise ordinance with CBS Outdoor for transit shelters within the City; and

WHEREAS, the existing agreement allows for additional transit shelters to be installed with approval of the City Council and a public meeting; and

WHEREAS, Dakota County has requested CBS Outdoor to install transit shelters at the existing bus stops on Livingston Ave./Mendota Road near the County's Northern Service Center; and,

WHEREAS, City staff have reviewed the sites and recommend conditional approval;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves two additional transit shelters at the existing bus stop locations at the northwest and northeast corners of Livingston Ave./Mendota Road. These shelters are approved to be installed by CBS Outdoor under the existing franchise ordinance with the City of West St. Paul with the following conditions:

1. At the northwest corner of Livingston/Mendota Rd., connect the proposed shelter concrete pad to the existing concrete sidewalk at the Northern Service Center site, by installing a short section of concrete sidewalk.
2. At the northeast corner of Livingston/Mendota Rd., a private easement for electrical service will be required if the service is installed outside of the public right-of-way.

AUTHORIZATION TO FILE A PETITION FOR REVIEW TO THE SUPREME COURT

City Attorney Land explained that on May 6, 2008, the Court of Appeals overturned the District Court's injunction against Alice Kregel. The opinion was a very narrow reading of the public nuisance statute that basically renders part of it ineffective. The League of Minnesota Cities general counsel, the legal counsel representing the City in the Court of Appeals decision and the City Attorney's office as well, supports asking the Council to file a Petition for Review of the Supreme Court so that this decision can be considered and, hopefully, overturned on appeal. It was an unjustifiably narrow interpretation and, given that there was a strong dissent in the opinion, there is a good likelihood the Supreme Court may take it up on appeal. It was a published opinion which means it has state-wide impact over the statutory interpretation of this public statute and it is very limiting and a bad law. She further explained that the City's financial responsibility is to pay for 15% of the appeal. Since the City has already met the deductible, any additional costs up to \$250,000 are paid for by the League.

Clpn. Englin commented that this has state-wide implications and sometimes we use laws that somebody somewhere had to fight the fight to get and now it is our turn to do the same. He also noted that in the work session, City Manager Remkus told the Council that any possible additional costs would be paid for from the insurance fund and not from tax generated money.

Clpn. Tessmer agreed we need to go forward with this as this law was a pretty effective tool for the City and the neighborhood and it would be nice to have this available to us in the future.

Clpn. Iago the fact that this is such a public item, he would ask the City Attorney to provide progress with this and hopefully, come to a conclusion that is more favorably than what was provided in the press.

ON MOTION of Clpn. Englin, seconded by Clpn. Wright, resolved to authorize the League of Minnesota Cities to file a Petition for Review to the Supreme Court regarding the Alice Kregel matter. Ayes: 6 Nays: 0

ATF MEMORANDUM OF UNDERSTANDING FOR eTRACE FIREARMS TRACKING SYSTEM

Police Chief Shaver explained the eTrace Firearms Tracking System as a really good tool for our officers to access certain information on crime firearms. Firearms tracing is the systematic process of tracking a recovered crime gun's chain of custody from its source or manufacturer through the chain of distribution to the individual who was the first retail purchaser of the firearm. Information acquired can be utilized to help solve individual cases and to identify illegal firearms traffickers.

ON MOTION of Clpn. Englin, seconded by Clpn. Lewis, resolved to authorize the Police Chief to sign and enter into a Memorandum of Understanding between the West St. Paul Police Department and the Bureau of Alcohol, Tobacco, Firearms and Explosives for the access and utilization of the eTrace Firearms Tracking System. Ayes: 6 Nays: 0

FINAL READING/ZONING CODE AMENDMENT/OFFICIAL ZONING MAP (City of

On Motion of Clpn. Wright

Seconded by Clpn. Englin

ORDINANCE NO. 08-10

**CITY OF WEST ST. PAUL
DAKOTA COUNTY, MINNESOTA**

**AN ORDINANCE AMENDING
WEST ST. PAUL ZONING ORDINANCE SECTION 6.2
REGARDING THE OFFICIAL ZONING MAP**

The City Council of West St. Paul does ordain:

SECTION 1. AMENDMENT. West St. Paul Zoning Ordinance Section 6.2 is hereby amended by adopting the Zoning Map attached hereto.

SECTION 2. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed this 12th day of May, 2008.

Ayes: 6 Nays: 0

Attest:

John A. Zanmiller, Mayor

Diane K. Meissner
Deputy City Clerk

ADJOURNMENT

ON MOTION of Clpn. Lewis, seconded by Clpn. VanMoorlehem, resolved to adjourn the regular City Council meeting of May 12, 2008 at 8:05 p.m. until it reconvenes for the next regular Council Meeting to be held on Tuesday, May 27, 2008 at 7:00 p.m. in the Council Chambers of the Municipal Center, 1616 Humboldt Avenue.

ALL VOTED IN FAVOR THEREOF.

John A. Zanmiller, Mayor

Attest: _____
Diane K. Meissner, Deputy City Clerk